

REGULATIONS APPLICABLE TO ALL STUDENTS OF THE UNIVERSITY IN CASES OF MISCONDUCT – INCORPORATING A CODE OF DISCIPLINE

1. Preamble (not forming part of the Regulation)

- 1.1 The object for which the University is established is to carry on and conduct a University for the advancement of education and as an institution for teaching and research; and for that purpose:-
- (i) to provide courses of educational or technical study both full-time and part-time for students at all levels and in all branches of education;
 - (ii) to advance learning and knowledge in all their aspects and to provide industrial, commercial, professional and scientific education and training; and
 - (iii) to study, conduct research in, promote and develop any art or science for the public benefit including the publication of results, papers, reports or other material in connection with or arising out of such research.

- 1.2 Under the Memorandum and Articles the Vice-Chancellor has specific responsibility for student discipline, '... for the maintenance of student discipline and, within the Regulations for the suspension or expulsion of students on disciplinary grounds and for implementing decisions to expel students for academic reasons.' [Article 42(h)].

The procedures in these Regulations derive from this responsibility and cover matters relating to student discipline.

- 1.3 The University expects its students to conduct themselves in such a way as to assist in the fulfilment of its objects. From time to time the University adopts policies and makes formal regulations and directions to this end. All students of the University have the responsibility to make themselves familiar with such University policies, directions and

regulations as bear on their conduct as registered University students and to behave accordingly.

- 1.4 It should be noted that this is not the appropriate procedure for a complaint by a student against a member of staff.
- 1.5 If a student requires advice on the relevant policies, directions and Regulations s/he should seek this from the Secretary and Clerk to the Board.

2 Code of Discipline

- 2.1 An allegation of misconduct may be made by any member of staff or student or Governor or agent of the University or visitor to the University or member of the public who has good reason to suppose that misconduct has taken place, but who need not himself/herself have been adversely affected by the alleged misconduct. An allegation of misconduct shall be made in writing. No allegation of misconduct shall be proceeded with unless it states in writing the alleged misconduct and is signed by the person making the allegation(s). Anonymous complaints will not be considered. Where a complainant requests that his/her identity should not be disclosed the Officer dealing with the matter shall determine whether this is appropriate.
- 2.2 The Procedure for student discipline may be invoked if a student is alleged to have committed any of the following:-
- (a) Assault or serious threatening behaviour.
 - (b) Disruption of, or improper interference with, any (including academic, administrative, sporting or social) activities of the University, whether on University premises or elsewhere.
 - (c) Loss of or malicious damage to University property which includes Halls of Residence, sports facilities, Students' Union property or the property of any student member of staff, any agents of the University or any person visiting the University
 - (d) Any action likely to cause injury to any

person or impairing the safety of the University's premises.

- (e) Any serious criminal offence on University premises.
- (f) Any form of behaviour perceived to constitute intimidation or harassment.
- (g) Misappropriation, misuse or unauthorised use of University funds or assets including computer misuse and breach of codes of practice and regulations on use of computers and library and media facilities.
- (h) Abusive or unreasonable behaviour or behaviour which causes fear or distress to others whilst on University premises or engaged in any University activity.
- (i) Behaviour which interferes with the legitimate freedom of speech, ideas, actions or enquiry of any other student or member of staff or which disrupts or interferes with activities properly carried out by the University.
- (j) Failure to comply with the University's procedures and codes of practice in respect of visiting speakers.
- (k) A serious breach of University Regulations.
- (l) Failure to comply with policies and directions relating to the effective operation of the University or obstruction of or improper interference with the functions duties or activities of any member of staff or other employee of the University or any visitor to the University.
- (m) Failure to disclose name and details of course of study or to produce ID card on request to an employee of the University when it is reasonable to require that such details be given.
- (n) Failure to comply with a previously imposed penalty under these disciplinary regulations or failure to respond positively to informal reprimands.
- (o) Failure to comply with University Codes of Practice on Health and Safety.
- (p) Fraud, deceit, deception or dishonesty in relation to the University or its staff or in relation to being a student of the University.
- (q) A breach of the University's equal opportunities policies.
- (r) Any act which a Deputy Vice-Chancellor or Head of Department has reason to believe is a breach of good discipline of the University, including unreasonable refusal to assist in the procedure for student discipline.
- (s) Failure to comply with written or oral instructions given to them by staff of the University in respect of health and safety, smoking, eating and drinking on the University's premises or instructions in respect of other matters relating to the proper use of the University's premises.

2.3 The above is a list of some of the most common breaches but it is not intended to be exhaustive. Any act which interferes with the achievements of the objects of the University or which is deemed by a Deputy-Vice-Chancellor or Head of Department to bring the University into disrepute may be regarded as a breach of discipline. The provisions of the Code also apply to behaviour in other institutions and organizations where students are present as part of the University sponsored activity eg placements.

2.4 Members of the University's staff who witness an incident or to whom an incident is reported shall consider whether a student's conduct is in breach of paragraphs a-s above and shall decide whether to recommend that the student receive a warning or whether to proceed with an allegation of misconduct.

3. Warning

3.1 A warning may be used for minor breaches of paragraphs (b), (d), (f), (g), (h), (j) and (m) of the Code above where it is considered by a member of staff that the student will be likely to correct his/her behaviour and will not repeat it in future.

- 3.2 A warning may be issued by a Head of Department or his/her nominee.
- 3.3 A warning shall normally state that, should the student repeat the behaviour which was deemed to be in breach of the Code above, an allegation of misconduct shall be made against him/her at that time.
- 3.4 A warning shall be issued in writing to the student and shall be placed on his/her central file until the student leaves the University when it shall be removed from the file.
- 3.5 A warning is not a penalty under these Regulations.

4. Local Procedure for Student Discipline

- 4.1 Complaints of misconduct either by one student against another or by a member of staff against a student should wherever possible be dealt with informally by consultation between the student(s) and staff concerned, the subject or course tutor, the personal tutor and the Head of Academic Department. Frivolous complaints or complaints of a minor nature will always be dealt with in this way. The formal procedures in this Regulation will only be used where the department level has failed or is inappropriate to the seriousness of the allegation.
- 4.2 It should be noted that this is not the appropriate procedure for a complaint by a student against a member of staff. A separate Complaints Procedure exists for this purpose.

5. Formal Procedure for Student Discipline

- 5.1 This procedure will be followed where a student is alleged to have been in breach of the above Code of Discipline and where informal action is either considered inappropriate or has failed. The purpose of the formal procedure is to obtain all the relevant facts so that the decision reached is fair to the student and to the University. It is not a judicial process. In the case of serious criminal offences, the procedure will be commenced but the allegations shall be referred to the Police prior to any further internal disciplinary action under these Regulations. In such cases the student will be informed and will receive a

copy of these Regulations. The student will also be informed that consideration may be given to suspension under 5.2 below.

- 5.2 Where a Deputy Vice-Chancellor considers that the alleged breach of the Code of Discipline is such as to constitute actual danger to any person or property s/he is authorised to suspend a student from all or part of the University's premises for the period pending and during consideration of the matter under the formal disciplinary procedures including the period of any Police enquiry and subsequent criminal procedures. Such suspensions will be the subject of review by the Vice-Chancellor on written application by the student at not more than one monthly intervals. The Vice-Chancellor will determine the review within five working days. The Vice-Chancellor's decision on each review will be final. A Deputy Vice-Chancellor may vary the application of the suspension to allow selective attendance at or access to the University. Any such variation will be specified in writing. Any period of suspension under this paragraph will be taken into account in the event of a penalty of suspension arising from 5.23(e).

5.3 Action by Head of Academic Department

An alleged breach of discipline which is dealt with through the formal procedures should immediately be brought to the attention of the relevant Head of Academic Department (or an appropriate deputy). The person to whom the matter is brought is the Authorised Officer who will deal with the matter.

- 5.4 Allegations should always be submitted in writing and should be as detailed as possible. Anonymous complaints will not be considered. Where a complainant requests that his/her identity should not be disclosed the Authorised Officer shall determine whether this is appropriate and inform the complainant accordingly.
- 5.5 The Authorised Officer, where appropriate, will examine the written evidence from the person or persons bringing the complaint against the student. The Authorised Officer shall be entitled to call for such papers, examine such

witnesses, which may include the complainant, and conduct such other enquiries into the matters as s/he may think fit. These enquiries may include an invitation to the student concerned to attend at a preliminary interview. In this event the Authorised Officer will provide a copy of these Regulations to the student. The student may be accompanied by a friend. The friend shall be a current student of the University or a sabbatical officer of the Students' Union or a member of staff of the University.

5.6 Where the student concerned admits to the alleged breach of discipline and elects with the consent of the Authorised Officer to be dealt with summarily, the Authorised Officer shall have the power to reprimand the student in accordance with paragraphs 5.10 (c), (d), or (e) or (f) below. Such penalties may be the subject of an appeal as provided for in paragraph 5.11.

5.7 If the provisions of 5.6 do not apply the Authorised Officer will then decide whether to proceed further against the student or whether to dismiss the case, in which case the student will be informed. If s/he determines whether to proceed further s/he shall either:-

- (a) deal with the matter himself/herself or
- (b) if s/he considers that the alleged breach of discipline may be sufficiently serious, refer it to a Deputy Vice-Chancellor for action under paragraphs 5.18 to 5.24.

5.8 If a decision is taken to proceed further against a student, the student should receive a copy of these Regulations.

5.9 If the Authorised Officer has determined to deal with the matter himself/herself s/he will then interview the student giving the student at least seven working days written notice.

The letter inviting the student to attend will:

- (a) state the allegation(s) to be considered at the interview;
- (b) inform the student of his/her right to be accompanied by a friend. The friend shall be a current student of the University or a sabbatical officer of the Students'

Union or a member of staff of the University; and,

- (c) inform the student that witnesses may be called in support of the complaint or by the student in support of his/her response and that relevant documentation may be considered at the interview including any written statement by the student in response to the complaint. Copies of any documents to be produced at the interview should be enclosed with the letter. The student is required to provide copies of any documents to which s/he intends to refer to enable prior consideration to be given to them and advance notice of any witnesses including names. Copies of documents to which the student intends to refer at the interview and names of any witnesses should be provided at least two working days prior to the interview.

A formal record of the interview will be taken.

5.10 The Authorised Officer may deal with the case himself/herself by:-

- (a) dismissal of the case;
- (b) referring the matter to a Deputy Vice-Chancellor for action;
- (c) warning the student informally of the possible consequences of any further misconduct (informal reprimand);
- (d) reprimanding the student formally, such reprimand to be confirmed in writing and to remain on the student's record for one year or until ceasing to be a registered student at the University, whichever is the shorter (formal reprimand);
- (e) reprimanding the student formally, such reprimand to be confirmed in writing and to remain permanently on the student's record (formal permanent reprimand).
- (f) suspension of the student for a period of up to 28 days provided that the period of any suspension carried out under paragraph 5.2 is taken into account. In the case of suspension it will be confirmed on the student record and remain permanently.

In addition to or instead of any other penalty, the Deputy Vice-Chancellor may require the student to pay such a sum as may reasonably be necessary to make good any damage or loss shown to have been caused by the student to the property of the University or of another person up to a maximum of £500.

- 5.11 The Authorised Officer shall make his/her decision known to the student within two working days of the interview and send notification of the decision to the Secretary and Clerk to the Board. If the case is dismissed the records of the case shall be destroyed. There shall be no appeal against a decision of the Authorised Officer in respect of a decision under (a), (b), (c) or (d). A student reprimanded under (e) or suspended under (f) and/or subject to a financial penalty may if s/he wishes appeal to a Deputy Vice-Chancellor.

5.12 Appeals Against Decisions of the Head of Academic Department

If a student wishes to appeal against a decision of an Authorised Officer in accordance with paragraphs 5.11 s/he shall submit such an appeal in writing, to the Secretary and Clerk to the Board who will refer the matter to a Deputy Vice-Chancellor. The appeal should be submitted within ten working days of notification of the decision being sent in writing to the student. The appeal should set out the grounds for appeal. These must relate to:-

- (a) the conduct and operation of the procedure once commenced; and/or
- (b) the level of penalty.

The Penalty shall remain in force pending any appeal and its resolution.

- 5.13 The Deputy Vice-Chancellor shall consider the appeal and as part of his/her consideration shall convene a hearing with the appellant and the Authorised Officer being invited to be present. Seven working days notice shall be given of the hearing to the appellant.
- 5.14 The Deputy Vice-Chancellor will not conduct a re-hearing of the matters which have been the

subject of the Authorised Officer's investigation. The Deputy Vice-Chancellor will only consider the appeal on the grounds presented by the appellant.

- 5.15 The appellant is required to submit any further written information in support of the appeal not less than two working days in advance of the hearing to the Deputy Vice-Chancellor.
- 5.16 The appellant may be accompanied at the hearing by a friend who may speak on his/her behalf. The friend shall be a current student of the University or a sabbatical officer of the Students' Union or a member of staff of the University.
- 5.17 The Deputy Vice-Chancellor will hear the appeal as follows:-
- (a) The Authorised Officer will present his/her conclusions and decisions.
 - (b) The appellant (and/or friend) will have the opportunity to address the Deputy Vice-Chancellor in support of the grounds for appeal.
 - (c) The Deputy Vice-Chancellor will be able to question the Authorised Officer and the appellant.
 - (d) The Authorised Officer will then sum up.
 - (e) The appellant will then sum up.
 - (f) The Deputy Vice-Chancellor will then close the hearing.
 - (g) The Deputy Vice-Chancellor will deliberate on the appeal. The Deputy Vice-Chancellor will consider whether to endorse the decision of the Authorised Officer or to uphold the appeal against the Authorised Officer's decision or substitute such other decision of its own as s/he thinks fit.
 - (h) The decision of the Deputy Vice-Chancellor will be communicated to the appellant, in writing, within two working days of the hearing.
 - (i) The decision of the Deputy Vice-Chancellor shall be final and without further appeal.

5.18 Action by a Deputy Vice-Chancellor

Where an alleged breach of discipline is brought directly to the attention of a Deputy Vice-Chancellor s/he may refer the matter for action under paragraph 5.3 above. The Deputy Vice-Chancellor may also determine that the case be dismissed.

5.19 A Deputy Vice-Chancellor may, however, take action without referring the matter for action under paragraph 5.3 if s/he determines that it is appropriate to do so. In the case of serious criminal offences, the procedure will be commenced but the allegations shall be referred to the Police prior to any further disciplinary action under these Regulations. In such cases the student will be informed and will receive a copy of these Regulations.

5.20 When an alleged breach of discipline is referred to a Deputy Vice-Chancellor or when s/he determines to take action under 5.19 above, s/he shall examine the written evidence from the person or persons bringing the complaint against the student and may seek evidence from the student concerned. The Deputy Vice-Chancellor shall be entitled to call for such papers, to examine such witnesses, which may include the complainant, and to conduct such other enquiries into the matter as s/he may think fit. These enquires may include an invitation to the student concerned to attend at a preliminary interview. The student may be accompanied by a friend. The friend shall be a current student of the University or a sabbatical officer of the Students' Union or a member of staff of the University.

In this event the Deputy Vice-Chancellor will provide a copy of these Regulations to the student.

5.21 Where the student concerned admits to the alleged breach of discipline and elects with the consent of the Deputy Vice-Chancellor to be dealt with summarily, the Deputy Vice-Chancellor shall have the power to reprimand the student or to suspend the student from the University for a period of up to 28 days. Suspensions may be the subject of appeal under paragraph 5.26 below.

5.22 If the provisions of 5.21 do not apply the Deputy Vice-Chancellor will interview the student giving the student at least seven working days written notice.

The letter inviting the student to attend the interview will:-

- (a) state the allegation(s) to be considered at the interview;
- (b) inform the student of his/her right to be accompanied by a friend. The friend shall be a current student of the University or a sabbatical officer of the Students' Union or a member of staff of the University;
- (c) inform the student that witnesses may be called in support of the complaint or by the student in support of his/her response and that relevant documentation may be considered at the interview including any written statement by the student in response to the complaint. Copies of any documents to be produced at the interview should be enclosed with the letter. The student is required to provide copies of any documents to which s/he intends to refer to enable prior consideration to be given to them and advance notice of any witnesses including names. Copies of documents to which the student intends to refer at the interview and names of any witnesses should be provided at least two working days prior to the interview. A formal record of the interview will be taken.

5.23 The Deputy Vice-Chancellor shall deal with the case by:-

- (a) Dismissal of the case;
- (b) warning the student informally of the possible consequences of any further misconduct (informal reprimand);
- (c) reprimanding the student, such reprimand to be confirmed in writing and to remain on the student's record for a period of one year or until ceasing to be a registered student at the University,

whichever is the shorter (formal reprimand);

- (d) reprimanding the student formally, such reprimand to be confirmed in writing and to remain permanently on the student's record (formal permanent reprimand);
- (e) suspension of the student provided that the period that any suspension carried out under paragraph 5.2 is taken into account. In the case of suspension it shall be confirmed on the student record and remain permanently;
- (f) in addition to or instead of any other penalty under b) - e), the Deputy Vice-Chancellor may require the student to pay such a sum as may reasonably be necessary to make good any damage or loss shown to have been caused by the student to the property of the University or of another person up to a maximum of £500.
- (g) expulsion.

5.24 The Deputy Vice-Chancellor shall make his/her decision known to the student in writing within 3 working days of the interview. If the case is dismissed the Deputy Vice-Chancellor shall destroy the records of the case. If the case proceeds, a formal record of the decision will be lodged with the Secretary and Clerk to the Board.

5.25 A student shall have the right to appeal against a decision of the Deputy Vice-Chancellor to suspend or expel. This right of appeal does not apply to any suspension carried out under paragraph 5.2.

5.26 Appeals Against Decisions of a Deputy Vice-Chancellor

If a student wishes to appeal against a decision of a Deputy Vice-Chancellor in accordance with paragraph 5.19 s/he shall submit such an appeal in writing, to the Secretary and Clerk to the Board within ten working days of notification of the decision being sent in writing to the student. The appeal should set out the grounds for appeal.

These must relate to:

- (a) the conduct and operation of the procedure once commenced;

and/or

- (b) the level of penalty arising from it. The penalty shall remain in force pending any appeal and its resolution.

5.27 The Vice-Chancellor shall consider the appeal and as part of his/her consideration shall convene a hearing with the appellant and the Deputy Vice-Chancellor being invited to be present. Seven working days notice shall be given of the hearing to the appellant.

5.28 The Vice-Chancellor will not make further enquiry into the matters of fact. The Vice-Chancellor will not conduct a re-hearing of the matters which have been the subject of the Deputy Vice-Chancellor's investigation. If new information which was not available at the time of the Deputy Vice-Chancellor's decision is presented by the appellant, the Vice-Chancellor will consider why it has only since become available and will decide whether it should now be admitted. The Vice-Chancellor will only consider the appeal on the grounds presented by the appellant.

5.29 The appellant(s) is/are required to submit any further written information in support of the appeal not less than two working days in advance to the Vice-Chancellor.

5.30 The appellant may be accompanied at the appeal hearing by a friend who may speak on his/her behalf. The friend shall be a current student of the University or a sabbatical officer of the Students' Union or a member of staff of the University.

5.31 The Vice-Chancellor will hear the appeal as follows:-

- (a) The Deputy Vice-Chancellor will present his/her conclusions and decisions.
- (b) The appellant(s) (and/or friend) will have the opportunity to address the Vice-Chancellor in support of the grounds for appeal.
- (c) The Vice-Chancellor will be able to

question the Deputy Vice-Chancellor and the appellant(s).

- (d) The Deputy Vice-Chancellor will then sum up.
- (e) The appellant(s) will then sum up.
- (f) The hearing will then close.
- (g) The Vice-Chancellor will deliberate on the appeal as expressed by the appellant. The Vice-Chancellor will consider whether to endorse the decision of the Deputy Vice-Chancellor or to uphold the appeal against the Deputy Vice-Chancellor's decision or substitute such other decision of its his/her own as it she/he thinks fit.
- (h) The decision of the Vice-Chancellor will be communicated to the appellant, in writing, within three working days of the hearing.

The decision of the Vice-Chancellor shall be final and without further appeal.

- 5.32 The Secretary and Clerk to the Board or his/her deputy shall act as Clerk to the Appeal hearing and he/she shall be responsible for the administration of the proceedings subject to directions from time to time given to him/her

by the Vice-Chancellor. The Clerk shall keep records of the proceedings, and be responsible for notifying the student of the time and date of hearing and for circulation of relevant documents, written submissions etc.

- 5.33 In the case of any matter in which the Vice-Chancellor has been directly and personally involved the Secretary and Clerk to the Board in consultation with the Chair of the Board will arrange for any necessary appeal to be conducted by a Committee consisting of three Lay Governors.

- 5.34 The outcome of all formal disciplinary action undertaken under these Regulations shall be reported to the Board for information only.

Approved by the Board of Governors on 20 June 2007