

London Metropolitan University

Student Disciplinary Regulations

Interim Procedure 2012/13

1 Preliminary Matters

1.1 Who makes these Regulations?

The Vice-Chancellor makes these Regulations under the University's articles of association, by which s/he is responsible to the Board of Governors for the maintenance of student discipline, including suspension or expulsion. Under the articles the Vice-Chancellor may delegate the exercise of any or all powers and duties in respect of student discipline. The Vice-Chancellor has delegated his various powers and duties under these Regulations to the Deputy Vice-Chancellor.

1.2 Do the Regulations apply to me?

These Regulations are used for cases of general student misconduct. They do not apply to cases of plagiarism, cheating or other academic misconduct – as these matters are covered under the Academic Regulations.

The Regulations apply to you if you are studying at London Metropolitan University. They apply throughout your time as a student, including vacations and time you spend on placements, field trips or other activities that form part of your course.

If you are studying at a partner institution you will be subject to its disciplinary and appeals procedures in the first instance. If you are dissatisfied with the outcome of those procedures you may write to the University Secretary and ask for your case to be reviewed. The University Secretary's review will only consider whether the partner institution followed the proper procedure and whether that procedure is fair and consonant with the University's own. If the University Secretary considers that it is, you will be informed of this and given a Completion of Procedures letter. You may then be able to ask the Office of the Independent Adjudicator for Higher Education to consider your case.

If the University Secretary considers that the partner institution did not handle your case correctly, s/he will inform you of this and refer your case back to the partner with appropriate recommendations.

1.3 Other disciplinary procedures

Some University courses are also subject to validation or accreditation by professional bodies in the UK. If you are on such a course and the University has found you guilty of misconduct, it may have to report this to the relevant professional body. The professional body may then also take its own action against you.

1.4 Students whose behaviour causes concern

The University understands that an individual student may demonstrate behaviour that might possibly arise from a physical or mental health condition or from a failure regularly to take prescribed medication. These cases may be dealt with in accordance with Annex A of these regulations.

1.5 Timescales and deadlines

The University aims to communicate with students on all aspects of this policy in a prompt and timely manner, although the actual deadlines and timescales may vary from time to time, depending on the circumstances of the case.

1.6 The Vice-Chancellor may act through a nominee

Unless the context indicates otherwise, references within these Regulations to the Vice-Chancellor are deemed to include the Deputy Vice-Chancellor. The Vice-Chancellor and Deputy Vice-Chancellor may also nominate another person to act on their behalf either generally or in relation to a specific case.

2 Disciplinary Offences

2.1 The University's right to take disciplinary measures

Any student studying or registered at London Metropolitan University is subject to disciplinary measures if s/he is found to be guilty of misconduct.

2.2 What is misconduct?

Misconduct is any act or omission which improperly interferes with the functioning or activities of the University, or of those who work or study in the University, or which otherwise improperly damages the University or its reputation. It does not matter whether the alleged misconduct takes place on or off University premises.

Misconduct includes, but is not limited to, the following:

- a. Any conduct which constitutes a criminal offence;
- b. Disruption of or improper interference with the academic, administrative, sporting, social or other activities of the University;
- c. Obstruction of or improper interference with the functions, duties or activities of any student, member of staff or visitor to the University;
- d. Violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language;
- e. Harassment of any student, member of staff or visitor related to one or more of the following: sex, race, disability, religion or belief, sexual orientation, age.
- f. Bribery, fraud, deceit, deception or dishonesty in relation to the University, its

- staff, students or visitors;
- g. Theft, misappropriation or misuse (including computer misuse) of University property, or the property of the University's staff, students or visitors;
 - h. Misuse or unauthorised use of University premises;
 - i. Damage to University property, or to the property of the University's staff, students or visitors, whether or not caused intentionally or recklessly;
 - j. Action likely to cause injury or to impair safety on University premises;
 - k. Failure to respect the rights of others to freedom of belief and freedom of speech;
 - l. Breach of the provisions of any University code, rule or regulation;
 - m. Failure to disclose personal details when required;
 - n. Failure to comply with an instruction issued by a security officer or by a member of staff.

It is important that you understand that an act of misconduct, wherever it is committed, whomever it involves, will have a bearing on your student life at the University. Even if your misconduct does not take place in your Faculty or as part of your course, your programme leader, academic tutor and Dean of Faculty will all be fully informed of what is happening and the outcome of any disciplinary proceedings will be recorded on your student file.

3 Involvement of the Police and Criminal Courts

3.1 Misconduct which is also a criminal offence

If you are accused of misconduct which also appears to be a criminal offence, the University may defer taking action until the police and courts have dealt with the matter. The University will take into account any police caution or court penalty for the criminal offence when deciding the appropriate penalty for the misconduct. You cannot claim a defence of double jeopardy.

3.2 Offences which are not reported to the police

The University has the right - and sometimes the duty - to report any criminal offence to the police. If someone claims to be the victim of an offence committed by a student, but does not wish the police to be involved, the University may determine, at its absolute discretion, not to report the matter to the police. **Only the University Secretary may report an incident to the police.**

If you induce or intimidate anyone into not reporting a matter to the police, or attempt to do so, you are committing an offence under these Regulations. You may also be committing a criminal offence which may be reported to the police.

4 Suspending and excluding students

4.1 Can the University suspend me?

The Vice-Chancellor may suspend you for a period of time if:

- a. a serious complaint of misconduct has been made against you, or
- b. you are the subject of a police investigation, or
- c. a criminal charge is pending against you, or
- d. s/he considers that your presence on University premises would breach the University's duty of care to others.

If you are suspended, you will be excluded from all University premises. You may, however, seek support from the Students' Union. You will be required to make an appointment with the Students' Union to attend for any meetings and should not arrive without an appointment and ask to be seen.

The Vice-Chancellor has delegated his/her specific powers of suspension from University premises to the Deputy Vice-Chancellor, the Deputy Chief Executive, and the University Secretary.

Suspension is a precautionary measure and not a penalty. It does not mean that the University has already judged the matter and found you guilty.

4.2 Can the University exclude me from particular premises?

You may be excluded from specific University premises without being suspended if it is considered that your presence may breach the University's duty of care to others or that you might be a danger to yourself.

The Vice-Chancellor has delegated his/her specific powers of exclusion from University premises to the Deputy Vice-Chancellor, the Deputy Chief Executive, and the University Secretary.

4.3 What happens if I am suspended or excluded?

The University will inform you in writing why you have been suspended or excluded, as the case may be, and how long the suspension or exclusion will last for. If it lasts longer than a month, you can write to the University Secretary once a month to ask for a review.

You may also write to the University Secretary to ask for temporary permission to attend the University for examinations or for submission of coursework.

5 Misconduct Procedure

5.1 How are allegations of misconduct made?

Allegations of misconduct can be made by staff, students or members of the public. They should be made in writing to the University Secretary, who may dismiss the matter immediately if s/he believes that there is no case for the student to answer, or that it is for some other reason appropriate to do so.

5.2 What happens if I am accused of misconduct?

You are strongly recommended to seek support from the Students' Union casework team in preparing your defence and in representing you in any formal proceedings.

You must continue to behave reasonably and respectfully to all members of university staff and students even while your case is pending.

If the complaint is not immediately dismissed, the University Secretary's Office will investigate the matter and may wish to carry out initial interviews – of you and of the person alleging the misconduct. You may be accompanied at that interview by a friend or representative. The purpose of the preliminary interview is to hear your initial response to the allegation(s). After the preliminary interview the University Secretary will report to the Deputy Vice-Chancellor and the Dean of Student *either* that there is no further action to be taken *or* that formal proceedings will now begin. You will be informed of this decision.

5.3 Decision to deal summarily

If further action is to be taken, the matter will be dealt with by the Dean of Students, who will consult fully with your Dean of Faculty.

If you admit the misconduct allegation and agree to be dealt with summarily, the Dean of Students may deal with the case according to section 5.4 of these Regulations provided that s/he considers it appropriate to do so.

In all other cases the Dean of Students will refer the matter to a Disciplinary Panel under section 6 of these Regulations.

5.4 Procedure

If the matter is dealt with summarily, the Dean of Students will consider the written and oral evidence available and any statement of mitigation you wish to make. The Dean of Students will consult with your Dean of Faculty and they will agree together the penalty to be imposed which may include, among others, those listed below, but they may not expel you from the University:

- a. An absolute discharge, which means that although you may be guilty of the alleged misconduct, and this will be recorded on your student record, there will be no other punishment;
- b. A conditional discharge, which means that no immediate punishment is imposed, but if you are found guilty of misconduct on a subsequent occasion within twelve months, or some other specified period, you can then be dealt with for both offences;
- c. A fine up to a maximum of £500 (this figure will be subject to periodic review by the University);
- d. A requirement to pay a reasonable sum by way of compensation for loss or damage;
- e. A requirement to perform up to 40 hours' unpaid work for the University community;
- f. A requirement to provide a formal apology, orally or in writing, to an individual or individuals adversely affected by your behaviour.
- f. A requirement to have no contact, or restricted contact, with a specified person or persons;
- g. Exclusion from some facilities or specific premises of the University for a fixed period of time, up to a maximum of twelve months. If you are excluded on this basis you will have only limited rights to enter University premises and to participate in University activities. You will be informed in writing of the terms of the exclusion. Exclusion does not affect your status as a member of the University. In such a case you may need to apply in writing to the Dean of Students for exceptional permission to attend the University for examinations or submission of coursework.

5.5 Report

After the proceedings the Dean of Students will send to the University Secretary a short report setting out the misconduct alleged, a brief summary of evidence received, the grounds for the finding of guilt, the penalty imposed, and the factors taken into account in deciding the penalty. You will receive a copy of the report for information.

5.6 Referral to a Disciplinary Panel

If the Dean does not consider it appropriate to deal with the matter summarily, or if you do not agree to the summary procedure, the Dean will refer the matter to a Disciplinary Panel.

6 Disciplinary Panel

6.1 Composition

The Disciplinary Panel usually consists of:

- the Dean of Students, who shall chair the Panel;
- a Dean of Faculty or their nominee (this will be a senior member of academic staff who is not connected with your case); and
- the President of the Students' Union or their nominee from the Students' Union Executive.

The membership of the panel may be varied if appropriate with the permission of the Deputy Vice-Chancellor

6.2 Assistance to the Panel

The University Secretary will appoint a secretary to the Panel to advise and assist as appropriate and to take a note of the proceedings.

6.3 Attendance and representation at your disciplinary hearing

As the student accused of misconduct you have the right to attend all disciplinary hearings involving you, and you may be represented by an adviser, friend or other person. You may not be represented by a qualified lawyer or barrister.

You do not have to attend your disciplinary hearing, but if you choose not to attend the Panel may proceed in your absence and may reach a formal decision.

The Panel will be sympathetic to requests to reschedule hearings where such a request arises from personal illness or distressing family circumstances such as a bereavement but requests to reschedule must be received promptly and must be supported by evidence.

6.4 Standard of proof

The Panel will find you guilty of misconduct if, having considered the evidence presented, it is satisfied on the balance of probability that you did commit the act or acts of misconduct.

6.5 Majority verdict

If the members of the Panel cannot agree unanimously, the Panel's verdict will be that of the majority. If there is an equality of votes, the Chair shall have a second or casting vote.

6.6 Procedure

Subject to the provisions of these Regulations, the order of proceedings is at the Chair's discretion. Panel members may ask questions of any witness. The Panel may ask for additional enquiries to be undertaken, and may call for additional witnesses to attend.

If you are called to give evidence to the Disciplinary Panel, it is a breach of these regulations to refuse to do so unless prevented by illness or other urgent and reasonable cause (for which you will be required to provide documentary evidence). You cannot refuse to give evidence on the ground that you may incriminate yourself in an act of misconduct.

6.7 Joint hearings

If two or more students are involved in related misconduct, the Panel may at its discretion deal with their cases together.

6.8 Presentation of the case

The Dean of Students will appoint a member of the academic staff to present the allegation against the student. The case presenter will set out the allegation(s) in writing and send you a copy at least two weeks before the hearing.

6.9 Written witness statements in advance of the hearing

The Dean of Students may call for written witness statements in support of the allegation in advance of the hearing. If such statements are obtained, Panel members will be entitled to see them in advance of the hearing and copies will be made available to you and to the case presenter at least one week before the hearing.

6.10 Documentary evidence

Any documentary evidence must be submitted in advance of the hearing and must not exceed 20 A4 pages. Copies will be made available to Panel members and to all parties at least one week before the hearing. Evidence submitted late will only be admitted with the permission of the Chair of the Panel on the advice of the University Secretary.

6.11 Opening and closing statements

The case presenter will give an opening statement to the Panel before calling witnesses. You will then have an opportunity to give your opening statement and to call witnesses. Once this has been done, and witnesses have been questioned, the case presenter will summarise the case against you in a closing statement. You or your representative will then have an opportunity to summarise the case for your defence in your closing statement.

6.12 Submission that there is no case to answer

At the conclusion of the evidence in support of the allegation, you or your representative may submit that no case has been made out against you. The case presenter has the right to reply. If the Panel finds that there is no case to answer, it must dismiss the allegation.

6.13 Time limits

The Panel may impose time limits on oral addresses and submissions. In doing so, however, it must act fairly as between the parties.

6.14 Witnesses in support of the allegation

The allegation(s) against you will be put first. The case presenter may ask questions of each witness giving evidence in support of the allegation. These must not be leading questions. You or your representative may question the witness. Witnesses may be re-examined for the purpose of clarification only and must be treated courteously at all times.

6.15 Witnesses against the allegation

If the case proceeds you may then give evidence, but you do not have to. At the conclusion of your evidence you may be questioned by the case presenter. You may also give evidence to clarify matters raised in questioning. You may also call further witnesses, who may be similarly questioned by both parties and the panel. You will need to have identified these witnesses in advance of the hearing and to have asked them to attend – this is your responsibility. Your witnesses will be treated courteously at all times.

6.16 Recalling witnesses

A witness may be recalled to give further evidence only with leave of the Chair.

6.17 Relevance

The Chair may refuse to admit evidence or allow witnesses that s/he considers irrelevant to the issues raised.

6.18 Adjournments

The Panel may adjourn a hearing to another date or place, as it thinks fit.

6.19 Penalties and case report

After the closing addresses the Panel will retire to consider its decision and, if appropriate, any penalty.

Section 7 of these Regulations sets out the penalties the Panel may impose.

After the proceedings the Chair will write a report on behalf of the Disciplinary Panel. In the event of a finding of guilt, the report will set out the misconduct alleged, a brief summary of evidence received, the grounds for the finding of guilt, the penalty imposed, and the factors taken into account in deciding the penalty. A copy of the report will be sent to you and to the Deputy Vice-Chancellor. The Chair may include such recommendations on the Panel's behalf as s/he thinks fit.

6.20 Deputy Vice-Chancellor's right to stop the proceedings

The Deputy Vice-Chancellor may at any time:

- (a) suspend disciplinary proceedings, including the proceedings of a Disciplinary Panel, and
- (b) stop the proceedings entirely if s/he considers it appropriate to do so.

7 Penalties

7.1 Imposition of penalties

The penalties that the Disciplinary Panel may impose are set out in 7.3 below. You or your representative are entitled to make representations in mitigation before the penalty is decided.

7.2 Matters to be considered

The Panel will give consideration to the seriousness of the misconduct, the circumstances of the misconduct, the extent to which you have attempted to put right the harm caused, and your means and general personal circumstances (including any representations in mitigation).

7.3 Types of penalty

The penalties that may be imposed are:

- a. An absolute discharge, which means that although you may be guilty of the misconduct alleged, no punishment will ensue;
- b. A conditional discharge, which means that no immediate punishment is imposed, but if you are found guilty of misconduct on a subsequent occasion in the following twelve months, or some other specified period, you can then be dealt with for both offences;
- c. A fine up to a maximum of £500 (this figure will be subject to periodic review by the University);
- d. A requirement to pay a reasonable sum as compensation for loss or damage, the sum to be determined by the Panel;

- e. A requirement to perform up to 40 hours' unpaid work for the University community;
- f. A requirement to provide a formal apology, orally or in writing, to an individual or individuals adversely affected by your behaviour.
- g. A requirement to have no contact, or restricted contact, with a specified person or persons;
- h. Exclusion from any University facilities or premises for a fixed period of time, up to a maximum of twelve months. If you are excluded from the University you will have only limited rights to enter University premises and to participate in University activities. You will be informed in writing of the terms of the exclusion. Exclusion does not affect your status as a member of the University;
- i. Expulsion from the University, which means that you cease to be a member of the University, and loses all rights and privileges of membership. You will still be liable for any tuition fees owing up to the date of expulsion and the University reserves the right to seek to recover them from you.

If you are excluded you may apply in writing to the Deputy Vice-Chancellor for temporary permission to attend the University for examinations or submission of coursework.

8 Appeals

8.1 I've been found guilty. Can I appeal?

You may appeal by writing to the University Secretary within twenty-one calendar days of the conclusion of the hearing. Your letter must state the grounds for your appeal.

You may appeal on one or both of the following grounds:

- That new evidence has become available which it was not possible to present at the time of the hearing; and
- That the Panel failed to follow its own procedures.

The University Secretary may summarily dismiss your appeal if s/he considers that you have not reasonably met the grounds for such an appeal or that those grounds are not material to the outcome of the case.

8.2 About your appeal

An appeal is not normally a rehearing of the case. Rehearing is allowed only in exceptional circumstances.

The Deputy Vice-Chancellor hears appeals. S/he may:

- a. Confirm the finding of the Panel; or

- b. Overturn the finding of the Panel where s/he considers it just to do so (e.g. in the light of new evidence or procedural irregularity); or
- c. Confirm the level of penalty imposed; or
- d. Substitute a lesser or greater penalty.

You may present your appeal in person or in writing as you choose, and may be represented by an adviser, friend or other person. You may not be represented by a qualified solicitor or barrister.

The University will inform you in writing of the outcome of your appeal within fourteen calendar days of it being concluded.

Annex A: students whose behaviour causes concern

Introduction

The University understands that some students may demonstrate behaviour which causes concern for their own wellbeing or the wellbeing of the wider University community. Such behaviour may for example be due to a physical or mental health condition or taking (or failing to take) prescribed medication. Intervention under these provisions may also be appropriate in the case of a student who fails to recognise that s/he is suffering from a communicable disease and/or fails to notify the University of their condition as soon as it is practicable to do so.

In these circumstances the University recognises that you may benefit from the University's direct intervention and support. These provisions are intended to provide a framework to help you out of your difficulties while protecting you, the public and the work of the University.

If you are subject to these provisions, the University encourages you to seek advice and support from Student Services, the Students' Union, your GP or a relevant health charity.

The University reserves the right to invoke its general and/or other regulations and disciplinary procedures, including in cases where your behaviour breaks the disciplinary regulations while not being directly attributable to a known medical condition or disability.

1 Invoking the procedure

This regulation will be invoked in cases where you have been offered or advised to seek, specialist support, and have not done so, or if, having done so, your behaviour is still causing concern.

The University will seek your written consent to invoking this procedure. If you refuse to have your case considered under this procedure, then the University may choose to proceed to pursue disciplinary action against you.

The University reserves the right to suspend you until you can demonstrate that your behaviour will no longer cause concern.

2 Reporting behavioural problems

Where a student demonstrates unusual behaviour, the Dean of Students and the student's Dean of Faculty should be informed in writing. The report should state what efforts have been made to encourage him/her to seek specialist support and with what outcome.

When preparing such a report it must be borne in mind that the report will be shared with the student concerned.

3 Suspension

The University may suspend you pending the outcome of proceedings under this or other University regulations if it considers that this would be in your best interests. The University may attach conditions to the suspension. You will be informed in writing of the suspension and any conditions attaching to it.

4 Preliminary Meeting

The Dean of Students will meet with you to obtain consent to invoking this regulation. You will normally be given at least seven days' written notice of the meeting, but the meeting may be arranged sooner if necessary or by mutual agreement.

You may bring a friend or representative to this and all subsequent meetings.

4.1 The purpose of the preliminary meeting is to explain to you the procedures under this regulation. It is intended to make the process clear so as to inform your consent, not to discuss in any detail the aspects of your behaviour which have given cause for concern.

4.2 At the meeting the Dean of Students will ask for your written consent to this regulation being invoked. You do not have to give your consent, but the University reserves the right to suspend you if you do not.

4.3 In giving consent you are accepting that sensitive personal information may be discussed at this and any subsequent meeting(s) held in accordance with this regulation and/or any subsequent disciplinary procedure. You are also accepting that a record will be made of such discussions and kept by the relevant Dean of Faculty. The record will be held in confidence by the Dean, separate from your academic file. A note will be placed in the academic file that the Dean holds further information.

4.4 The meeting will attempt to agree on an independent consultant who can be asked to prepare a report of recommendations to be considered by a case conference which the Dean of Students will convene (see paragraph 5 below). If agreement with consent cannot be reached, the University will of its own accord within 14 days identify and instruct someone to prepare the required report.

5 Action by the Dean of Students

On receiving the independent consultant's report the Dean of Students will:

- Within 3 working days send a copy of the report to you; and
- Within 14 days convene a case meeting.

If, however, the consultant considers that showing the report to the student at this stage might be detrimental to your health or welfare, the Dean of Students may suspend the procedure and seek guidance how to proceed.

5.1 The following will be present at the meeting convened by the Dean of Students:

- The Dean of Students (leading the meeting).
- A member of academic staff who knows the student, for example the student's supervisor or Personal Academic Tutor.
- A member of Student Services staff with relevant experience, for example the Mental Health Adviser, a disability officer or a counsellor.
- You (the student)
- If you wish, a friend or representative to support you
- A note-taker.

5.2 As this provision is intended to help you, the meeting should as far as possible be conducted in a safe and supportive manner. Conduct of such a meeting is not therefore prescribed but the following elements should be allowed:

5.2.1 You may present evidence either before or during the meeting. Where such evidence is written, a copy should be lodged with the designated senior member of staff at least three clear working days before the meeting.

5.2.2 You will have the opportunity of asking questions of any of the individuals present at the meeting. Similarly, any of the other individuals present may ask you questions.

5.2.3 The chair of the meeting may adjourn it to seek further third-party evidence, e.g. from an occupational health specialist, where either s/he thinks it necessary or where there is general agreement that it is appropriate. The period of adjournment should be kept to a minimum.

5.2.4 A record of the meeting will be made and lodged with the relevant Dean of Faculty within 14 days of the meeting. The record will be held in confidence by the Dean, separately from your academic file. A note will be placed in the academic file that the Dean holds further information.

5.2.5 The Case Team shall make a decision as quickly as reasonably practicable and will inform you in writing of its decision.

5.3 If you cannot attend the meeting

If you are unable to attend the meeting the University will make reasonable efforts to reschedule or relocate it. Alternatively you may ask the Case Team to consider the case on the basis of written evidence only, including (if you wish) a written statement from you or your representative.

If, despite the University's best endeavours, you feel unable to attend a Case Team meeting, it may take place without you.

6 Outcomes

The Case Team has the discretion to make any decision appropriate to the circumstances that is consistent with ensuring the safety and wellbeing of you and others. Where possible the decision will be made with your agreement. Such decisions may include:

6.1 Suspension (or continued suspension) of the student for a fixed term, with referral for specialist assistance if appropriate.

6.2 Suspension (or continued suspension) for an unspecified period of time, pending evidence of fitness to resume studies.

6.3 Resumption of studies, subject to any conditions which the Case Team may wish to impose.

6.4 Termination from the programme and possible transfer to a different programme, subject to any conditions which the Case Team may wish to impose and provided also that:

6.4.1 Your behaviour would not render you unfit for admission to the programme or to follow a career to which the new programme leads;

6.4.2 You meet the entry requirements for the new programme and/or any other appropriate academic requirements for entry;

6.4.3 There is a place available; and

6.4.4 The Faculty considers you suitable for the new programme.

6.5 Referral for disciplinary investigation. Where there is no evidence to suggest that your behaviour is due to a medical condition, mental illness or disability, the University reserves the right to deal with the case under its misconduct regulations. The University further reserves the right to continue to suspend you pending the outcome of the investigation and any subsequent disciplinary hearing.

6.6 A review of the decision by the Case Team after a specified period of time.

7 Can I appeal?

You may appeal against the Case Team's decision by writing to the Deputy Vice-Chancellor within 21 days of the date the Case Team meeting.

The Deputy Vice-Chancellor's decision is final and not subject to review by any other University body.

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