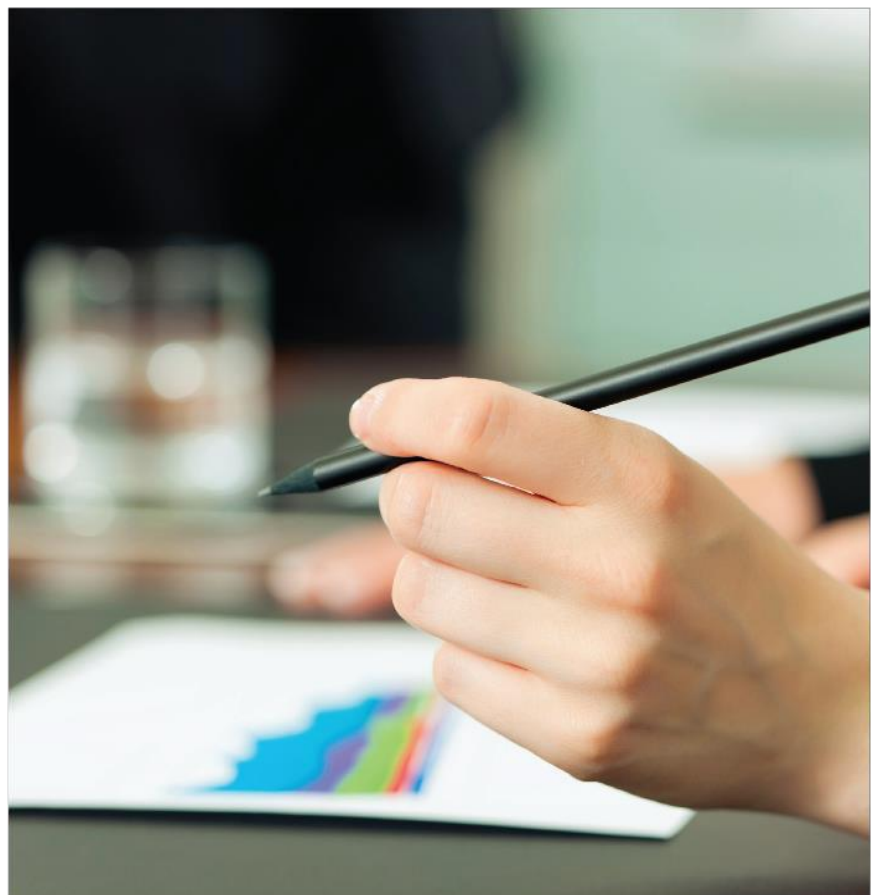
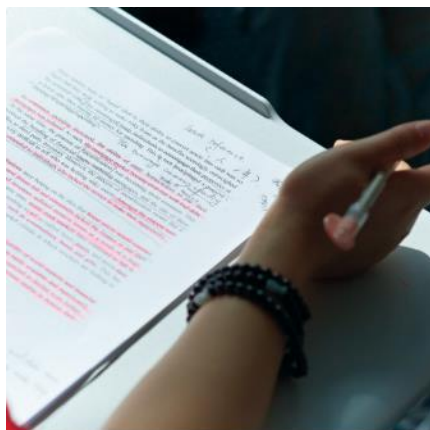


Student Casework

Student Disciplinary Procedure



Version Control

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Student Disciplinary Procedure

1. Purpose

- 1.1. The University of Bradford expects high standards of behaviour from its students. This document sets out the University's procedure for handling situations where a student is alleged to have committed an act of misconduct as defined in Ordinance 16: Conduct of Student Members of the University. The purpose of the procedure is to ensure that the misconduct is dealt with appropriately consistently and that students are treated fairly and equitably.

2. Scope of Procedures

- 2.1. The Student Disciplinary Procedure meets the requirement in Ordinance 16, Conduct of Student Members of the University (Student Code of Conduct) which states that procedures for dealing with an alleged commission of an act which constitutes conduct unacceptable to the University will be laid out in University Regulations.
- 2.2. The Student Disciplinary Procedure applies to registered students of the University and at all times whether the alleged misconduct takes place on or off University premises. This covers not only misconduct off campus whilst engaged in formal University activities such as placements, field trips or sports tours, but misconduct in any other locations or settings, including on social media, which brings the University's reputation into disrepute.
- 2.3. Misconduct within the University of Bradford Students' Union will normally be dealt with through the Union's own procedures. Exceptionally, and after liaison with the Chief Executive of the Union, such misconduct may be subsequently referred to the University Secretary to be dealt with through this Procedure.
- 2.4. Students studying for awards at partner institutions fall under the remit of the partner or host institution's disciplinary procedures unless otherwise agreed. Should a student from a partner institution be accused of misconduct whilst studying on the University of Bradford campus the misconduct will be considered under this Regulation and Procedure.
- 2.5. At enrolment, all students enter into a contract with the University and to formally accept the Ordinances, Regulations, Codes and Procedures of the University, which includes this Procedure.
- 2.6. In the interests of fairness, no single incident of misconduct for any individual student shall be considered concurrently under more than one set of University rules or regulations.
- 2.7. Matters relating to Academic Misconduct will be dealt with under the relevant regulations in the first instance although serious Academic Misconduct may be referred to be considered under this regulation.

3. Other Procedures and Related Regulations

- 3.1. The Student Disciplinary Procedure should be read in conjunction with the University's regulations and procedures for dealing with students' welfare and discipline, and academic misconduct.
- 3.2. These include; but are not limited to:
 - Ordinance 16 on Conduct of Student Members of the University;
 - Regulation 5: Academic Misconduct Regulations;
 - Student Fitness to Practise Procedure;
 - Health, Wellbeing and Fitness to Study Policy and Procedures;
 - Applicant and Student Criminal Conviction Policy;
 - Student Suspension and Withdrawal Policy;
- 3.3. During a student disciplinary investigation it may be appropriate for a case to be referred to another procedure. For example, if, during a student disciplinary investigation an allegation of academic misconduct is alleged, the matter may be referred for consideration under Regulation 5. Conversely, a finding under another procedure may be referred to be considered under this Procedure. For example, an investigation into a fitness to practise concern may identify issues of student misconduct and the matter may be referred to this Procedure where this is considered appropriate.
- 3.4. A decision to consider a case under the Fitness to Practise Procedure can be made at any stage of this Procedure by the person presiding over the relevant stage of the Procedure. A case may be recommended to be referred to the Fitness to Practise Procedure as an outcome of a stage two investigation.

4. Definition of Misconduct

- 4.1. The definition of Misconduct is set out in paragraph 3 of Ordinance 16, Conduct of Student Members of the University.

5. Authority for Disciplinary Action

- 5.1. Under the University Statutes, the Vice-Chancellor has responsibility for the good order of the University and may suspend or expel any student from the University subject to the student's right of appeal.
- 5.2. Paragraph 6 of Ordinance 16 sets out that the Vice-Chancellor may delegate the responsibility for implementation of disciplinary procedures to other staff in the University. Where a Deputy Vice Chancellor, Pro-Vice Chancellor or Dean chairs a stage three panel or appeal panel, the authority to suspend or expel a student is delegated to them by the Vice Chancellor.

6. General Principles

- 6.1. The Student Disciplinary Procedure sets out a fair and impartial process for dealing with allegations relating to student misconduct within a reasonable timescale in accordance with the rules of natural justice and procedural fairness.
- 6.2. As members of the University community, all students are expected to conduct themselves with due regard for its good name and reputation and in accordance with the following agreed University values:
 - Excellence: Excellence is at the heart of everything we do.
 - Inclusion: Diversity is a source of strength and must be understood, valued, supported and leveraged.
 - Innovation: We give invention light and celebrate creativity and innovation.
 - Trust: Trust is the foundation of our relationships, underpinned by integrity in all we do.
- 6.3. This Procedure adheres to the Office of the Independent Adjudicator for Higher Education key principles of:
 - Accessibility
 - Clarity
 - Proportionality
 - Timeliness
 - Fairness
 - Independence
 - Confidentiality
 - Improving the student experience
- 6.4. A student may not usually be granted an award, obtain certification of an award or attend a graduation ceremony whilst a case of alleged misconduct is still in the process of being considered under these procedures. Any requests for this principle to be waived shall be put to the University Secretary for approval.
- 6.5. All conclusions at any level of investigation will find an allegation of misconduct proven if it is considered that the evidence presented identifies, on the balance of probabilities, that the student is responsible for the alleged misconduct.
- 6.6. If two or more students are thought to be involved in the same incident of alleged misconduct, the decision may be taken to hear their cases together.
- 6.7. It is implicit in this procedure that if a minor incidence of student misconduct occurs this will initially be discussed informally with the student in order to effect immediate constructive remedial action prior to the instigation of any formal disciplinary procedure.
- 6.8. In the event that it is not possible for the University to meet the time period and time limits specified in this procedure, the student should be regularly updated so that they are aware of the progress so the case.

7. Fairness and Transparency

- 7.1. The University adheres to the principles of natural justice and procedural fairness and applies all procedures fairly, equitably and with transparency and probity.
- 7.2. Where a Head of School determines that action should be taken under this Procedure, a student will have the following rights:
 - 7.2.1. to be notified of any allegation against them in writing;
 - 7.2.2. to have full opportunity to respond to any allegation;
 - 7.2.3. to be accompanied to all meetings associated with the allegation, including notification of allegation, investigation and any subsequent panel hearing, by a support, who will normally be a member of the Students' Union or the University and who will not normally act as an advocate. A student may not bring legal representation to this meeting without prior consent obtained from the University Secretary, which will be granted only in exceptional circumstances;
 - 7.2.4. To attend any panel hearing convened to consider the allegation (notwithstanding that the decision making itself will be considered in private);
 - 7.2.5. To see all evidence compiled in relation to the allegation; and to be present while any evidence is presented during a hearing or any other decision-making panel;
 - 7.2.6. To have the opportunity to challenge evidence and to ask questions of any parties giving evidence;
 - 7.2.7. To submit evidence of their own and make oral and written statements to any investigation or panel hearing;
 - 7.2.8. To receive written notification of the outcome of any proceedings under the fitness to practise proceedings, including notification if action is to be ceased;
 - 7.2.9. To have matters dealt with in a timely manner, within the timescales specified within this Procedure and where this is not possible to be notified of any delay and the reasons for such delay.
- 7.3. No person who has had any previous involvement with any proceeding stage of the case shall be involved in any capacity at a later stage.

8. Student Support

- 8.1. The University will provide details of any student referred to stage two of the Procedure to the Students' Union who are able to provide support students going through fitness to practise proceedings as well as representing them during any stage three or appeal hearing.
- 8.2. If, at the initiation of a disciplinary investigation, it appears that the student may be experiencing health difficulties that materially affect their behaviour or judgement, then the student should be advised to contact relevant student services team.
- 8.3. At all stages of the process, the student will be directed to support services and students will be notified that if they have a disability that requires reasonable adjustments to be made

during any investigation, meetings and hearings, that they may contact Disability Services for assessment or advice. Disability Services will be required to provide a written report setting out any adjustments to be made.

- 8.4. In all cases, reasonable adjustments should be made to consider the student's health or known disability. This may include:
- provision of support at any meetings, or hearings, for example signer, note-taker;
 - provision for breaks in meetings or hearings;
 - provision for adjournment of meetings or hearings to another date where required.
 - provision for support from relevant student services (where a student has been suspended as a result of fitness to practise concerns, continued support will be available from student services, and any restrictions associated with this will be clearly communicated to the student).
- 8.5. Any student going through a disciplinary case is likely to be subject to additional stresses and anxieties and so it is vital that students are aware of the support and wellbeing services available to them: students will be directed to University support services at all stages of the procedure and investigators and panels will be reminded that in cases where the student's conduct causes serious concerns about their welfare, the Health, Wellbeing and Fitness to Study Policy and Procedures may be used as an alternative to this procedure.

9. Misconduct that is also a criminal offence.

- 9.1. In cases where the alleged misconduct is also potentially a criminal offence, the action taken by the University will depend upon the nature of the alleged misconduct.
- 9.2. In situations where the potential criminal offence has been committed against the University (e.g. theft of University property), the University shall have the discretion to refer the matter to the police. This decision will be taken by the University Secretary following an evaluation of the facts of the case.
- 9.3. In situations where the potential criminal offence has been committed against someone other than the University, the University shall normally allow that person to decide whether or not to report the matter to the police; where the individual is a member of the University community (e.g. a student or a member of staff) and they wish to make a report to the police, the University will offer support to do this.
- 9.4. Normally, where an individual indicates that they do not wish to report a matter to the police, the University will follow that decision. However, exceptionally, the University may decide to report an alleged offence to the police contrary to the wishes of the individual affected. This decision will be made by the University Secretary and will only be made in cases where the disclosure is necessary to protect the reporting person (or others) from harm or to prevent a further offence from taking place. In making this decision, the University will consider any potential harm that the unauthorised disclosure may cause to the individual and any such decision should be explained to the individual concerned so that they understand what is happening and are prepared if and when the police make contact.

- 9.5. In cases where;
- i. The matter is not reported to the police;
 - ii. the police decide not to investigate; or
 - iii. the CPS decided not to prosecute;

the offence may be dealt with under the Disciplinary Procedure (in the case of 9.5 (i) above, the individual concerned may decide that they wish the matter to be dealt with in this way rather than reported to the police, notwithstanding the University's exceptional authority to refer the matter to the police anyway, as outlined in above). In such cases, the University will deal with the alleged offence as misconduct and not as criminal offences and will be based on the balance of probabilities.

- 9.6. In the case of all matters reported to the police, no action (other than suspension pending investigation as outlined in below) shall be taken until these criminal investigations and/or proceedings are completed.
- 9.7. The University may rely upon any finding of guilt or liability made against a student in any criminal and/or civil proceedings for the purpose of taking action against the student for misconduct under the procedure but only if and to the extent that the finding relates to that misconduct.
- 9.8. Where a student has been sentenced by a criminal court in respect of misconduct, the sentence imposed shall be taken into consideration when determining any sanction for that misconduct under this procedure.
- 9.9. Where a student has been convicted and a custodial sentence has been imposed the matter will be considered by the Vice-Chancellor who has the authority to expel the student. The Vice-Chancellor will be advised by the University Secretary, or nominee, who will report on the relevant facts including police and other reports. The student has the right to appeal such a decision by setting out in writing to the University Secretary their case for consideration. The appeal will be considered in accordance with section 16 of this procedure. The decision of the Appeal Panel and represents a completion of procedure.

10. Suspension pending investigation.

- 10.1. In cases of great urgency, particularly where the safety of others is perceived to be at risk, the Vice-Chancellor, Deputy Vice Chancellors, Pro-Vice Chancellors and Deans are authorised to suspend a student with immediate effect (this includes suspension from any placement or related activities).
- 10.2. A student against whom a criminal charge is pending or who is the subject of a police investigation may be suspended pending the conclusions of the police investigation and/or any criminal proceedings. The University recognises that although suspension in such circumstances is designed to be a neutral act, it can have profound consequences and may cause disruption to a student's study. Such a step will therefore only be taken where the risk level is deemed to be high and/or where advice has been received by the police on the matter.

- 10.3. A suspended student may be wholly or partly prohibited from entering University premises and from participating in University activities. Suspension may be subject to conditions and qualification, such as permission to take an examination, use IT facilities, meet with student support services or the Students' Union. Conditions imposed on a student may include a prohibition on contact with the individual who has reported the alleged behaviour and/or witnesses to the alleged event(s) in question.
- 10.4. Suspension pending investigation is a precautionary neutral act in the context of the eventual determination of whether an allegation is subsequently found to be proven or not proven. Its purpose may be, for example;
 - To ensure that any alleged victims of acts or potential witnesses or other evidence are not subject to interference;
 - To avoid any repetition of the circumstances which led to an allegation;
 - To ensure the safety and wellbeing of the University community;
 - To prevent any potential disadvantage to the suspended student (e.g. where presence on campus may be prohibited because of bail conditions).
- 10.5. The suspended student is entitled to make a written representation against the suspension to the person imposing it within five working days of notification. Such representations will be considered and a response provided within five working days: during this time, the suspension will remain in place.
- 10.6. A review of the circumstances of the suspension will take place every four weeks or upon the request of the suspended student. The suspension will remain in place if there is no change to the circumstances. The student will be advised of the outcome of the review.

11. Adaptations to this procedure

- 11.1. The University Secretary may permit an adaption to this procedure at any stage of investigation as may be necessary and proportionate in the circumstances. Any such adaption must adhere to the general principles and be the minimum required to achieve its purpose.
- 11.2. Circumstances where these procedures may be adapted are:
 - 11.2.1. Where the adaptations are required as part of the wider University approach to preventing and addressing allegations of harassment and sexual misconduct;
 - 11.2.2. at the request of the student where it is reasonable to do so;
 - 11.2.3. to ensure the University is meeting its strategic priority of embedding Equality, Diversity & Inclusion and is complying with its legal obligations under the Equality Act 2010;
 - 11.2.4. to protect the identity or confidentiality of victims and/or witnesses, as appropriate; and
 - 11.2.5. where, due to the nature of the case, it is otherwise pragmatic to do so provided this is not disadvantageous to the student;

The Procedure

12. Initiation of Procedure.

- 12.1. Concerns about any alleged misconduct may be raised from any source and about any issue that may arise both on and off campus, during or out of term time.
- 12.2. Allegations should be raised with the relevant Head of School, Head of Department etc. or nominee (referred to as Head of School) in the first instance. These may be raised orally in the first instance but should be followed up in writing (normally within five (5) working days).
- 5.1. Appropriate records for matters dealt with under any stage shall be kept by the Legal and Governance Department (Legal and Governance) for record keeping and audit purposes. Consequently, all persons acting under this Procedure should provide Legal and Governance with copies of all documentation relating to fitness to practice cases.
- 12.3. Heads of School may consult Legal and Governance to seek advice about the categorisation and definition of misconduct (i.e. minor or more serious).
- 12.4. This Procedure provides the following stages for consideration of concerns raised about a student's fitness to practise:
 - No action to be taken. This will normally be the case where a matter reported under this Procedure does not constitute misconduct. A matter may, however, be referred to another University procedure where appropriate;
 - Stage One (Informal resolution stage);
 - Stage Two (Investigation stage);
 - Stage Three (Hearing stage).
- 12.5. It is the decision of the Head of School, to decide whether there is action to be taken and, where this is the case, how the allegation or concern will be dealt with.
- 12.6. The level at which the Procedure is implemented will depend on factors including the nature of the concern, the seriousness of any risk and the student's response to the concerns and any steps taken to manage the situation.
- 12.7. The Head of School may undertake such initial enquiries as they consider reasonable and appropriate to inform a decision as to whether or not to take action and at which stage of the Procedure action should be taken.

13. Stage One (Informal resolution stage)

- 13.1. In cases where the Head of School determines the alleged misconduct to be of a minor nature, the student will, within five (5) working days of the allegations being raised, be invited, in writing, to attend a meeting with the Head of School, the Programme Leader, Personal Academic Tutor or other relevant member of staff to discuss the allegations. The student will have the right to be accompanied as per 7.2.3. above.
- 13.2. Possible courses of action at the informal stage include (but are not limited to):

- no case to answer;
 - informal advice;
 - an informal warning advising that further incidences of misconduct will be dealt with more severely.
- 13.3. The member of staff leading the meeting should take a record of the meeting and any actions agreed. This should be kept on the student record for a time specified by the member of staff.
- 13.4. If a further allegation is made, previous informal action can be taken into account when considering the case on that subsequent occasion if the actions are recorded on the student's file at the time of the subsequent misconduct.
- 13.5. If a student is not satisfied with the outcome of the case at this stage, they may request that the case be considered at stage two of the Procedure.

14. Stage Two (Investigation stage)

- 14.1. In the case of more serious concerns, or of further concerns after previous concerns were dealt with informally, the Head of School may consider the case at stage two of the Procedure. Where this is the case, the Head of School will inform Legal and Governance that stage two of the Procedure is being invoked.
- 14.2. In such cases the Head of School will appoint an investigator who will conduct the initial investigation and report their findings to the Head of School. The Investigating Officer will normally be a senior member of staff from the School who has not had any previous involvement with the case in hand or the student. Where it is not possible to identify an Investigating Officer within the School, an Investigating Officer may be appointed from the wider Faculty or from elsewhere in the University.
- 14.3. The Head of School will inform the student of the nature of the allegations and the identity of the investigator and provide a copy of, or a link to, this Procedure.
- 14.4. The Investigating Officer should conduct a thorough investigation into the allegations using appropriate methods of evidence gathering. An investigation should normally include a meeting with the student about whom the concerns have been raised.
- 14.5. The student should be advised in writing of the meeting with the Investigating Officer with reasonable notice, normally at least five (5) working days, and advised they may provide a written statement in response to the allegations. The student should be reminded in the letter that they have the right to be accompanied.
- 14.6. If a student is unable to attend the meeting for good reason, which can be evidenced, and the student advises the Investigator before the meeting, the meeting will be deferred within reason. Should a student fail to attend an investigatory meeting without good cause, and where all attempts to engage the student in the investigation have failed, the Investigating Officer will submit their report to the Head of School noting the failure of the student to engage.

- 14.7. The Investigating Officer should ensure that a written summary of discussions is kept. This summary should be shared with the student who should be given the opportunity confirm the accuracy of the record within a suitable deadline.
- 14.8. The University would normally expect an investigation to be completed within a period not exceeding forty (40) working days. Where an investigation takes longer than this, a student should be notified in writing of the delay by the Investigating Officer and the reasons for the delay.
- 14.9. The investigator should provide an investigation report determining, in light of the evidence gathered during the investigation and on the balance of probabilities, whether the student has committed misconduct and recommend an outcome to the Head of School.
- 14.10. On receipt of the Investigating Officer's report, the Head of School will decide on one of the following outcomes:
 - i. Dismiss the case, where there is no case to answer or where the matter has been resolved satisfactorily;
 - ii. Deal with the matter through local resolution as set out in section 13;
 - iii. Issue a formal written warning to the student to be lodged on the student's file and removed either at the conclusion of the student's studies or for such period as determined by the Head of School. The letter shall advise the student that any proven future misconduct will be dealt with more severely;
 - iv. Require the student to compensate for or make good any damage to University property (up to the value of £500: cases where the compensation payable would exceed £500 should be referred to Stage 3 of the Procedure);
 - v. Require the student to make appropriate recompense or apology for any offence or harm caused, or any damage done, to members of the University or outside community (up to the value of £500: cases where the recompense would exceed £500 should be referred to Stage 3 of the Procedure);
 - vi. Impose a fine of up to £500 payable to the University (to be used to supplement existing sources of funding to alleviate student hardship);
 - vii. Require the student to perform unpaid service to the University community up to a maximum of 40 hours;
 - viii. Refer the matter to the Health, Wellbeing and Fitness to Study Policy and Procedures, the relevant Student Services team for assessment or seek appropriate medical advice as the investigation has identified a health issue;
 - ix. Refer the matter to a student fitness to practise hearing as the matter under investigation does not constitute an act of misconduct but is a fitness to practise concern which should be considered under the Student Fitness to Practice Procedure;
 - x. Refer the matter to a stage three disciplinary hearing as the case is sufficiently serious that the outcomes above are not adequate.

14.11. Where the outcome reached does not involve referring the matter to a disciplinary hearing, the Head of School will write to the student to inform them of the outcome of the investigation, normally within ten (10) working days of receipt setting out:

- a summary of the facts of the case,
- the outcomes of the investigation,
- the reasons for that outcome; and
- the next steps if the student is not satisfied with the outcome of the case (see 14.12 below)

14.12. Where the case is otherwise settled at stage two, if student is not satisfied with the outcome, they may request that the case be considered at stage three of the Procedure.

15. Stage Three (Hearing stage)

15.1. Where the Head of School determines that a case is sufficiently serious, it may be referred to a disciplinary hearing.

15.2. Where a student has been found to have committed misconduct at stage two of the procedure for a previous matter during his or her time as a student, any further disciplinary offences may be referred by the Head of School directly to stage three of the procedure.

15.3. Legal and Governance will convene a stage three disciplinary panel which shall normally aim to hear the case within thirty (30) working days of notification.

15.4. Legal and Governance will collect evidence, call for documents, identify and summon witnesses and conduct such other enquiries as it sees fit.

15.5. Legal and Governance will provide the student and the Panel with a letter setting out the allegations and a copy of, or a link to, this procedure.

15.6. Students are expected to prepare for a hearing in a professional manner which includes observing deadlines as would be expected in professional practice. Any departure from these timescales is at the absolute discretion of the Chair of the Panel following consideration of any relevant circumstances and the importance of a fair, timely and impartial hearing.

The Panel

15.7. The Panel will consist of three members:

- a Dean of a Faculty other than the one with which the student is registered will act as Chair; and
- two other senior members of staff.

15.8. The University Secretary or nominee will also be in attendance as an advisor to the Panel as will a member of Legal and Governance who will take notes of the hearing, the decision of the Panel and any sanction imposed.

15.9. Any request, prior to the Panel hearing, from any party for variation of the procedure shall be referred to the University Secretary for consideration. Any such request during the hearing shall be considered by the chair.

Notice to the Student

15.10. The student shall be given at least fifteen (15) working days' notice of the panel hearing; the notification shall include:

- Notice of the date, time and place of the hearing;
- Advice that the student of their right to be accompanied at the hearing as per 7.2.3 of the Procedure;
- Sources of support available to the student;
- The names and roles of the members of the panel.

15.11. The student will be given an opportunity to object to the panel members if for any reason the membership of the panel is not appropriate and required to provide any such objection within three working days.

15.12. Papers, together with any additional information, shall be circulated to the Panel, the student and the investigator no later than ten (10) working days before the hearing. These will include;

- Documentation in support of the alleged misconduct, including the investigation report and any witness statements/further evidence; and
- A copy of this Procedure;

15.13. In these papers, the student will also be invited to provide:

- The names of any witnesses they wish to call;
- The name of any person who will represent them and their status;
- Any written statements or other written material they wish the panel to consider;
- Confirmation of any documents they may require from the University; and
- Any reasonable adjustments they may require.

15.14. The material/information requested should be provided to Legal and Governance, no later than five working days before the hearing.

15.15. Where appropriate, vulnerable persons will not be asked to produce statements or attend the hearing. For example students who fear intimidation, harassment or other reasonable fear of reprisal may request that their names and addresses be removed from any statements provided to the hearing and the student and this request and the reasons given will be considered and decided by the University Secretary.

The Hearing

15.16. The procedure for a Stage 3 disciplinary hearing shall normally be as follows:

- i. the Dean shall welcome all participants to the meeting, ensure that introductions are made and set out the agenda for the meeting;
 - ii. the investigator will then present the case in the presence of the student and their friend/representative and may call witnesses;
 - iii. the student shall have the opportunity to ask questions of the investigator and any witnesses called, on the evidence heard at the meeting;
 - iv. the Panel may ask questions of the investigator and any witnesses. The witnesses will then withdraw;
 - v. the student or their representative shall put their case in the presence of the investigator and may call witnesses;
 - vi. the Investigator shall have the opportunity to ask questions of the student and any witnesses called, on the evidence heard at the meeting;
 - vii. the Panel may ask questions of the student and any witnesses. Those witnesses shall then withdraw;
 - viii. The investigator and the student and their representative shall have the opportunity to sum up their respective cases if they so wish; if both parties choose to sum up, the student's statement shall be heard last;
 - ix. The investigator and the student and their representative shall withdraw;
 - x. The Panel, assisted by the adviser, will deliberate in private in order to reach a decision on the case. It will first be required to determine whether the student committed the alleged misconduct and then determine an appropriate outcome.
- 15.17. Participants shall normally be required to attend the hearing in person. If it is impracticable to do this, participants may attend through a remote video link. The Panel may also accept written witness statement although these may carry less weight than oral evidence as the Panel will not have the opportunity to question the evidence presented.
- 15.18. The Panel may impose time limits on oral addresses and presentations to the hearing.
- 15.19. The Panel may adjourn proceedings for a period not normally exceeding 20 working days and defer its findings or decision accordingly.
- 15.20. The Panel's decision will be communicated to the student (and copied to the Head of School and investigator) in writing by email to the email addresses held on the student record system within five (5) working days of the decision being reached. The communication will detail the reasons for the decision and any sanction applied in accordance with section 15.24 below. The student shall be informed of their right to appeal against the decision as set out in section 16 below.

Non-attendance

- 15.21. If a student has indicated that they intend to attend the hearing but for good reason, which can be evidenced, are unable to do so the student must advise Legal and Governance before the meeting: the hearing will then be deferred to a later date within reason.

- 15.22. If a student has indicated that they intend to attend the hearing but fails to attend and does not advise Legal and Governance team prior to the hearing, the hearing will go ahead and a decision will be reached based on the information available to the Panel.
- 15.23. If a student fails to confirm attendance and all attempts to contact the student have failed, the hearing will go ahead and a decision will be reached based on the information available to the Panel. Attempts to contact the student will be recorded, copy letters and emails will be held on file and receipts for recorded delivery letters will be requested.

Decision of the Panel

- 15.24. Following consideration of the case, the Panel's decision shall be one or more of the following courses of action starting with the least severe and moving to the next outcome, only if satisfied that the previous outcome is not sufficient:
- i. dismiss the case, where there is no case to answer or where the matter has been resolved satisfactorily;
 - ii. deal with the matter through local resolution as set out in section 10;
 - iii. issue a written warning to be lodged on the file and removed either at the conclusion of the students' studies or for such period as determined by the Panel; the letter shall advise the student that any proven future misconduct will be dealt with more severely;
 - iv. impose a fine, the amount to be determined by the Panel (funds to be used to supplement existing sources of funding to alleviate student hardship);
 - v. require the student to pay for, or otherwise make good, any damage caused, or other costs incurred by the University or outside community as a direct consequence of the misconduct;
 - vi. require the student to perform unpaid service to the University community;
 - vii. suspend the student (i.e. removal for a specified period of time, not normally more than one year) from the University;
 - viii. expel the student (i.e. permanent removal) from the University; the decision will also cover the matter of any intermediate terminating qualification potentially due to the student;
 - ix. impose such other sanctions as may be considered appropriate by the panel.
- 15.25. More detail on student disciplinary outcomes is provided in the *Student Disciplinary Outcomes* document.
- 15.26. The panel's decision will be communicated to the student (and copied to the Head of School and investigator) in writing by email to the email addresses held on the student record system within five working days of the decision being reached. The communication will detail:
- a summary of the facts of the case;

- the decision whether the panel considered the student to have committed misconduct and the reasons for that decision;
- details of any sanction imposed; and
- the student's rights of appeal.

15.27. Where the student is considered to have committed misconduct, the outcome shall be entered on the student's record for a period of time specified by the panel and advised to the student. If a case is dismissed, there shall be no entry on the student's record.

15.28. The panel should also set out in the determination, whether any other parties such as the student's employer and whether or not the matter will be referred to in any references given about the student.

15.29. Details of the offence and sanctions imposed shall be entered on the student's record.

16. Appeal

16.1. A student may appeal against a decision made by the panel under the stage three of the Procedure. Any such appeal must be submitted to Legal and Governance within ten (10) working days of the notification of the decision to the student.

16.2. If a student does not choose to appeal within this time, a Completion of Procedures letter shall be issued.

16.3. A student may submit an appeal on the following grounds:

- i. Lack of procedural fairness: this can include bias or perceived bias, procedural irregularity or other administrative error or failure which has materially disadvantaged the student;
- ii. New evidence or evidence that was not available at the time of the hearing: this includes evidence of extenuating circumstances which, for good reason, was not available at the time the Panel made its decision; the appeal must specify the reasons why such evidence was not disclosed at earlier stages of the Procedure;
- iii. The decision was manifestly unreasonable: this applies where there is evidence to show that the outcome reached by the Panel was so unreasonable that no reasonable decision-maker, considering the information available to the original panel, would make that decision.

16.4. In all cases, the onus is on the student to demonstrate, through evidence, that they have a valid ground of appeal.

16.5. All evidence must be presented with the appeal submission. Further evidence cannot be presented at an appeal panel except where requested by the University Secretary as described in 16.7 below.

16.6. Disagreement with the severity of a sanction imposed by a disciplinary panel will not of itself constitute grounds for an appeal.

- 16.7. The University Secretary will determine whether a student has demonstrated a valid ground for appeal, with evidence, that may be considered by an appeal panel. Students may be asked to submit further information or evidence to substantiate their appeal and failure to provide such information or evidence may result in rejection of the appeal.
- 16.8. If the University Secretary rejects the appeal, this decision shall be final and represent a completion of procedures.
- 16.9. In cases where the University Secretary has been involved with the case at an earlier stage or in advising the stage three panel, such determination shall be made by a Deputy Vice-Chancellor or the Vice-Chancellor.
- 16.10. Once an appeal request has been lodged and accepted, no penalty or sanction will take effect until the appeals procedure has been exhausted but where a student has been suspended from their studies, from accessing services on campus or has been removed from placement, the suspension will remain in place.
- 16.11. Where a valid appeal has been submitted, a panel will review the Appeal. Legal and Governance will submit notice of the student's appeal and a summary of the case and all other relevant documentation to the panel.
- 16.12. The appeal panel will consist of three members:
 - a Deputy Vice Chancellor or Pro-Vice-Chancellor will act as Chair; and
 - two other senior members of staff.
- 16.13. There shall be no cross-membership with the original fitness to practise panel.
- 16.14. The University Secretary or nominee will also be in attendance as an advisor to the Panel as will a member of Legal and Governance who will take notes of the hearing, the decision of the appeal panel and any sanction imposed.
- 16.15. The burden of proof at the Appeal stage is on the student to demonstrate their grounds of appeal.
- 16.16. As part of the process of consideration of the appeal at Stage 3, the chair of the appeal panel will consider whether a hearing is required or if the evidence submitted can be considered without a hearing.
- 16.17. If a hearing is required, the appeal panel will hear evidence from the student, the investigator and, where appropriate, the chair of the stage three disciplinary panel.
- 16.18. After considering all the evidence, the panel shall decide whether to reject or uphold the appeal.
- 16.19. The decision made by the Appeal Panel is final. The student will be informed in writing within ten (10) working days.
- 16.20. The decision of the appeal panel is final and represents a completion of procedure: a Completion of Procedures letter shall be issued.

17. Office of the Independent Adjudicator

- 17.1. Following the issuing of a Completion of Procedures letter by the University, a student may refer the outcome of the case to the Office of the Independent Adjudicator (OIA) for independent review.
- 17.2. Further details about the OIA can be obtained from the Office or from the OIA website www.oiahe.org.uk or by contacting the OIA at the following address: The Office of the Independent Adjudicator for Higher Education, Second Floor, Abbey Gate, 57-75 Kings Road, Reading RG1 3AB

Telephone 0118 959 9813.

Email: enquiries@oiahe.org.uk