

GENERAL REGULATIONS

Appendix 3 : Student Disciplinary Procedures

Name of procedure :	Student Disciplinary Procedures
Purpose of procedure :	To inform students of the procedures for investigating breaches of discipline, of the rights of students when undergoing the procedures and of the penalties which can be imposed.
Approval for this procedure given by :	Academic Board
Responsibility for its update :	Director of Student and Academic Services
Procedure applies to :	To all students registered on Staffordshire University awards
Date of Approval :	July 2016
Proposed Date of Review :	May 2017

These procedures are made by the Board of Governors of the University in accordance with the Articles of Government.

1. Interpretation

The Interpretation clauses included under Section 1 of the General Regulations for Students also apply to the Student Disciplinary Procedures.

2. General

- 2.1** The Vice Chancellor, or in his absence another member of the Executive, shall be ultimately responsible for maintaining discipline among students of the University.
- 2.2** The Vice-Chancellor may delegate his powers under these procedures to another member of the Executive either generally or in respect of a particular case.

- 2.3** University staff at all levels have a part to play in assisting in the maintenance of student discipline. Most cases of a minor nature will normally be dealt with in the first instance by an individual member of staff, simply and quickly on an informal basis of counselling with regard to student behaviour or conduct.
- 2.4** If the member of staff considers that it is appropriate to give an oral warning then this will be recorded in writing.
- 2.5** If you are registered on an award in the Faculty of Health Sciences or on an award in another Faculty for which Fitness to Practise is a requirement, disciplinary issues may be referred for consideration in accordance with the Faculty's Fitness to Practise for Professional Awards Procedure. Information relating to this procedure is contained within your award handbook details.

3. Criminal Proceedings

Where the alleged breach of discipline would also constitute a criminal offence if proved in a court of law, the University shall have discretion to continue action under these procedures but such action may be deferred pending any police investigation or prosecution.

4. General Principles

- 4.1** You will be informed, in advance, of the charges against you and you will be sent a copy of these procedures.
- 4.2** You will be given, in advance, copies of any documents or other written evidence (such as witness statements) which will be considered at any hearing and you will be required to supply copies of any such documents that you wish to be considered, together with details of any witnesses you may wish to call.
- 4.3** You will be required to notify the Secretary, in advance of the hearing, whether or not you intend to plead guilty to the charges against you.
- 4.4** You shall have the right to appear at any hearing set up to hear your case and to be accompanied at the hearing by a representative of the Students' Union or fellow student who may speak on your behalf. Staffordshire University Students' Union operates a reciprocal agreement with the Students' Union at Keele University. This is to ensure that where multiple parties in a case require Students' Union representation, this can be supported.
- 4.5** You have the right to request that any hearing is held in public.
- 4.6** You shall have the right to give evidence at the hearing and to question persons and evidence obtained and to call witnesses.

- 4.7 You must withdraw from the room whilst the person or committee hearing the case reaches its decision.
- 4.8 The University has the power to proceed with a hearing in your absence where you have been properly notified of the date and time and have not provided a good reason for non-attendance.
- 4.9 The University has the power to vary the time limits set out in these procedures, at its discretion.
- 4.10 A hearing may be adjourned at any time at the discretion of the person/committee hearing the case.
- 4.11 No-one involved in hearing disciplinary charges against you will have any connection with you. In the case of an appeal, the person(s) hearing the appeal will not have been involved at an earlier stage of the procedures.
- 4.12 You will have the right to appeal against the finding of a disciplinary hearing and/or the penalty imposed.
- 4.13 The appeal will normally take the form of a review and not a re-hearing of the case, at the University's discretion.
- 4.14 If, due to a disability, you need us to make reasonable adjustments in order that you can attend a hearing or committee, please let us know in advance and we will aim to meet your individual requirements. This could mean us relocating the hearing to a more accessible venue and/or making arrangements for a communicator or advocate to be present at the hearing. To enable us to do this, please ensure that you contact the Secretary of the appropriate hearing or committee at least 7 working days before the date of the hearing or committee meeting.

5. Procedures for dealing with cases of breaches of discipline

- 5.1 Any member of the University, staff or student, or any other person who becomes aware of what he/she considers to be a breach of discipline (see Schedule) by any student shall in the first instance report such a breach, in writing, to a Dean of Faculty or Director of Service (Director).
- 5.2 The Dean of Faculty or Director (or his/her nominee) shall make such enquiries as he/she shall deem necessary to confirm the facts reported and to determine the seriousness of the matter. S/he may take written statements from yourself, any other person(s) involved and any witness(es).

5.3 Precautionary suspension

5.3.1 In any instance where the Dean of Faculty or Director judges your continued presence may endanger other members of the student body or staff, he/she may suspend you immediately and/or may require you not to enter all or part of the University's premises and/or move you to alternative University managed accommodation until the conclusion of any disciplinary hearing and/or appeal under these procedures.

5.3.2 The Dean of Faculty or Director must report the suspension promptly to the Vice-Chancellor.

5.3.3 You will be informed in writing of the grounds for the suspension, and will have the right to submit written representations to the Vice-Chancellor within 5 working days of the date of the suspension.

5.3.4 The Vice-Chancellor will review the decision to suspend you and you will be notified of his decision within 10 working days of the date of the suspension.

5.3.5 You will have the right to request a review of your suspension every 4 weeks in the light of developments and of any written representations made by you to the Vice-Chancellor, who will notify you of his decision within 5 working days of receipt of your request.

5.4 Upon completion of the enquiries under paragraph 5.2 above, the Dean of Faculty or Director may take one of the following actions and inform you, in writing of this, within 7 working days:

- (a) Take no further action
- (b) Arrange a hearing which you will be invited to attend
- (c) Refer the matter to the University Disciplinary Committee (see Section 6 below).
- (d) Refer the matter for consideration in accordance with the Faculty's Fitness to Practise for Professional Awards Procedure

5.5 In the case of 5.4 (b) above you will be given at least 7 working days notice, in writing, of the hearing date, and be informed of the allegations made against you and be sent copies of any statements collected as a result of the enquiries conducted under 5.2.

Should the hearing be convened to discuss a disciplinary relating to your residential accommodation, you must attend that hearing. Failure to attend may result in the escalation of your case to the University Disciplinary Committee where a more serious penalty may apply if the alleged breach of discipline is found to be proven.

- 5.6** The Dean of Faculty or Director shall appoint a secretary to the hearing.
- 5.7** The Dean of Faculty or Director shall conduct the hearing to enable the facts to be established as fully as possible and witnesses may be called, where necessary. Depending upon the nature of the alleged breach of discipline the Dean of Faculty or Director may ask another Dean of Faculty or Director colleague to conduct the hearing jointly.
- 5.8** The Dean of Faculty or Director may then take one or more of the following measures, and inform you in writing of the decision within 7 working days:
- (a) Take no further action
 - (b) Reprimand you
 - (c) Require you to give a written undertaking as to your future conduct within the University
 - (d) Require you to pay compensation for any financial loss or damage to property resulting from the breach of discipline
 - (e) Require you to pay a fine of up to £500 to the University
 - (f) Terminate your accommodation licence agreement and require you to vacate your accommodation permanently within 5 working days
 - (g) Require you to pay the direct costs of any damages
 - (h) Restrict your use of particular University facilities for a specified period
 - (i) Temporarily exclude you from particular parts of the University for a specified period
 - (j) Require you to intermit for a specified period with or without conditions placed on your return to study
 - (k) Refer the matter to the police
 - (l) Defer the matter pending police investigation or proceedings
 - (m) Refer the matter directly to the University Disciplinary Committee.
- 5.9** In the case of (b), (c), (d), (e), (f), (g), (h) and (i) you shall have the right to appeal to a **Student Disciplinary Appeals Committee**.
- 5.9.1** Your appeal must be made, in writing, to the Director of Student and Academic Services giving your grounds within 10 working days of the date the decision was notified to you by the Dean of Faculty or Director.
- 5.9.2** You will be given at least 5 working days' notice, in writing, of the date of the hearing of the Student Disciplinary Appeals Committee.
- 5.9.3** You have the right to submit written representations and/or to attend the appeal hearing.

5.9.4 In the case of 5.8(f) above, if you appeal to the Student Disciplinary Appeals Committee, you will not be required to vacate your accommodation until the results of the appeal hearing have been made known to you.

5.10 The Student Disciplinary Appeals Committee.

5.10.1 Membership

The Committee shall comprise:

A member of the Executive (other than the Vice Chancellor), or a Dean of Faculty, Associate Dean of Learning and Teaching or Director of Service (Chair)

A registered student nominated by the President of the Students' Union

The Director of Student and Academic Services or nominee shall act as Secretary to the Committee.

Procedure of the Committee

- 5.10.2** (a) The committee has the power to determine its own procedure for the appeal hearing
- (b) The committee shall have the right to call for such reports, interview such persons and consider such other evidence as it may deem necessary to reach a decision
- (c) The Dean of Faculty or Director who made the original decision will attend the appeal hearing
- (d) The committee shall first consider your written statement of your ground(s) for appeal and any representations you or your representative wish to make
- (e) The committee shall then consider any written statement of response submitted by the Dean of Faculty or Director and any representations he/she wishes to make
- (f) You or your representative will then be asked to sum up your grounds of appeal.

5.10.3 Powers of the Student Disciplinary Appeals Committee

The Student Disciplinary Appeals Committee shall have the power to confirm, annul or vary the decision of the Dean of Faculty/School/Director but not to increase the penalty.

The decision of the Student Disciplinary Appeals Committee shall be final.

6. Procedures for dealing with cases of serious misconduct

Where the Dean of Faculty or Director decides that you may have committed serious misconduct, he/she may refer the matter to the University Disciplinary Committee in accordance with paragraph 5.4 (c) or 5.8(m) above. The Dean of Faculty or Director will write to the Director of Student and Academic Services who will convene a meeting of the University Disciplinary Committee to hear your case as soon as it is possible.

6.1 The University Disciplinary Committee

6.1.1 Membership

The committee shall comprise:

A member of the Executive (other than The Vice Chancellor), Dean of Faculty or Director (Chair) who has had no prior involvement in the case

One member of the academic staff of the University who sits on the Academic Board

One registered student of the University nominated by the President of the Students' Union

The Director of Student and Academic Services or nominee shall act as Secretary to the committee.

6.1.2 Procedure of the Committee

- (a) The committee has the power to determine its own procedure for the hearing
- (b) The committee shall have the right to call for such reports, interview such persons and consider such other evidence as it may deem necessary to reach a decision
- (c) The Dean of Faculty or Director who made the original decision will attend the hearing
- (d) The committee shall first receive a written statement from you of your case

- (e) The committee shall then receive a written statement from the Dean of Faculty or Director on the case against you
- (f) The Dean of Faculty or Director will then be asked to sum up his/her case against you
- (g) You or your representative will then be asked to sum up your case
- (h) A shorter procedure to the above may be followed, at the discretion of the committee, where you have admitted the offence.

6.1.3 Powers of the University Disciplinary Committee

The University Disciplinary Committee may take one or more of the following measures:

- (a) Take no further action
- (b) Reprimand you
- (c) Require you to give a written undertaking as to your future conduct within the University
- (d) Require you to pay compensation for any general financial loss or damage to property resulting from the breach of discipline
- (e) Require you to pay a fine of up to £500 to the University
- (f) Require you to pay the direct costs for any damages
- (g) Refer the matter to the police
- (h) Require you to intermit for a specified period with or without conditions placed on your return to study
- (i) Recommend to the Vice-Chancellor that you be suspended for a defined period. The committee may also recommend that conditions are imposed on your return to the University following the period of suspension
- (j) Recommend to the Vice-Chancellor that you be excluded from all or part of the campus of the University
- (k) Recommend to the Vice-Chancellor that you be expelled from the University.

In all cases the Secretary to the University Disciplinary Committee shall notify the decision, and the reasons, in writing to you within 7 working days of the date when the decision of the committee was taken.

6.2. Recommendation to the Vice-Chancellor

6.2.1 In the case of 6.1.3 (i), (j) or (k) the Secretary to the University Disciplinary Committee will write to the Vice Chancellor who will consider the recommendation of the University Disciplinary Committee that you be suspended, excluded or expelled from the University, normally within 7 working days of the committee's decision.

6.2.2 On the basis of the information provided, the Vice-Chancellor shall have the power to confirm, annul or vary the decision of the University Disciplinary Committee.

6.2.3 The Vice Chancellor shall notify the decision and the reasons, in writing to you normally, within 7 working days of the date when his decision was taken.

6.3 Appeals

6.3.1 In the case of 6.1.3 (b), (c), (d), (e) (f) or (h), you shall have the right to appeal against the decision of the University Disciplinary Committee to a member of the Executive other than the Vice-Chancellor.

6.3.2 In the case of 6.1.3 (i), (j) and (k), you shall have the right to appeal against the decision of the Vice-Chancellor to the Board of Governors Disciplinary Appeals Committee.

6.3.3 In both cases your appeal must be made in writing to the Academic Regulations & Compliance Officer, giving the grounds for your appeal, within 7 working days of the date the decision was notified to you.

6.3.4 The Academic Regulations & Compliance Officer will arrange for your appeal to be heard by the member of the Executive or the Board of Governors Disciplinary Appeals Committee, normally within 20 working days of receipt of your letter of appeal.

6.3.5 In the case of your appeal being heard by a member of the Executive, the following procedures will apply:

6.3.5.1 The Academic Regulations & Compliance Officer, or representative, shall act as Secretary to the appeal hearing

6.3.5.2 Procedures

- (a) The member of the Executive has the power to determine his/her own procedure for the appeal hearing

- (b) The member of the Executive shall have the right to such other evidence as he/she may deem necessary to reach a decision
- (c) The Chair of the University Disciplinary Committee which made the original decision will attend the appeal hearing
- (d) The member of the Executive shall first consider your written statement of your grounds for appeal and any representations you or your representative wish to make
- (e) The member of the Executive shall then consider any written statement of response submitted by the Chair of the University Disciplinary Committee and any representations he/she wishes to make
- (f) You or your representative will then be asked to sum up your grounds of appeal.

6.3.5.3 After consideration of the appeal the member of the Executive shall have the power to annul, confirm or vary the decision of the University Disciplinary Committee but not to increase the penalty.

6.3.5.4 The decision of the member of the Executive shall be final and you shall be notified of the decision and the grounds thereof, in writing, within seven working days of the hearing.

7. Board of Governors Disciplinary Appeals Committee

7.1 Membership

The membership of the Appeals Committee shall be:

Two members of the Board of Governors, other than the Vice-Chancellor.

7.2 Administration

The Academic Regulations & Compliance Officer, or representative, shall act as Secretary and be responsible for the administration of the committee in accordance with these procedures.

7.3 Procedures of the Committee

- (a) The committee has the power to determine its own procedure for the appeal hearing
- (b) The committee has the right to call for reports, interview such persons and consider such other evidence as it may deem necessary to reach a decision
- (c) The Chair of the University Disciplinary Committee which made the original decision will attend the appeal hearing
- (d) The committee shall first consider your written statement of your grounds of appeal and any representations you or your representative wish to make
- (e) The committee shall then consider any written statement from the Chair of the University Disciplinary Committee and any representations he/she wishes to make
- (f) You or your representative will then be asked to sum up your grounds of appeal

7.4 After consideration of the appeal the Board of Governors Disciplinary Appeals Committee shall have the power to annul, confirm or vary the decision of the Vice-Chancellor but not to increase the penalty.

7.5 The decision of the Board of Governors Disciplinary Appeals Committee shall be final and you shall be notified of the decision and the grounds thereof, in writing, within seven working days of the hearing.

8. Students Complaints Procedure

It is not possible to submit a complaint arising from or connected with a student disciplinary matter until all relevant elements of the Student Disciplinary Procedures have been completed.

9. Independent Adjudicator

If you have exhausted the relevant appeals process under this procedure and remain dissatisfied with the outcome you may have the right to take your case to the Office of the Independent Adjudicator (OIA). Further details can be obtained from the OIA website enquiries@oiahe.org.uk

Equality issues have been taken into account during the development of this policy and all protected characteristics have been considered as part of the Equality Analysis undertaken.

Schedule

Student Disciplinary Procedures

Breaches of Discipline

The following is indicative of types of breaches of discipline but it is not intended to be exhaustive. For the purposes of these procedures the word "University" includes the University's Students' Union.

1. Disruption of, or interference with, academic, administrative, sporting, social or other activities of the University.
2. Sexual, racial, physical or other harassment or bullying, or behaviour which causes fear or distress to others, or threatening, abusive, disorderly or unreasonable behaviour.
3. Behaviour damaging to race relations and equal opportunities policies.
4. Conduct which prevents, obstructs or disrupts the holding or orderly conduct of any meeting or other lawful assembly in the University or which would cause the University to be in breach of its statutory duty to provide education and interfering with the due discharge of the University's duties.
5. Fraud, deceit, deception, dishonesty or misappropriation of University funds or assets, misuse or falsification of any records or documents held by the University, its staff, students or visitors.
6. Any improper access to or disclosure of computerised or other data held by the University or accessible through University equipment or networks.
7. Non-declaration of information which the University judges relevant to the continuation of your registration on your award e.g non-declaration of a criminal conviction or caution since your last CRB check or after you disclosed information about any criminal convictions when applying for a place on a course at the University.
8. Conduct which constitutes a criminal offence.
9. Conduct likely to damage or threaten the reputation of the University.
10. Damage to, or wrongful treatment of, the property (including University controlled student residential accommodation) or equipment of the University or any of its staff, students or visitors, or any action likely to cause injury to any person or impairing the health and safety of the premises or its occupants, or contravening the University's policy on Health and Safety.
11. Action or omission which could cause loss, damage or injury or put others at risk.

12. The possession, use or supply of any controlled drugs as covered by the Misuse of Drugs Act 1971.
13. A breach of any of the University's rules, regulations, codes of conduct or procedures, or any failure to comply with any ruling made as a result of disciplinary proceedings, whether formal or informal.

Equality issues have been taken into account during the development of this policy and all protected characteristics have been considered as part of the Equality Analysis undertaken.