

## Policy Coversheet

<b>Name of Policy:</b>	<b>Student Disciplinary Procedures</b>
<b>Purpose of Policy:</b>	<b>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.</b>
<b>Intended audience(s):</b>	<b>All students registered on Staffordshire University awards and staff</b>
<b>Approval for this policy given by:</b>	<b>Academic Board</b>
<b>Last Review Date:</b>	<b>01/07/2017</b>
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<b>Individual responsible for review:</b>	<b>Registrar</b>
<b>Authorising department:</b>	<b>Student and Academic Services</b>



# **Staffordshire University Student Disciplinary Procedure**

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## **1. General Principles**

- 1.1 The Vice Chancellor, shall be ultimately responsible for maintaining discipline among students of the University.
- 1.2 The Vice-Chancellor may delegate powers under these procedures to another member of the Executive either generally or in respect of a particular case.
- 1.3 Staffordshire University takes all incidents which could be described as Sexual, racial, physical or other harassment or bullying, or behaviour which causes fear or distress to others, or threatening, abusive, disorderly or unreasonable behaviour very seriously. Any reported incidents of this kind will be considered in accordance with the provisions of this procedure.
- 1.4 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.
- 1.5 If the member of staff considers that it is appropriate to give an oral warning then this will be recorded in writing.
- 1.6 The student will be informed, in advance, of the allegations and will be sent a copy of these procedures.
- 1.7 The student 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 the student will be required to supply copies of any such documents that they wish to be considered, together with details of any witnesses they may wish to call.
- 1.8 The student shall have the right to appear at any hearing set up to hear the case and to be accompanied at the hearing by a representative of the Students' Union or fellow student who may speak on the student's behalf.
- 1.9 The student shall have the right to give evidence at the hearing and to question persons and evidence obtained and to call witnesses.
- 1.10 The student must withdraw from the room whilst the person or committee hearing the case reaches its decision.
- 1.11 The University has the power to proceed with a hearing in the students absence where they have been properly notified of the date and time and have not provided a good reason for non-attendance.
- 1.12 The University has the power to vary the time limits set out in these procedures, at its discretion.
- 1.13 A hearing may be adjourned at any time at the discretion of the person/committee hearing the case.

- 1.14 No-one involved in hearing disciplinary allegations will have prior involvement with the student. In the case of an appeal, the person(s) hearing the appeal will not have been involved at an earlier stage of the procedures.
- 1.15 The student will have the right to appeal against the finding of a disciplinary hearing and/or the penalty imposed.
- 1.16 The appeal will normally take the form of a review and not a re-hearing of the case, at the University's discretion.
- 1.17 If, due to a disability, reasonable adjustments are required in order for the student to attend a hearing or committee, the student will be required to inform the University in advance and we will aim to meet any 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. In order to do this the student must contact the Secretary of the appropriate hearing or committee at least 7 working days before the date of the hearing or committee meeting.

## **2. 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.

## **3 Procedures for dealing with cases of breaches of discipline**

- 3.1 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 by any student shall in the first instance report such a breach, in writing, to a Dean of School or Director of Service.
- 3.2 Please refer to the Schedule of Breaches of Discipline to determine what may be reported as a breach of discipline.
- 3.3 The Dean of School 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 the student, any other person(s) involved and any witness(es).

### **Precautionary Suspension**

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

- 3.5 The Dean of School or Director must report the suspension promptly to the Vice-Chancellor.
- 3.6 The student 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.
- 3.7 The Vice-Chancellor will review the suspension and inform the student of his/her decision within 10 working days of the date of the suspension.
- 3.8 Upon completion of the enquiries under paragraph 3.3 above, the Dean of School or Director may take one of the following actions and inform the student, in writing of this, within 7 working days:
- (a) Take no further action
  - (b) Arrange a hearing which the student 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 an alternative procedure.
- 3.9 In the case of 3.8 (b) above the student will be given at least 5 working days notice, in writing, of the hearing date, and be informed of the allegations made against them and be sent copies of any statements collected as a result of the enquiries conducted under 3.3. The hearing may proceed in the student's absence should the Dean or Director be satisfied that the student has been suitably informed about the hearing and has not requested for the meeting to be rescheduled.
- 3.10 Should the hearing be convened to discuss a disciplinary issue relating to a student's residential accommodation, failure to attend may result in the escalation of the case to the University Disciplinary Committee where a more serious penalty may apply if the alleged breach of discipline is found to be proven.
- 3.11 The Dean of School or Director shall appoint a secretary to the hearing.
- 3.12 The Dean of School 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 School or Director may ask another Dean of School or Director colleague to conduct the hearing jointly.
- 3.13 The Dean of School or Director may then take one or more of the following measures, and inform the student in writing of the decision within 5 working days:
- (a) Take no further action
  - (b) Reprimand the student
  - (c) Require the student to give a written undertaking as to their future conduct within the University
  - (d) Require the student to pay compensation for any financial loss or damage to property resulting from the breach of discipline
  - (e) Require the student to pay a fine of up to £500 to the University

- (f) Terminate the accommodation licence agreement and require the student to vacate the accommodation permanently within 5 working days
- (g) Require the student to pay the direct costs of any damages
- (h) Restrict the student's use of particular University facilities for a specified period
- (i) Temporarily exclude the student from particular parts of the University for a specified period
- (j) Require the student to intermit for a specified period with or without conditions placed on a 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.

3.14 In the case of (b), (c), (d), (e), (f), (g), (h) and (i) the student shall have the right to appeal to a **Student Disciplinary Appeals Committee**.

3.15 An appeal must be made, in writing, to the Registrar at [regulations@staffs.ac.uk](mailto:regulations@staffs.ac.uk) giving the grounds within 10 working days of the date that the decision was notified to the student by the Dean of School or Director.

3.16 The student will be given at least 5 working days' notice, in writing, of the date of the hearing of the Student Disciplinary Appeals Committee.

3.17 The student will have the right to submit written representations and/or to attend the appeal hearing.

3.18 In the case of 3.13(f) above, if the student appeals to the Student Disciplinary Appeals Committee, they will not be required to vacate their accommodation until the results of the appeal hearing have been made known.

## **4 The Student Disciplinary Appeals Committee.**

### **4.1 Membership**

The Committee shall comprise:

A member of the Executive (other than the Vice Chancellor), or a Dean of School, Associate Dean Students or Director of Service (Chair)

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

The Registrar or nominee shall act as Secretary to the Committee.

### **4.2 Procedure of the Committee**

- (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 School or Director who made the original decision will attend the appeal hearing
- (d) The committee shall first consider the student's written statement of the ground(s) for appeal and any representations the student or representative wish to make.
- (e) The committee shall then consider any written statement of response submitted by the Dean of School or Director and any representations he/she wishes to make
- (f) The student or representative will be asked to sum up the grounds for appeal.

#### 4.3 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 School/Director but not to increase the penalty.

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

### 5. University Disciplinary Committee

5.1 Where the Dean of School or Director decides that the student may have committed serious misconduct, he/she may refer the matter to the University Disciplinary Committee in accordance with paragraph 3.8(c) or 3.13m. The Dean of School or Director will write to the Registrar who will convene a meeting of the University Disciplinary Committee to hear the case as soon as it is possible.

#### 5.2 Membership

The committee shall comprise:

A member of the Executive (other than The Vice Chancellor), Dean of School 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 Registrar or nominee shall act as Secretary to the committee.

#### 5.3 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 School or Director who made the original decision will attend the hearing
- (d) The committee shall first receive a written/verbal statement from the student of the case
- (e) The committee shall then receive a written/verbal statement from the Dean of School or Director on the case against the student.
- (f) The Dean of School or Director will then be asked to sum up his/her case against the student.
- (f) The student or representative will then be asked to sum up the case
- (g) A shorter procedure to the above may be followed, at the discretion of the committee, where the student has admitted the offence.

#### 5.4 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 the student
- (c) Require the student to give a written undertaking as to their future conduct within the University
- (d) Require the student to pay compensation for any general financial loss or damage to property resulting from the breach of discipline
- (e) Require the student to pay a fine of up to £500 to the University
- (f) Require the student to pay the direct costs for any damages
- (g) Refer the matter to the police
- (h) Require the student to intermit for a specified period with or without conditions placed on their return to study
- (i) Recommend to the Vice-Chancellor that the student is suspended for a defined period. The committee may also recommend that conditions are imposed on the student's return to the University following the period of suspension
- (j) Recommend to the Vice-Chancellor that the student be excluded from all or part of the campus of the University
- (k) Recommend to the Vice-Chancellor that the student is expelled from the University.

In all cases the Secretary to the University Disciplinary Committee shall notify the decision, and the reasons, in writing to the student within 5 working days of the date when the decision of the committee was taken.

## 6. Recommendation to the Vice-Chancellor

- 6.1 In the case of 5.4. (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 the student is suspended, excluded or expelled from the University, normally within 5 working days of the committee's decision.
- 6.2 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.
- 6.3 The Vice Chancellor shall notify the student of the decision and the reasons, in writing normally, within 5 working days of the date when his/her decision was taken.

## **7 Appeals**

- 7.1 In the case of 5.4 (b), (c), (d), (e) (f) or (h), the student 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.
- 7.2 In the case of 5.4 (i), (j) and (k), the student shall have the right to appeal against the decision of the Vice-Chancellor to the Board of Governors Disciplinary Appeals Committee.
- 7.3 In both cases the appeal must be made in writing to the Academic Regulations & Compliance Officer, giving the grounds for the appeal, within 5 working days of the date the decision was notified to the student.
- 7.4 The Academic Regulations & Compliance Officer will arrange for the 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 the letter of appeal.
- 7.5 The Academic Regulations & Compliance Officer, or representative, shall act as Secretary to the appeal hearing
- 7.6 In the case of the appeal being heard by a member of the Executive, the following procedures will apply:
- 7.7 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 the student's written statement of grounds for appeal and any representations the student or 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) The student or representative will then be asked to sum up the grounds of appeal.

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.

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

## **8. Board of Governors Disciplinary Appeals Committee**

### **8.1 Membership**

The membership of the Appeals Committee shall be:

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

### **8.2 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.

### **8.3 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 the student's written statement of grounds of appeal and any representations the student or 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) The student or representative will then be asked to sum up the grounds of appeal

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.

The decision of the Board of Governors Disciplinary Appeals Committee shall be final and the student shall be notified of the decision and the grounds thereof, in writing, within 5 working days of the hearing.

#### **9. 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. Office of the Independent Adjudicator**

If the student has exhausted the relevant appeals process under this procedure and remain dissatisfied with the outcome they will the right to take their case to the Office of the Independent Adjudicator (OIA). Further details can be obtained from the OIA website [enquiries@oiahe.org.uk](mailto: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 the student's registration on an award e.g non-declaration of a criminal conviction or caution since the last DBS check or after the student 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 and the Psychoactive Substances Act 2016.

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.**