

## **Student Conduct Policy and Disciplinary Procedures**

### **1 Introduction**

This Policy sets out the standards of conduct that we require of our students and the University's approach to dealing with allegations of student misconduct. The associated procedures establish how alleged breaches of the standards of conduct are managed.

UWE is a very large institution with tens of thousands of individuals studying and working closely together as part of the University community. In order for such a community to function effectively, and to seek to ensure that all its members (students and staff alike) enjoy an environment conducive to teaching, learning, research and a positive experience, students are required to meet certain standards of conduct.

The Policy and Procedures are included within the Policy Framework for Student Behaviour and Health and the principles established for the Framework apply.

The Student Conduct Policy and Disciplinary Procedures are made in accordance with Article 13.3 of the University's Articles of Government. The Vice-Chancellor is responsible (Article 3.2) for the maintenance of student discipline.

### **2 Student Standards of Conduct**

2.1 All UWE students are required at all times (not just during term time and including whilst on University activities such as placements and field trips) and both while on and off University premises, including University-managed accommodation, to behave as responsible members of the University community, and to represent and uphold the good name of the University. They are expected to familiarise themselves with and act according to the following standards:

- safely, and with regard for the safety of others;
- with civility, consideration and respect for others in the University and the local community;
- in a responsible manner that will help foster mutual respect and understanding between all members of the University community;
- not engage in any activity that is likely to bring the University into disrepute; and
- in accordance with all University policies, rules and regulations, and all applicable laws.

2.2 The University seeks to promote and facilitate good student conduct through education, support and positive encouragement, however where these approaches or other informal action are not sufficient formal disciplinary action is instituted. Once formal disciplinary action has commenced, a case will usually be concluded even if the responding student is no longer registered as a student of the University.

### **3 Scope**

- 3.1 The Policy applies to students throughout their period of registration with the University, both on and off campus, and at all times. It is not limited to term time or placement or work-based learning.
- 3.2 Students who are the subject of an allegation of misconduct in a placement or workplace setting which is part of their programme of study are normally subject to the discipline policy and procedures of the employer in the first instance. However, the University may also, or instead, decide to take action under these or other relevant University policies and procedures, such as the Professional Suitability Policy, if it is considered appropriate to do so.
- 3.3 The Policy also applies to former students seeking a return to study whose registration has previously been interrupted, suspended or terminated when they were under the policy or whose actions, if known, may have led to an investigation under the Policy.
- 3.4 Students registered for an award with the University but studying in a partner organisation are usually subject to the policies and procedures of that organisation, but may also be referred to the University particularly if the concerns relate to activities at the University's campuses, student accommodation or learning activities. The procedure to be followed for students registered for a degree apprenticeship and also employed at a partner organisation is jointly agreed on a case by case basis depending on the nature of the allegations.
- 3.5 Whilst the University anticipates that most matters involving student misconduct are dealt with under this Policy and Procedures, matters may arise where it is appropriate for the University to implement other University processes as an alternative or in addition, as established in the Policy Framework for Student Behaviour and Health.

These include:

- Professional Suitability Policy
- Fitness to Study Policy
- Student Drug and Alcohol Policy
- Rules for students in University accommodation
- University Academic Regulations and Procedures
- Freedom of Speech Policy
- Health and Safety Policies
- Bullying and Harassment Policy
- IT Acceptable Use Policy
- Library Rules
- Social media guidance

- 3.6 The Policy and Procedure:
- do not apply to allegations of academic misconduct apart from in exceptional circumstances, for instance where the seriousness of the allegations warrants action under the Policy
  - are not intended to be used to limit lawful protest
  - are not usually used to intervene in disputes under private contractual arrangements, e.g. between a student and a landlord.
- 3.7 The Student Casework Manager, in consultation with others as appropriate, determines the

appropriate procedure to be followed in any matter.

#### 4 Levels of Action

4.1 The University has three levels for managing alleged student misconduct:

Level 1: Local Intervention

Level 2: Disciplinary Action

Level 3: Disciplinary Hearing

4.2 Where the University has sufficient evidence to establish, on the balance of probabilities, that misconduct has occurred, the University will usually determine an appropriate sanction for the student(s) involved. The circumstances and context of each case will be taken into account when determining what sanctions should be imposed.

4.3 The following table provides a framework for decision-makers and students regarding the levels at which allegations of misconduct are usually considered, and highlights typical sanctions which could be applied at each level where misconduct is proven. The table is intended to be illustrative and not exhaustive, and the University anticipates that there will be circumstances when alternative sanctions are appropriate. The more serious sanctions can only be imposed following a disciplinary process at the appropriate level.

4.4 *Table setting out Levels of Action and Sanctions*

<b>Level 1 (Local intervention)</b>	
<p>Misconduct at Level 1 is usually defined as an incident or issue which is relatively contained and minor.</p> <p>Examples of misconduct which will usually be considered at this level include:</p> <ul style="list-style-type: none"> <li>• Attempted deception or fraudulent behaviour</li> <li>• Actions which cause, or could have caused a health and safety concern;</li> <li>• Anti-social behaviour</li> <li>• Behaviour which disrupts learning activities</li> <li>• Incidents showing a lack of respect for other members of the University community and/or local community</li> <li>• Minor misuse of social media which impacts on the University community</li> <li>• Vexatious, defamatory or malicious claims about other members of the University community</li> <li>• Failure to respect the rights of others to freedom of speech within the law</li> <li>• Misuse and/or unauthorised use of University property</li> </ul>	<p>The University will seek to address the incident or issue as quickly and as close to source as possible, with decisions taken at a local level.</p> <p>Typical sanctions include:</p> <ul style="list-style-type: none"> <li>• Meetings with senior members of staff including verbal warnings</li> <li>• Acceptable Behaviour Contracts and formal written warnings</li> <li>• Requirement for a formal apology</li> <li>• Seizure and retention for a period of time or permanent confiscation, without compensation, of items, for the purpose of maintaining the safety and wellbeing of others</li> <li>• Removal of access to a service provided by the University or to the use of specified facilities for a given period of no longer than one week.</li> <li>• Action plans</li> </ul>

<b>Level 2 (Disciplinary Action)</b>	
<p>Misconduct at Level 2 is usually defined as serious but contained incidents of misconduct and/or persistent minor incidents of misconduct.</p> <p>Examples of misconduct which will usually be considered at this level include:</p> <ul style="list-style-type: none"> <li>• Impact on others from possession and/or use of illegal drugs</li> <li>• Impact on others from use of other substances including alcohol</li> <li>• Physical, written or verbal abuse or intimidation against another member of the University community, including via social media;</li> <li>• Disruption of or improper interference with the academic, administrative, sporting, social or other activities of the University</li> <li>• Bullying, harassment or discrimination against another person, including the use of discriminatory language;</li> <li>• Sexual harassment;</li> <li>• Serious deception or fraudulent behaviour</li> <li>• Damage to or theft of property from the University or members of the University community;</li> <li>• Acts which bring or threaten to bring the University's reputation into disrepute;</li> <li>• Persistent failure to comply with sanctions at Level 1</li> </ul>	<p>The University will seek a full investigation of the misconduct for the consideration of the Director of Student and Academic Services (or their nominee).</p> <p>Typical Sanctions include:</p> <ul style="list-style-type: none"> <li>• Any sanction at Level 1</li> <li>• Attendance on an educative programme appropriate to the misconduct (paid for by the student)</li> <li>• Reparation to the University or individual in respect of loss caused</li> <li>• Removal of access to a service provided by the University or to the use of specified facilities for a given period of no longer than one academic term.</li> <li>• Referral to the Police or other external authority</li> <li>• Financial Penalties (up to £1000)<sup>1</sup></li> <li>• Restorative justice</li> </ul>
<b>Level 3 (Disciplinary Hearing)</b>	
<p>Misconduct at Level 3 is usually defined as allegations of gross misconduct, or persistent serious incidents of misconduct at Levels 1 and/or 2.</p> <p>Examples of misconduct which will usually be considered at this level include:</p> <ul style="list-style-type: none"> <li>• Dealing illegal drugs and/or possession of quantities of drugs beyond normally associated with personal use, and/or possession of paraphernalia used in dealing drugs</li> </ul>	<p>The University will seek a full investigation of the misconduct for consideration at a Formal Disciplinary Hearing.</p> <p>Typical Sanctions include:</p> <ul style="list-style-type: none"> <li>• Any sanction at Level 1 and/or 2</li> <li>• Suspension from the University, and/or exclusion from parts of the campus, for a given period of time</li> <li>• Permanent expulsion from the University</li> </ul>

<sup>1</sup> The University is aware that a number of students experience financial hardship during their studies, and hopes that the existence of this sanction will serve as a deterrent. The Directorate will, from time to time, determine the maximum level of fine. We do not expect that financial penalties will be used on a regular basis. Any revenue the University receives through the levying of financial penalties will be added to the Student Hardship Fund. Non-payment of any financial penalty will be treated as a debt to the University.

<ul style="list-style-type: none"> <li>• Sexual misconduct, including sexual violence and abuse;</li> <li>• Serious sexual harassment</li> <li>• Physical violence</li> <li>• Serious physical, written or verbal abuse or intimidation against another member of the University community, including via social media</li> <li>• The commission or suspected commission of a criminal offence</li> <li>• Persistent failure to comply with sanctions under Level 2.</li> </ul>	
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4.5 The procedures may be entered at any level without any requirement for an earlier level to have been commenced or exhausted, although it is anticipated that most situations can be managed by action taken at Levels 1 and/or 2. The level at which the procedure is implemented will depend on factors such as the nature of the allegation, the seriousness of any risk posed and the student’s response to any steps taken so far by the University to manage the situation.

4.6 A student’s unreasonable failure to engage with an investigation may in itself become a disciplinary matter.

4.7 Detailed information about how the levels are determined in a particular case and sanctions applied can be found in the Disciplinary Procedures below.

## 5 **Operating Principles**

The operating principles set out in the Framework for Student Behaviour and Health will apply to all proceedings under this Policy.

## 6 **Summary Procedures**

A referral of an alleged breach of acceptable behaviour by a student may be managed under a summary procedure, potentially with a lesser penalty, as set out in the procedures below.

## 7 **Completion of Procedures**

Where a student decides to withdraw from the programme, or is withdrawn on academic grounds, and there is an outstanding conduct concern, the disciplinary process will normally continue until completed so that a formal judgement may be reached whether or not the student chooses to engage with the process.

## 8 **Conduct which may also be a criminal offence**

8.1 If a student’s conduct may be in breach of the criminal law, the University will usually at its discretion suspend or delay taking action under this Policy pending the outcome of any Police inquiry and/or criminal investigation/prosecution.

- 8.2 The University may, at its discretion, refer a matter to the Police. The decision will be made by the Student Casework Manager in consultation with members of the University and Student and Academic Services Executives.
- 8.3 The University may take action in respect of a student under this Policy and Procedure notwithstanding a conviction or acquittal in criminal proceedings.

## **9 Support for Students**

When dealing with students under this Policy and the related procedures, University staff consider what support and guidance may be offered to students. In this respect, all students are treated equally regardless of their part in the process.

## **10 Confidentiality**

Students should be aware that, in the course of dealing with allegations of student misconduct, as well as sharing information internally as necessary, the University may consider it appropriate to discuss and/or refer matters and/or their outcomes to third parties such as agencies such as Social Services, the Disclosure and Barring Service or the Police. The University will normally notify the student when doing so, but may do so on occasion without notification to the student such as in situations deemed to be of risk.

## **11 Precautionary Measures**

The University may use precautionary measures as a temporary means of mitigating risk for the duration of part or the whole of an investigation.

Details are set out in paragraph 18 in the Disciplinary procedures below.

## **12 Reviews and Appeals**

- 12.1 Students may request a review of a decision made at Level 1 of the Policy. The process to be followed is in paragraph 20.10 below.
- 12.2 Students may raise a written appeal to [complaints@uwe.ac.uk](mailto:complaints@uwe.ac.uk) against: any suspension or exclusion imposed under paragraph 11 above; or, the outcome of Levels 2 and 3 of the Policy; or, a decision to suspend or exclude following a Return to Study meeting. The grounds for appeal and the process to be followed are set out at paragraph 26 below.

## **13 References**

The University regularly provides student-related references to third parties (such as educational institutions and potential employers).

When providing a reference for a student who has been subject to this Policy at Level 3 and is found to have breached the Policy, the University reserves the right depending on the circumstances of the case and the recommendation of the Level 3 Panel to refer to the matter on the basis of there being legitimate and serious concerns about possible risks.

Students are actively encouraged to contact the organisation concerned and discuss full details of the case with the prospective employer.

The University will not normally refer to issues arising in connection with disciplinary proceedings under Levels 1 and 2 when providing references, but reserves the right to do so when it considers it appropriate (for example, in a matter involving issues of safeguarding and/or client/service-user safety).

#### **14 Alternate Officers**

Where in the Student Conduct Policy and Disciplinary Procedures reference is made to any named University officer such reference is to be read as including reference to any appointed nominee.

References to the University Executive includes the Directorate, Assistant Vice-Chancellors, Pro Vice-Chancellors and Executive Deans of Faculties and Heads of Professional Services.

#### **15 Complaints related to an investigation under the Student Conduct Policy**

Where a student has a complaint related to the administration of this Policy and Procedure, they should raise it with the Student Casework Manager at the earliest opportunity, so that wherever possible the University can take quick action to remedy the complaint. Should it not be possible to resolve the complaint, students are encouraged to submit a formal complaint under the University complaints procedure:

<https://www1.uwe.ac.uk/about/contactus/complaints.aspx>. Students may find it helpful to approach The Students' Union's Advice Centre in the first instance for independent advice.

Once a case has been completed the responding student should raise any matter about the application of the Procedures under the Appeal process, see paragraph 26 below.

## **Disciplinary Procedures**

16 Allegations that students have failed to comply with the standards of conduct may result in the University taking action under this Policy and Procedures and/or such other University procedures as it considers reasonable and appropriate.

### **17 Criminal Offences and Legal Proceedings**

17.1 If an allegation of misconduct might constitute a criminal offence or where a police, criminal or other legal investigation or legal proceedings are likely or under way, the Student Casework Manager may give formal notice to the student of an intention to invoke the Disciplinary Procedures but may postpone further action until the investigation and/or proceedings have been concluded. However, there may be circumstances in which the processes run concurrently or consecutively, particularly where there is an immediate issue of risk to the student or others. The Student Casework Manager usually consults with the relevant external agencies before determining how to proceed.

17.2 In such cases precautionary measures may be taken under these procedures to mitigate risks, pending the progression or outcome of any police, criminal or other legal investigation or proceedings (see section 18 below).

17.3 The University is not bound by the outcome of any criminal prosecution although the University may at its discretion take any penalty imposed by a criminal court into consideration in determining any outcome to be imposed under this Policy and Procedures.

### **18 Precautionary measures**

18.1 Any precautionary measures taken are neutral in that they are not a determination regarding any of the allegations being investigated. The University has a responsibility to take reasonable steps to protect the academic position of a student in these circumstances regardless of the allegations.

18.2 Measures might include:

- temporary suspension of a student from their programme of study or a learning activity, including a placement
- temporary exclusion from University premises either particular areas/campuses, such as student residences, or as a whole
- temporary removal of access to University facilities and/or resources
- temporary non-contact agreements.

18.3 A risk assessment will be undertaken and where the Student Casework Manager in consultation with others judges that a student about whom serious allegations have been made poses a serious risk to:

- their own health, safety and/or wellbeing and/or that of others
- the property of the University and/or others, and/or
- the reputation of the University or an external partner or agency and/or its proper functioning and/or its activities

and immediate action in the form of precautionary measures is reasonably required to remove or reduce the risk, the Student Casework Manager makes a recommendation to a nominated member of the University Directorate where the student is to be temporarily



suspended and/or excluded or to the Director of Student and Academic Services (SAS) or nominee for other actions.

- 18.3 The decision-maker considers the recommendation and may impose an action for a specified period of time pending steps being taken under this Policy and Procedure and/or any police inquiry and/or criminal or other external investigation/prosecution.
- 18.4 The student is notified in writing of the decision, with reasons, normally within 3 working days of the date of the decision.
- 18.5 The Student Casework Manager notifies the student's Head of Department or the designated lead to request that they consider whether specific arrangements can reasonably be put in place for the student in order to minimise any impact on their studies, and to make these arrangements as appropriate.
- 18.6 Where a precautionary measure is taken in accordance with this section, the student may appeal that decision within 10 working days of the date of the written notification of the decision, on one or more of the following grounds:
- the University has failed to follow the procedure set out in this Policy and Procedure
  - the decision was unreasonable and/or disproportionate
  - material new information/evidence is available which was not reasonably available before.

The process for submitting an appeal is set out in paragraph 26 below.

- 18.7 Where a student is suspended and/or excluded under this section the Student Casework Manager and the member of the University Directorate review at regular intervals whether it is reasonable for the suspension/exclusion to continue or whether it should be revoked or extended for a further specified period of time.

## **19 Advice and Assistance**

- 19.1 Any students involved in the process are reminded that The Students' Union Advice Centre is available to give independent, non-judgemental and confidential advice about any matter in this Policy and Procedure. With appropriate notice they will also be able to accompany students to any meeting arranged under this policy and procedure. Contact details and further information about the Advice Centre's services can be found at this address: <https://www.thestudentsunion.co.uk/advice-centre/contactus/>
- 19.2 The names of the reporting student(s) and responding student(s) may be provided to The Students' Union Advice Centre by the Student Casework team in order that they might proactively contact the students to offer support. No other information about the matter reported will be provided.
- 19.3 With their agreement, the Head of Department or designated lead of a student reporting an incident may be contacted to offer the student support in relation to their academic studies during the course of an investigation.
- 19.4 Students are encouraged where appropriate to seek support from relevant external sources (e.g. local GPs or mental health services) as well as from sources internal to the University (e.g. the Wellbeing Service and Disability Service).

## **20 Level 1: Local Intervention**

- 20.1 Examples of allegations of misconduct at Level 1 are set out in paragraph 4.4 above.
- 20.2 Level 1 normally involves intervention by a designated lead within a department or professional service, or their nominee, at an early stage when an incident occurs or an issue arises which are relatively contained and minor with the aim of addressing it as quickly, close to the source and as effectively as possible. Staff taking action under Level 1 can seek guidance from the Student Casework Team in Student and Academic Services prior to invoking this Policy and Procedure.
- 20.3 Alternative Procedures: Reports at this level may also fall within the scope of other University procedures such as those listed in paragraph 3.5 above. It may be appropriate for a matter to be dealt with under one of those alternative procedures which might offer the most effective and immediate means of influencing and managing student conduct. Particular examples are inappropriate behaviour in student accommodation when the Student Accommodation rules apply or misconduct in The Students' Union when the Union usually takes action under its own procedures.

In matters relating to student accommodation, sanctions imposed under this Policy and Procedures cannot over-ride the Accommodation Terms and Conditions.

- 20.4 On receiving a report, the designated lead or their nominee investigates the matter and gathers any evidence, including from the reporting person and witnesses if appropriate. They then arrange to meet the responding (i.e. accused) student(s). The student is given advanced notice of the date and time of the meeting, the nature of the incident and that it is to be managed under this Procedure, so that they can take advice and/or seek support before the meeting. The student is provided with a copy of this Procedure. They are to be informed who will be present at the meeting and are reminded that they can bring somebody with them for support (see paragraph 19).
- 20.5 The purpose of the meeting is to hear from the student their response to the report and allegations. The staff member may also invite another independent member of staff, appropriately trained, to attend in support.
- 20.6 The staff member determines whether, on the balance of probabilities, the alleged misconduct is founded and, if so, an appropriate sanction. Possible sanctions include but are not limited to:
- meetings with senior members of staff including verbal warnings
  - Acceptable Behaviour Contracts and/or formal written warnings – (separate guidance is available on Acceptable Behaviour Contracts)
  - requirement for a formal apology
  - seizure and retention for a period of time or permanent confiscation, without compensation, of items, for the purpose of maintaining the safety and wellbeing of others
  - removal of access to a service provided by the University or to the use of specified facilities for a given period of no longer than one week
  - an action plan.

- 20.7 The student is normally notified within five working days of the meeting of the staff member's decision, with reasons, and any actions to be taken.
- 20.8 Where an action plan is drawn up under Level 1, the student is to be informed that if he or she fails to comply with any identified actions, the case may be referred to be dealt with at Level 2 or 3 of this Procedure. The student is provided with a copy of the action plan. The staff member will review whether the actions have been completed by the due date and decide either to close the case or to refer it to Level 2 of this Procedure in cases of non-compliance.
- 20.9 The designated lead notifies the Student Casework team when an initial report is received in case action is already being taken elsewhere, and provides a brief report of the incident and action taken to the Student Casework team when it is concluded so that a record of the case is kept centrally. The designated lead also retains any records for future reference if necessary.
- 20.10 Review: Students may request a review of a decision made under Level 1 of these Procedures. A written request may be sent to the Head of Student and Academic Policy Enhancement within ten working days of the date of the notification on one or more of the following grounds:
- the Procedure has not been followed adequately;
  - the decision is unreasonable and/or a disproportionate sanction has been imposed;
  - there is material new information/evidence which was not reasonably available before.

The Students' Union Advice Centre is able to support students.

The Head of Student and Academic Policy Enhancement will arrange for a review of the case to be undertaken, usually by a member of the Student Casework team, and the findings referred to him/her. A decision will be made either to uphold the original decision, to refer the matter back for further consideration, or to impose an alternative sanction.

- 20.11 Summary Procedure: Where a member of staff directly witnesses evidence of misconduct on University premises or clear evidence is provided that misconduct has occurred, for instance screenshots of attributable inappropriate messages or CCTV footage, the matter may, at the discretion of the Student Casework Manager or the designated lead be dealt with summarily. In such cases the Student Casework Manager or the designated lead may issue a written warning or Acceptable Behaviour Contract to the responding student. If the student does not accept the warning, the matter will be investigated under Level 1 in the usual way.

## **21 Level 2 and Level 3: Disciplinary Action**

- 21.1 Examples of allegations of serious and/or persistent misconduct at Level 2 and gross misconduct at Level 3 are set out in paragraph 4.4 above.
- 21.2 The Student Casework team investigates allegations and manages action under Levels 2 and 3. Allegations are to be submitted in writing via the online submission tool - Report and Support <https://reportandsupport.uwe.ac.uk/> - or directly by email to [conduct@uwe.ac.uk](mailto:conduct@uwe.ac.uk)

- 21.3 Alternative Procedures: Where applicable, the Student Casework Manager in consultation with others as appropriate to the particular case, decides whether action is to be taken under this Policy and Procedure or an alternative procedure.
- 21.4 Investigation  
A caseworker is allocated from the Student Casework team who is responsible for carrying out an investigation into the report received. Guidance on investigations is available separately. All investigations are carried out in accordance with the operating principles set out in the Policy Framework. As part of any investigation:
- any action taken under Level 1 is reviewed
  - the person reporting is asked to provide a statement and any evidence of the allegations, including identifying witnesses
  - the caseworker gathers evidence from other sources as appropriate, for instance CCTV footage, relevant information from University staff
  - the responding student is informed of the allegations and the supporting evidence in writing and is invited to attend a meeting with the caseworker to gather facts about the alleged misconduct.
- 21.5 The reporting individual is informed of the procedure that will be followed, that their identity and that of any witnesses cannot normally be withheld from the responding student, and how their statement and any evidence will be used and shared. Within the confines of data protection rules and the confidentiality of proceedings, they may be kept informed of progress.
- 21.6 The responding student has a right to respond to the allegation(s) of misconduct and provide any evidence in support, including witness statements, in writing and/or at a meeting with the caseworker. They may also identify any witnesses to be interviewed as part of the investigation.
- Care is taken to avoid placing the student in a position whereby they incriminate themselves unfairly.
- The student will be given at least 3 working days' notice of any meeting and has the right to be accompanied to the meeting as set out in the operating principles.
- The student may choose not to attend a meeting with the caseworker and/or not to respond to the allegations. In such circumstances the Director of SAS or nominee, in consultation with others as appropriate, will normally decide whether or not action under the Procedures should continue.
- 21.7 The caseworker provides a report and any evidence, including the responding student's statement, to the Director of SAS with a recommendation as to whether the matter is to be concluded at Level 2 under the Policy and the possible sanctions, or is to be considered by a Disciplinary Panel at Level 3. The report may also be provided to the responding student for information.
- 21.8 The Director of SAS considers the report, evidence and recommendations. He/she may decide to meet the responding student to explore further matters raised in the investigation and may take any advice he/she wishes. He/she determines whether the matter can be concluded at Level 2, or may be gross misconduct to be considered further at Level 3.

## **22 Level 2 Action**

- 22.1 If the matter can be concluded at Level 2, the Director of SAS may:
- dismiss the allegation, or
  - find that a breach of discipline did occur, but take no further action, or
  - decide to issue a further warning to the student, or
  - find that a breach of discipline did occur and impose an appropriate sanction.
- 22.2 Possible sanctions at Level 2 include but are not limited to:
- Any sanction at Level 1
  - Attendance on an educative programme appropriate to the misconduct (paid for by the student)
  - Reparation to the University or an individual in respect of loss caused
  - Removal of access to a service provided by the University or to the use of specified facilities for a given period of up to one academic term;
  - Exclusion from particular areas of the University for a period of up to one academic term;
  - Referral to the Police or other external authority;
  - A financial penalty (up to £1000)
  - Restorative justice
- 22.3 The student is notified in writing normally within 8 working days of the decision of the Director of SAS, with reasons, and any actions to be taken.

## **23 Level 3: Formal Disciplinary Hearing**

- 23.1 A matter that cannot be concluded appropriately at Level 2 or a matter concerning an allegation of gross misconduct is dealt with by a Disciplinary Panel at a Disciplinary Hearing.
- 23.2 A Disciplinary Panel is convened by the Director of SAS. The Panel normally consists of:
- A member of the University Executive - who will act as Chair
  - Two senior members of staff, usually including one from the department in which the student is based

Consideration is given to the balance of the panel in terms of knowledge, experience and representation and to reflect the responding and reporting students in the particular case. Panel members are to be independent and impartial.

- 23.3 A Secretary to the Panel is nominated by the Director of SAS. They act as neutral observer at the Panel hearing and provide advice and guidance on procedure. The Secretary arranges for the Disciplinary Hearing to be organised by the Student Casework team in accordance with the Procedures and deals with queries from the student or the Panel on the procedure involved. The Secretary also ensures that information is shared as appropriate with all the parties and that a record of the hearing is taken.
- 23.4 The student caseworker who undertook the investigation normally presents the University's case (Case Presenter) at the Disciplinary Hearing unless the Director of SAS or another SAS manager decides to do so.
- 23.5 Once the date of the Disciplinary Panel hearing is arranged, the student is normally provided with at least 10 working days' notice of the date and other details of the hearing, the nature

of the allegation and the identity of the Panel members. They are reminded of their right to be accompanied at the hearing as set out in paragraph 4 of the Policy Framework for Student Behaviour and Health.

- 23.6 The Secretary arranges for the information collected during the investigation that are to be considered by the Disciplinary Panel, including, but not limited to, the investigation report and written statements, to be provided to the Panel members and the student and/or the student's support if they have one, at least 7 working days prior to the hearing.
- 23.7 The student may provide a written statement and evidence in response to the allegations to be considered to the Secretary at least 4 working days prior to the hearing date. The Secretary arranges for the information to be provided to the Panel.
- 23.8 Notice of any witnesses to be called by the student and/or the Case Presenter at the hearing must be given in writing to the Secretary to the Disciplinary Panel at least 3 working days in advance of the date of the hearing, together with a written statement of the contribution that each witness will make. The Secretary informs each party of the other party's witness notice. It is the responsibility of the student and/or the Case Presenter to ensure that their witnesses are available to attend on the arranged date.
- 23.9 While the order and procedure to be followed at a hearing is at the discretion of the Chair, it shall include:
- the Case Presenter outlining the alleged breach of the standards of conduct and the evidence in support
  - the student presenting their response to the allegations
  - the right of the Case Presenter and the student to call witnesses, to provide evidence, and for them to be questioned by the Panel
  - the Panel members may question the Case Presenter, the student and the witnesses at any time during the hearing and may recall both parties or witnesses at any time.

The Chair may adjourn or postpone the hearing where it is reasonable to do so.

The Disciplinary Panel may ask for specific enquiries to be undertaken, additional witnesses to be called and/or additional information to be presented. Minutes are taken of the proceedings.

Guidance on the procedure and conduct of a hearing is available separately.

- 23.10 If a student chooses, without good reason, not to present a response to the allegations for consideration by the Panel and/or not to attend a Disciplinary Hearing, the Panel may decide to continue with the hearing and to reach a finding in their absence.
- 23.11 After the case has been heard the Panel meets in private to deliberate.
- 23.12 The Disciplinary Panel determines its findings and reaches a decision in the matter. It may make one of the following decisions:
- the allegation of misconduct is unfounded, or
  - the allegation of misconduct is unfounded, however an alternative charge of misconduct is founded, or
  - the allegation of misconduct is founded but to take no further action, or
  - the allegation of misconduct is founded and to impose an appropriate sanction, or

- the allegation of misconduct is founded and to recommend that the student be suspended, excluded or expelled.

23.13 Possible sanctions at Level 3 include but are not limited to:

- Any sanction available at Level 1 and/or 2 (Paragraphs 20.5 and 22.2);
- Suspension from the University, studies or related learning activities and/or exclusion from parts of the campus, for a given period of time with or without conditions;
- Permanent expulsion from the University.

23.14 Summary Procedure: A student who admits or does not wish to dispute the allegation may waive their right to attend a Disciplinary Hearing and request in writing to the Panel Chair that a decision be made by the Chair of the Panel on the basis of the report from the Case Presenter and any mitigating factors the student submits. The Chair will decide whether to make a summary decision or if a hearing is required, for instance if expulsion were being considered.

## **24 Exclusion, Suspension and Expulsion**

24.1 If the Disciplinary Panel recommends that a student should be subject to an exclusion from the premises, a suspension from their programme or expulsion from the University, the matter is referred to the nominated member of the University Directorate for a decision to be made.

24.2 If it is appropriate, details of a suspension will be shared with the Executive Dean or designated lead who ensures with the Secretary that a plan to support the student's study is devised and implemented.

## **25 Communication of Decision**

25.1 The Chair of the Panel writes to the student conveying the Panel's decision, and once the decision-maker has approved any recommendation, normally within 8 working days of the hearing. If the decision-maker decides to exclude or suspend a student, the student is informed of this together with reasons and any conditions associated with eligibility to return.

In all cases the most appropriate and supportive manner for the outcome to be communicated to the student is considered in advance of notification to the student. If the student was not informed of the outcome at the hearing, wherever possible, the written notification detailing the decision is given to the student in person.

25.2 The Secretary and the caseworker notifies the reporting individual, where appropriate, the Executive Dean of the student's faculty, and others as necessary and appropriate of the outcome or parts of the outcome once the responding student has been informed formally.

25.3 The University notifies external organisations of the investigation and/or outcome where it has an obligation to do so, such as Student Finance England or the DBS.

## **26 Appeals**

26.1 Students may raise a written appeal to [complaints@uwe.ac.uk](mailto:complaints@uwe.ac.uk) against the outcome of Levels 2 and 3 of this Procedure within ten working days of the date of the notification on one or more of the following grounds:

- The University has failed to follow its own Procedure adequately;
- The decision is unreasonable and/or a disproportionate sanction has been imposed;
- The student has material new information/evidence which was not reasonably available before.

The Students' Union Advice Centre is able to support students through the appeal process.

26.2 A member of the Team considers the appeal submission and determines whether there are valid grounds to appeal.

26.3 Where valid grounds are determined, the appeal will progress to the Vice-Chancellor, or nominee, for consideration. Should the Vice-Chancellor have been involved in the procedures at an earlier stage, the appeal will be considered by a member of the Board of Governors.

26.4 The Vice Chancellor (or nominee) considers the evidence provided and determines the outcome of an appeal. The Vice Chancellor (or nominee) makes one of the following decisions:

- Dismiss the appeal; or
- Uphold the appeal and:
  - refer the matter back to an earlier level of the Procedure for reconsideration, e.g. if the correct process has not been followed, or if material new information or evidence has been made available; or
  - impose an alternative sanction or action.

26.5 The outcome of the appeal is notified to the student in writing together with reasons within seven working days of determination of the appeal. This decision is final and concludes this Procedure. A "Completion of Procedures" letter is issued to the student. Further information on procedures for external and independent review can be obtained from the Office of the Independent Adjudicator for Higher Education website ([www.oiahe.org.uk](http://www.oiahe.org.uk)).

## **27 Custodial Sentences and Students on Remand**

27.1 Where information is provided to the University that a student is convicted of an offence and given a custodial sentence or is remanded in custody pending the outcome of criminal proceedings, the matter is to be reported to the Director of SAS as soon as possible.

The Director of SAS determines:

- whether or not to invoke the University's disciplinary procedures either at the time or deferred, and
- the student's registration status, i.e. whether the student is withdrawn temporarily or his/her registration terminated (which could have a bearing on the position relating to their fees and student loan).



27.2 Such matters are decided on a case by case basis taking into account the length of the sentence, the crime committed and the academic position of the student. In reaching his/her decisions, the Director of SAS takes advice as appropriate in the circumstances, but this will usually include the Programme Lead and a member of the Faculty Executive or the designated lead. The Director of SAS will notify the student in writing of his/her decisions and whether and how the student may be able to apply for re-admittance.

## **28 Return to Study**

28.1 A request to return to study, following:

- an imposed suspension of studies or a decision of exclusion for a period of time
- a custodial sentence or period of remand

must be made by a student in writing to the Student Casework Team in Student and Academic Services.

28.2 The process by which the outcome of a return to study request is determined may vary according to the circumstances of the matter and the interests of fairness, and is at the discretion of the Director of SAS. Each student's case varies depending upon the context and specific circumstances.

28.3 Normally the student is invited to meet with the Student Casework Manager to consider the request to return to study. A caseworker will also attend. He or she may require the student to produce a statement and/or satisfactory evidence to support the request to return (for example, evidence of engagement with support, conditions of release) from recognised professionals. The student may be asked to provide such evidence before a decision is made whether to arrange a meeting. The Student Casework Manager will arrange for other information to be gathered as necessary, including about the student's previous academic position and any external advice available regarding risks where appropriate.

28.4 The Student Casework Manager prepares a report with evidence for the Director of SAS to determine whether to permit the student to return to study. In reaching his or her decision, he or she may consult with relevant University staff and/or external professionals. He/she will also consult a member of the Executive of the student's Faculty or the designated lead and others as appropriate, such as Accommodation Services.

28.5 In each case the Director of SAS will consider the nature of the matter/offence, any particular circumstances, any potential risks to the University and its members, and any other pertinent issues and decides

- i) on re-admission and the timing of it, and
- ii) any conditions associated with re-admission.

He or she may decide that the matter should remain under this Policy. The Director of SAS considers any support and/or reasonable adjustments which should be put in place for the student in connection with his/her return to study.

28.6 The decision of the Director of SAS is notified to the student in writing, with reasons, within a reasonable time of the student's written request to return to study. If the request is turned down, the letter includes information on the individual's right of appeal and the process of re-application for a return to study.

- 28.7 The student may appeal that decision within 10 working days of the date of the written notification of the decision, on one or more of the following grounds:
- the University has failed to follow the procedure set out in this Policy and Procedure
  - the decision was unreasonable and/or disproportionate
  - material new information/evidence is available which was not reasonably available before.

The process for submitting an appeal is set out in paragraph 26 above.

- 28.8 The University works collaboratively with the student in respect of any support arrangements put in place for a return to study. Before or on their return, the student is invited to attend a meeting or be in contact by other means with appropriate members of academic staff and/or support services. An action plan may be drawn up to support the student's successful transition back to study. The action plan will detail any conditions imposed and any support identified by the Director of SAS in respect of the student's return. The action plan will include a timetable for any review. If conditions are attached, failure to comply may lead to further action under the Disciplinary Procedures. The student will be sent a copy of the action plan.

Approved by Academic Board October 2019