1. **Introduction**

These procedures seek to ensure that student disciplinary matters are dealt with fairly and promptly at the appropriate level by those with clear authority from the University. The procedures apply to persons who are subject to the discipline of the University as prescribed in the General Regulations.

The purpose of the procedures is to regulate student behaviour in order to secure the proper working of the University in the broadest sense. As serious consequences may follow a finding of misconduct, it is necessary in every case for it to be shown that the conduct in question falls within the general definition before it may be characterised as misconduct.

**Definition of Misconduct**

A breach of discipline is, for the purpose of these procedures, called an "act of misconduct", and this will include, but not be limited to, failure to observe all University rules and regulations including local regulations for the governance of Academic Schools, Academic Service Departments and University Residences. The essence of misconduct under this code is improper conduct or improper interference, in the broadest sense, with the proper functioning or activities of the University, or those who work or study in the University. It also includes conduct which otherwise damages the University.

**Scope**

These procedures apply to student behaviour in the University, and this extends to all buildings and grounds belonging to the University, including University Residences, Sports Grounds, the University Farms and the University Research Vessel. The procedures shall also apply to acts of misconduct committed outside the University when a student is away in a University context, or when it is found that there is some link to the University or its reputation. Discipline of students within the Union Society building shall be the responsibility of officials of the Union Society nominated by the Society. The Union Society has an agreement with the University which identifies matters which it will report as a matter of course to the University and matters which it will report to the Police. The agreement is subject to annual review. Examination and other assessment irregularities are dealt with in accordance with the University "Procedure for Assessment Irregularities".

**Fitness for Professional Practise**

As part of the function of the University, graduation from certain courses entitles a graduate to practise in a profession or to obtain professional status. In the case of students of Medicine and Dentistry and the Doctorate in Educational Psychology, special procedures exist for the certification of fitness to practise, and students found to have committed a disciplinary offence put their future career at risk. The Head of the Student Progress Service or his/her nominee shall, in addition to applying the standard procedures, be entitled to refer disciplinary cases involving such students to the relevant Fitness to Practise Committee. In all other cases, the Head of the Student Progress Service or his/her nominee shall, in addition to applying the standard procedures, be entitled to refer a disciplinary case to the relevant Head of School, to consider whether a student's future professional position has been compromised and, if so, what action if any should be taken to inform the professional body.
(e) **Examples of Misconduct**

The following paragraphs elaborate upon, but do not limit the breadth of, the general definition of misconduct in Paragraph 1(b). The following shall, subject to the above, constitute misconduct:

i) disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, including offensive behaviour, whether on University premises or elsewhere; (University Council has previously approved a policy for the immediate management of disruptive behaviour on University premises.)

ii) obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of the University or any authorised visitor to the University;

iii) behaviour which brings the University into disrepute;

iv) intentional or reckless damage to, or defacement of, University property or the property of members of the University community;

v) misuse or unauthorised use of University premises, facilities or items of property;

vi) failure to disclose name and other relevant details to an officer or employee of the University in circumstances when it is reasonable to require that such information be given;

vii) failure to comply with a previously-imposed penalty under these procedures;

viii) acts of dishonesty, including theft, fraud, deceit, or deception in relation to the University, its staff or students;

ix) action likely to cause injury or impair safety on University premises, e.g. acts involving damage to or discharge without just cause of, or other misuse of or interference with, a Fire Extinguisher or other Fire Safety Equipment; *(such acts endanger the University community and is likely to result in a severe sanction.)*

x) harassment of any student, member of staff, or any authorised visitor to the University, whether sexual, racial or bullying, including defamation of character or slander. *(The University has a published Equal Opportunities Policy and Procedure for Making and Dealing with complaints of Harassment and Bullying.)*

xi) violent, indecent, disorderly, threatening or offensive behaviour or language whilst on University premises or engaged in any University activity;

xii) breach of the provisions of the University's Code of Practice for Freedom of Speech;

xiii) conduct which constitutes a criminal offence where that conduct;

   a. takes place on University premises, or
   b. affects or concerns other members of the University community, or
   c. damages the good name of the University, or
   d. itself constitutes misconduct within the terms of these procedures.

*(For the avoidance of doubt, the University may proceed under Student Disciplinary Procedures notwithstanding the instigation of any criminal proceedings.)*
2. **Procedures: General**

(a) The University shall have the right to investigate any allegation of misconduct against a student, and may take disciplinary action where it decides, on the balance of probabilities, that an act of misconduct has been committed.

Any investigation into an alleged act of misconduct, whether carried out under the central or local procedures, shall normally include in its early stages an interview of the student(s) concerned by the relevant authorised person in accordance with the provisions for the Conduct of Hearings set out in paragraph 7.

(b) **Definition of Authorised Person**

Under the Local Procedure, the following persons shall be deemed to be the authorised person for dealing with student discipline:

- **In Academic Schools:** The Head of the School in which the misconduct occurs, or a nominated deputy
- **In Academic Service Departments:** The Head of the relevant Academic Service Department, or a nominated deputy
- **In University Residences:** The relevant Warden or Housing Manager, or a nominated deputy

Under the Central Procedure, all references to the Head of the Student Progress Service should be taken to include anyone nominated by the Head of the Student Progress Service to act on his/her behalf.

(c) Allegations of misconduct which fall into categories i - vi in paragraph 1 (e) may be dealt with by the Head of the Student Progress Service or another authorised person. Offences in categories vii - xiii in paragraph 1 (e) may only normally be dealt with by the Head of the Student Progress Service unless committed in a University residence, in which case the matter may be dealt with by an authorised person under the Disciplinary Procedures for University Residences (Appendix III), provided that the matter does not constitute a serious criminal offence. The Head of the Student Progress Service may, however, in any particular case of alleged misconduct that would normally fall within his/her own jurisdiction, determine that it should nevertheless be dealt with by another authorised person.

3. **Local Procedure**

(a) Where an allegation of misconduct is made known to an authorised person, the matter may be dealt with under the Local Procedure, in which case the authorised person may consult with the Head of the Student Progress Service at any stage in the enquiry. If the decision is made to deal with the matter under the Local Procedure, the authorised person shall, subject to subparagraph (b), determine the matter using the appropriate Local Procedure as set out in:

- **Appendix I** - Disciplinary Procedures for Academic Schools;
- **Appendix II** - Disciplinary Procedures for Academic Service Departments
- **Appendix III** - Disciplinary Procedures for University Residences.

(b) The authorised person may refer the matter to the Head of the Student Progress Service for determination under the Central Procedure where the authorised person is of the opinion that the available sanctions are an inappropriate response, given the nature and severity of the offence, or where the case involves a repetition of misconduct.
Where an authorised person is satisfied that a student has committed an act of misconduct, one or more of the following sanctions may be imposed:

i) A warning, orally and in writing, advising the student about their future conduct.

ii) Where a student has previously received a warning, or where the authorised person deems fit, a final warning.

iii) A compensation payment for the direct cost of reparations to property.

iv) Confiscation without compensation of items prohibited by rules and regulations relating to Academic Schools and Academic Service Departments.

v) A fine, up to a limit from time to time agreed with the Head of the Student Progress Service.

vi) Suspension from the use of an Academic Service or from the use of specified facilities belonging to an Academic School. Where such power is exercised the Head of the Student Progress Service shall be informed as soon as is reasonably practicable. The decision shall be subject to written confirmation by the Head of the Student Progress Service where the period of suspension is in excess of one month, or two weeks in the case of the Computing Service.

vii) In the case of Halls of Residence or other University accommodation, an authorised person shall have the right to impose such further sanctions as are, from time to time, approved by Council. For the avoidance of doubt, discipline in all University accommodation shall, in the first instance, be considered under the University's Student Disciplinary Procedures for University Residences.

4. Central Procedure

Acts of misconduct which fall to be considered by the Head of the Student Progress Service under paragraph 2 (c) of these procedures, and acts in relation to which a case is referred from an authorised person under paragraph 3(b) of the Local Procedure, shall be dealt with under the Central Procedure.(a)

(a) Procedure A

Where the Head of the Student Progress Service so decides, s/he shall have the right to deal with an allegation of misconduct. Where the Head of the Student Progress Service is satisfied that a student has committed an act of misconduct, one or more of the following sanctions may be imposed:

i) A warning, in writing, advising the student about future conduct. Where a student has previously received a warning, or where the Head of the Student Progress Service deems fit, the student may receive a final warning.

ii) A compensation payment for the direct cost of reparations to property.

iii) A fine.

The Head of the Student Progress Service may also impose additional or alternate sanctions after consultation with the Disciplinary Convenor.
Procedure B

Where the Head of the Student Progress Service determines that a case is sufficiently serious, the case shall be referred to the Disciplinary Convenor who shall determine arrangements for a hearing under paragraph 4(c). Pending the hearing of an allegation of misconduct the Head of the Student Progress Service may temporarily suspend a student from the University or from such facilities as the Head of the Student Progress Service shall determine. In such a case, the decision to suspend a student shall be reviewed by the Head of the Student Progress Service after every two week interval, and the Committee will hear the case, where reasonably practicable, within four weeks.

(For clarity, the Head of the Student Progress Service may suspend a student upon report of a serious allegation, pending further investigation.)

The Disciplinary Convenor*, appointed by Senate from time to time, shall determine whether the case shall be heard by a Disciplinary Committee of three Disciplinary Panel members or by a single Disciplinary Panel member. The Disciplinary Convenor shall nominate the members and Chair of the Committee or the single Panel member. The Head of the Student Progress Service shall provide such secretarial and administrative support as is reasonably necessary.

*The Disciplinary Convenor is responsible for appointing a Deputy Disciplinary Convenor from the Disciplinary Panel. Each time that the Disciplinary Convenor is mentioned in these procedures, the Deputy Disciplinary Convenor may act in the absence of the Disciplinary Convenor and in other such circumstances as may be appropriate.

The Head of the Student Progress Service shall not be a member of any Disciplinary Committee, but shall be responsible for the preparation and presentation of the charge or charges before the Committee. The Head of the Student Progress Service shall inform the student(s) concerned in writing of the allegations and shall inform the student(s) that the case is to be heard by a Disciplinary Committee or single Disciplinary Panel Member, as determined by the Disciplinary Convenor. A member of administrative staff who has had no involvement in the case shall be appointed as secretary to the hearing and shall be responsible for sending the student(s) any relevant documents, the summoning of witnesses, and generally for the proper presentation of the case.

If it is determined at the hearing that the offence is not proven, no further action shall be taken against the student but if it is determined that misconduct has been committed, one or more of the following sanctions may be imposed:

i) A warning, orally and in writing, advising the student about future conduct. Where a student has previously received a warning, or where the Committee deems fit, the student may receive a final warning.

ii) A compensation payment for the direct cost of reparations to property.

iii) A fine.

iv) Suspension from the University or such part or parts as may be specified.

v) Expulsion from the University.

A student expelled or suspended as a result of disciplinary proceedings shall have no right to a refund of fees.

The Disciplinary Committee may also impose additional or alternate sanctions.
5. **Supplementary Provisions**

(a) The money raised from all fines shall be credited to the Vice-Chancellor’s Hardship Fund.

(b) Non-payment of compensation of fines levied under these procedures by the given date will result in the disablement of the student’s smartcard. The student shall be notified in writing that the full amount must be paid within 7 days or they shall be suspended from their degree programme until the payment is received.

6. **Appeals**

(a) A student wishing to appeal against a decision under the Local Procedure shall follow the procedure as shown in the appropriate Local Procedure attached as Appendices I, II and III to this document.

(b) A student wishing to appeal against a decision under the Central Procedure shall follow the appropriate procedure as shown in the following paragraphs.

(c) Where the decision against which a student is appealing involves partial or full suspension or expulsion, the student shall not, subject to this paragraph, be permitted to attend that part or all of the University, as appropriate, while the appeal is being determined. Students may apply for permission to attend if they can demonstrate that it would be unreasonable to debar them from attending their programme of study pending the appeal. Grounds for such an appeal may include, but are not limited to, a change in circumstances since the disciplinary hearing or the fact that the timing of an appeal hearing means that a successful appellant will be prevented from returning to study immediately because of the University's General Regulations governing registration. Applications should be made to the Disciplinary Convenor who may refuse or grant permission to attend the University and may, if granting permission to attend, limit attendance to specific locations and/or times.

(d) An appeal shall be lodged within fifteen working days of receipt of the decision of the Student Progress Service, the Disciplinary Committee or single Disciplinary Panel member to the Head of the Student Progress Service. The Appeal shall be in writing and shall specify the grounds of appeal which may only be one or more of the following:

i) That fresh material evidence is available, which was not available on reasonable enquiry or application at the time of the original hearing;

ii) Procedural Irregularity;

iii) Bias or Prejudice;

iv) Excessive or Inappropriate punishment.

v) That the decision reached was perverse in that it was one which no reasonable person could have reached on the available evidence.

The appeal shall be accompanied by supporting documentation that shall be relied upon in the event of a hearing. It shall be for the Disciplinary Convenor to decide whether a late appeal shall be allowed.

(e) Under these procedures, the appeal shall be to the following person:

i) In a case determined by the Student Progress Service, the appeal shall be to a member of the Disciplinary Panel nominated by the Disciplinary Convenor. Initially, it shall be presented to the Disciplinary Convenor, who may dismiss an appeal which does not provide a *prima facie* case under the specified grounds.
ii) In a case determined by a Disciplinary Committee or single Disciplinary Panel member, the appeal shall be considered by a Disciplinary Appeal Committee. Initially, it shall be presented to the Disciplinary Convenor, who may dismiss an appeal which does not provide a prima facie case under the specified grounds.

iii) If the Disciplinary Convenor decides that a Disciplinary Appeal Committee should be appointed he or she shall appoint the Committee which shall consist of the following persons:

- two persons drawn from the staff members of a Disciplinary Panel from time to time appointed by Senate, excluding any Disciplinary Panel members who took part in the initial determination. The Convenor shall specify which of the two members shall act as Chair;

- one person drawn from the student members appointed by the Union Society to the Disciplinary Panel from time to time appointed by Senate.

(f) The Disciplinary Panel member or Disciplinary Appeal Committee may, in determining the appeal, confirm or vary or quash the original decision. If a student is reinstated to the University on an appeal against suspension or expulsion, he or she shall not suffer any loss of time counted towards residence qualifications for a particular course. The student, nevertheless, shall be required to pay appropriate fees, notwithstanding temporary loss of tuition and other facilities in the University.

(g) Where the Disciplinary Convenor dismisses an appeal or the nominated Disciplinary Panel member or Disciplinary Appeal Committee confirms the decision appealed against, there shall be no further appeal within the University. Provision for independent external review is made through the existence of the Office of the Independent Adjudicator. The Independent Adjudicator’s role is to review the application by the University of its own internal procedures. Further information about the Adjudicator’s role is available from www.oiahe.org.uk/. A leaflet can also be obtained from the Student Progress Service, King’s Gate.

7. General Provisions for the Conduct of Hearings

In all proceedings before an authorised person, Disciplinary Panel member, Disciplinary Committee or Disciplinary Appeal Committee, such a person or Committee shall take evidence and receive submissions, either in writing or in person, and consider the allegation and all other circumstances which appear to them to be relevant. The person or Committee may take evidence from such other persons as they think fit in order to reach a decision. In cases in which a student is appealing against the decision of the Student Progress Service or a Disciplinary Committee, the Student Progress Service Officer responsible for the presentation of the original case shall attend to outline the case*. The student shall, in all cases, have the right to attend and present their case, and to be present and be heard during the hearing. The student may be accompanied by a friend or representative and shall have the right to be informed of all of the evidence. In all other respects, the conduct of the hearing shall be a matter for the authorised person or the Chair to determine. The student and any other persons present, except, where appropriate, the Secretary to the Committee, shall withdraw whilst the decision is reached.

*If the original Officer is unavailable, the Head of the Student Progress Service may appoint an alternate Case Presenter.
1. (a) Introduction

These procedures provide a framework for maintaining good order in all Academic Schools of the University. The procedure shall apply to all students who are subject to University discipline, and this document is to be read in conjunction with the University's "Student Disciplinary Procedures".

(b) Definition of Misconduct

A breach of discipline is, as defined in paragraph 1(b) of the University's "Student Disciplinary Procedures", for the purpose of these procedures, called an "act of misconduct", and this will include, but not be limited to, failure to observe all University rules and regulations including local regulations for the governance of Academic Schools. The essence of misconduct under this code is improper interference, in the broadest sense, with the proper functioning or activities of the University, or those who work or study in the University. It also includes conduct which otherwise damages the University.

(c) Definition of Authorised Person

The Head of the School in which the misconduct occurs, or a nominated deputy, shall be deemed to be the authorised person for dealing with student discipline in an Academic School.

2. Procedures

(a) The authorised person shall have the right to investigate any allegation of misconduct against a student, and may take disciplinary action where, on the balance of probabilities, an act of misconduct has been committed. Where, in an Academic School, an authorised person decides that a case is sufficiently serious, the authorised person may temporarily suspend a student from a particular facility belonging to that School, pending further investigation into the alleged misconduct. Where such power is exercised the Head of the Student Progress Service shall be informed as soon as is reasonably practicable. The decision shall be subject to written confirmation by the Head of the Student Progress Service where the period of suspension is in excess of one month.

(b) Where an authorised person is satisfied that a student has committed an act of misconduct, one or more of the following sanctions may be imposed:

i) A warning, orally and in writing, advising the student about their future conduct.

ii) A compensation payment for the direct cost of reparations to property.

iii) A fine, up to a limit from time to time agreed with the Head of the Student Progress Service.

iv) Confiscation without compensation of items prohibited by rules and regulations relating to Academic Schools and Academic Service Departments.
v) Suspension from the use of specified facilities belonging to an Academic School. Where such power is exercised, the Head of the Student Progress Service shall be informed as soon as is reasonably practicable. The decision shall be subject to written confirmation by the Head of the Student Progress Service where the period of suspension is in excess of one month.

(c) Where an allegation of misconduct falls to be considered under this procedure, the authorised person shall also be entitled to consult with the Head of the Student Progress Service at any stage in their enquiry. Where a case is subsequently referred to the Head of the Student Progress Service, s/he shall have the right to decide whether, under the Central Procedure of the main University Student Disciplinary Procedures, to proceed under Procedure A or B.

(d) Explanatory Notes on Sanctions:
- Non-payment of compensation levied under these procedures by the given date will result in the disablement of the student’s smartcard. The Student shall be notified in writing that the full amount must be paid within 7 days or they shall be suspended from their degree programme until the full payment is received.

3. Appeals

(a) A student wishing to appeal against a disciplinary finding by an authorised person in an Academic School should address the appeal to the Head of the Student Progress Service.

(b) An appeal shall be lodged within fifteen working days of receipt of the decision of the authorised person. The appeal shall be in writing and shall specify the grounds of appeal which may only be one or more of the following:

i) That fresh material evidence is available, which was not available on reasonable enquiry or application at the time of the original hearing;

ii) Procedural Irregularity;

iii) Bias or Prejudice;

iv) Excessive or Inappropriate punishment;

v) That the decision reached was perverse in that it was one which no reasonable person could have reached on the available evidence.

The appeal shall be accompanied by supporting documentation that shall be relied upon in the event of a hearing.

(c) The appeal shall be considered initially by the Disciplinary Convenor to decide whether there is a *prima facie* case under the specified grounds. If the Convenor decides that a *prima facie* case has been established, the appeal shall be considered by a member of the Disciplinary Panel nominated by the Convenor. The Head of School (or nominee) shall be asked to submit a statement about the appeal. The Head of the Student Progress Service shall provide such secretarial and administrative support as is reasonably necessary for appeals. The Disciplinary Panel member shall be entitled to confirm, vary or quash the original finding.

4. Where the Disciplinary Convenor dismisses an appeal or the nominated Disciplinary Panel member confirms the decision appealed against, there shall be no further appeal within the University. Provision for independent external review is made through the existence of the Office of the Independent Adjudicator. The Independent Adjudicator’s role is to review the application by the University of its own internal procedures. Further information about the Adjudicator's role is available from www.oiahe.org.uk/. A leaflet can also be obtained from the Student Progress Service, King’s Gate.
5. **General Provisions of the Conduct of Hearings**

Paragraph 7 of the University's "Student Disciplinary Procedures" shall apply to the conduct of all hearings.
1. (a) Introduction

These procedures provide a framework for maintaining good order in all Academic Service Departments of the University. For the avoidance of doubt, the phrase Academic Service Department shall hereafter be taken to mean the computing facilities operated by Information Systems and Services, the Library, the Language Centre and Sport. The procedure shall apply to all students who are subject to University discipline, and this document is to be read in conjunction with the main University Student Disciplinary Procedures.

(b) Definition of Misconduct

A breach of discipline is, as defined in paragraph 1(b) of the University's "Student Disciplinary Procedures", for the purpose of these procedures, called an "act of misconduct", and this will include, but not be limited to, failure to observe all University rules and regulations including local regulations for the governance of Academic Service Departments. The essence of misconduct under this code is improper interference, in the broadest sense, with the proper functioning or activities of the University, or those who work or study in the University. It also includes conduct which otherwise damages the University.

(c) Definition of Authorised Person

The Head of the relevant Academic Service Department or a nominated deputy shall be deemed to be the authorised person for dealing with student discipline in an Academic Service Department.

3. Procedures

(a) The authorised person shall have the right to investigate any allegation of misconduct against a student, and may take disciplinary action where it decides, on the balance of probabilities, that an act of misconduct has been committed. Where, in an Academic Service Department, an authorised person decides that a case is sufficiently serious, the authorised person may temporarily suspend a student from that service, pending further investigation into the alleged misconduct. Where such power is exercised the Head of the Student Progress Service shall be informed as soon as is reasonably practicable. The decision shall be subject to written confirmation by the Head of the Student Progress Service where the period of suspension is in excess of one month, or two weeks in the case of the computing facilities.

(b) Where an authorised person is satisfied that a student has committed an act of misconduct, one or more of the following sanctions may be imposed:

i) A warning, orally and in writing, advising the student about their future conduct.

ii) A compensation payment for the direct cost of reparations to property.

iii) Confiscation without compensation of items prohibited by rules and regulations relating to Academic Schools and Academic Service Departments.

iv) A fine, up to a limit from time to time agreed with the Head of the Student Progress Service.
v) An authorised person shall also have the power to suspend students from use of that Academic Service. Where such power is exercised the Head of the Student Progress Service shall be informed as soon as is reasonably practicable. The decision shall be subject to written confirmation by the Head of the Student Progress Service where the period of suspension is in excess of one month, or two weeks in the case of the Computing Service.

(c) Where an allegation of misconduct falls to be considered under this procedure, the authorised person shall also be entitled to consult with the Head of the Student Progress Service at any stage in their enquiry into any allegation of misconduct. Where an offence is subsequently referred to the Head of the Student Progress Service, he shall have the right to decide whether, under the Central Procedure of the main University Student Disciplinary Procedures, to proceed under Procedure A or B.

(d) Explanatory Notes on Sanctions

i) The money raised from fines will be forwarded to the Vice-Chancellor's Hardship Fund for students.

ii) Non-payment of compensation or fines levied under these procedures by the given date will result in the disablement of the student’s smartcard. The Student shall be notified in writing that the full amount must be paid within 7 days or they shall be suspended from their degree programme until the full payment is received.

iii) All suspensions from an Academic Service Department shall be reported to the Head of the Student Progress Service.

3. Appeals

(a) A student wishing to appeal against a disciplinary finding by an authorised person in an Academic Service Department should address the appeal to the Head of the Student Progress Service.

(b) An appeal shall be lodged within fifteen working days of receipt of the decision of the authorised person. The appeal shall be in writing and shall specify the grounds of appeal which may only be one or more of the following:

i) That fresh material evidence is available, which was not available on reasonable enquiry or application at the time of the original hearing;

ii) Procedural Irregularity;

iii) Bias or Prejudice;

iv) Excessive or Inappropriate punishment.

v) That the decision reached was perverse in that it was one which no reasonable person could have reached on the available evidence.

The appeal shall be accompanied by supporting documentation that shall be relied upon in the event of a hearing.

(c) The appeal shall be considered initially by the Disciplinary Convenor to decide whether there is a prima facie case under the specified grounds. If the Convenor decides that a prima facie case has been established, the appeal shall be considered by a member of the Disciplinary Panel nominated by the Convenor. The Director of Service (or nominee) shall be asked to submit a statement about the appeal. The Head of the Student Progress Service shall provide such secretarial and administrative support as is reasonably necessary for appeals. The Disciplinary Panel member shall be entitled to confirm, vary or quash the original finding. If a
student has access to the service reinstated on an appeal against suspension from an Academic Service Department, the student shall still be required to pay appropriate fees, notwithstanding temporary loss of access to facilities in the University.

4. Where the Disciplinary Convenor dismisses an appeal or the nominated Disciplinary Panel member Provision for independent external review is made through the existence of the Office of the Independent Adjudicator. The Independent Adjudicator’s role is to review the application by the University of its own internal procedures. Further information about the Adjudicator's role is available from www.oiahe.org.uk/. A leaflet can also be obtained from the Student Progress Service, King’s Gate.

5. General Provisions for the Conduct of Hearings

Paragraph 7 of the University’s "Student Disciplinary Procedures" shall apply to the conduct of all hearings.
STUDENT DISCIPLINARY PROCEDURES
APPENDIX III: DISCIPLINARY PROCEDURES FOR
UNIVERSITY RESIDENCES

1. (a) Introduction

The following procedures provide a framework for maintaining good order in all University accommodation ("residences"). The procedures apply to all students who are subject to University discipline, and this document is to be read in conjunction with the University's "Student Disciplinary Procedures".

(b) Definition of Misconduct

A breach of discipline, as defined in paragraph 1(b) of the University's "Student Disciplinary Procedures", for the purpose of these procedures, an "act of misconduct". The essence of misconduct under this code is improper interference, in the broadest sense, with the proper functioning or activities of the residence, or those who live or work in, or visit the residence. The procedures shall also apply to acts of misconduct committed outside the residence when a student is away in a residence context, or when it is found that there is some link to the residence or its reputation.

(c) Definition of Authorised Person

Under these procedures, the following persons shall be deemed to be the authorised person for dealing with student discipline in residences:

In Halls of Residence: The Warden of the Hall in which the misconduct occurs, or a nominated deputy.

In University Flats: The Housing Manager or a nominated deputy.

2. Procedures (General)

(a) An authorised person shall have responsibility for the maintenance of good behaviour and discipline in so far as it affects the residence. An authorised person shall have the right to investigate any allegation of misconduct, and may take disciplinary action when, on the balance of probabilities, an act of misconduct has been committed. An authorised person shall be entitled to deal with any alleged offence, unless it is of sufficient seriousness that it should be referred to the Head of the Student Progress Service, to be dealt with under the Central Procedure of the University's "Student Disciplinary Procedures".

(b) Where an allegation of misconduct is made known to an authorised person, and a decision is made to deal with the matter under this procedure, the authorised person shall determine using the procedure set out in paragraph 3 (a) below.

(c) Allegations of misconduct which fall into categories i - vii (paragraph 1(e)) of the University Student Disciplinary Procedures may, in accordance with paragraph 3 (a) of those procedures, be dealt with by the Head of the Student Progress Service or another authorised person. Offences in categories viii - xiv (paragraph 1(e)) may only be dealt with by the Head of the Student Progress Service unless committed in a University residence, in which case the matter may be dealt with by an authorised person under these procedures, provided that the matter does not constitute a serious criminal offence.
(d) Where a decision is made that the offence should be dealt with by the Head of the Student Progress Service, the matter shall be determined using the University Student Disciplinary Procedures. When an offence is reported to the Head of the Student Progress Service, s/he shall have the right to decide whether, under the Central Procedure, to proceed under Procedure A or B. In such a case, the authorised person shall, when required by the Head of the Student Progress Service, be responsible for the conduct of a preliminary investigation of the allegation, and shall report the outcome of such an investigation to the Head of the Student Progress Service.

(e) Where an allegation of misconduct falls to be considered under the procedure set out in paragraph 3 (a) below, the authorised person shall also be entitled to consult with the Head of the Student Progress Service at any stage in the enquiry.

3. Disciplinary Process

(a) Where an authorised person is satisfied that a student has committed an act of misconduct, one or more of the following sanctions may be imposed:

i) A warning, orally and in writing, advising the student about future conduct

ii) Where a student has previously received a warning, or where the authorised person deems fit, a final warning.

iii) A compensation payment for the direct cost of reparations to property.

iv) A fine, within limits from time to time agreed with the Head of the Student Progress Service.

v) Exclusion from any part or parts of the residence, or from attending any social functions at the residence.

vi) A written request that the student vacate the room(s) occupied by that student and leave the residence. Should the student refuse to do so, the University will take necessary legal proceedings to obtain possession.

(b) For the avoidance of doubt, it should be noted that, in respect of the procedures detailed above, persistent offenders, even in relation to minor offences, may be liable to incur a greater sanction than the individual offence might otherwise merit.

4. Supplementary Provisions

i) The money raised from fines will be forwarded to the Vice-Chancellor's Hardship Fund.

ii) Non-payment of compensation or fines levied under these procedures by the given date will result in the disablement of the student's smartcard. The Student shall be notified in writing that the full amount must be paid within 7 days or they shall be suspended from their degree programme until the full payment is received.

iii) All expulsions from a residence shall be reported to the Head of the Student Progress Service.
5. Appeals

(a) i) A student wishing to appeal against a disciplinary finding by an authorised person under this procedure should address the appeal to the Head of the Student Progress Service.

ii) Where the decision against which a student is appealing involves partial or full suspension from facilities, the appellant may not use those facilities or to attend the residence while the appeal is being determined. For the avoidance of doubt: this provision shall not apply to occupation of a student residence whilst an appeal within the University is being considered.

(b) An appeal shall be lodged within ten working days of receipt of the decision of the authorised person. The appeal shall be in writing and shall specify the grounds of appeal which may only be one or more of the following:

i) That fresh material evidence is available, which was not available on reasonable enquiry or application at the time of the original hearing;

ii) Procedural Irregularity;

iii) Bias or Prejudice;

iv) Excessive or Inappropriate punishment;

v) That the decision reached was perverse in that it was one which no reasonable person could have reached on the available evidence.

The appeal shall be accompanied by supporting documentation that shall be relied upon in the event of a hearing.

(c) The appeal shall be considered initially by the Disciplinary Convenor to decide whether there is a prima facie case under the specified grounds. If the Convenor decides that a prima facie case has been established, the appeal shall be considered by a member of the Disciplinary Panel nominated by the Convenor. The Director of the Accommodation Service (or nominee) shall be asked to submit a statement about the appeal. The Head of the Student Progress Service shall provide such secretarial and administrative support as is reasonably necessary for appeals. The Disciplinary Panel member shall be entitled to confirm, vary or quash the original finding.

6. Where the Disciplinary Convenor dismisses an appeal or the nominated Disciplinary Panel member confirms the decision appealed against, there shall be no further appeal within the University. Provision for independent external review is made through the existence of the Office of the Independent Adjudicator. The Independent Adjudicator’s role is to review the application by the University of its own internal procedures. Further information about the Adjudicator’s role is available from www.oiahe.org.uk. A leaflet can also be obtained from the Student Progress Service, King’s Gate.

7. General Provisions for the Conduct of Hearings

Paragraph 7 of the University's "Student Disciplinary Procedures" shall apply to the conduct of all hearings.