

## Student Disciplinary Regulations

### 1. Introduction

The University is a scholarly, (and essentially adult), community for the pursuit of learning and research. The purpose of the University is to provide teaching, encourage learning and promote research. It also aims to support the recreational and social needs of its students in connection with their scholarly pursuits. It is a community which embraces diversity and inclusion. As members of this scholarly community, all students are required at all times, on and off campus, to conduct themselves in a manner that is considerate, courteous and respectful of others and of the pursuits of the University and to act responsibly in all their behaviour.

- 1.1 By enrolling on a course at the University, students agree to conduct themselves in a manner consistent with the fulfilment of the University's objectives and in accordance with its Student Code of Conduct, regulations, rules, policies and procedures.
- 1.2 As members of the University, students have a responsibility to help maintain good order and a safe environment which is conducive to study, living and working and the enjoyment by students of a positive student experience.
- 1.3 Staff are encouraged to address poor behaviour through early intervention, positively supporting students to develop their understanding of what constitutes acceptable behaviour, before circumstances escalate towards disciplinary action.
- 1.4 These Regulations are made pursuant to Clause 27.1.8 of the [Articles of Association](#). The University undertakes to regulate and manage compliance with its Student Code of Conduct through these Regulations in accordance with its duty of care and other legal responsibilities to the members of its community, and to protect its interests and activities and defend its good name and reputation.
- 1.5 Amendments may be made to the Student Code of Conduct and these Regulations only by the Court of Governors.
- 1.6 The purpose of these Regulations is to provide the University with a framework and processes to deal with and manage allegations of student misconduct and the attendant risks to which they give rise, including for the fair investigation and determination of suspected misconduct and the support of students who are involved in disciplinary matters.
- 1.7 In specific circumstances the University may impose precautionary action while these Disciplinary Regulations are being used. Appendix 3 sets out the circumstances and the precautionary action that may be imposed.
- 1.8 The University does not investigate or determine alleged breaches of the criminal law and does not act as a proxy Crown Prosecution Service. The University does not have the legal investigatory powers of the Police and cannot make a determination on criminal guilt. An internal University investigation is focused exclusively on whether a breach of the University's Student Code of Conduct has occurred. The internal process cannot therefore be regarded as a substitute for a Police investigation or criminal prosecution.
- 1.9 Where the alleged breach of the Student code of Conduct may also constitute a breach under criminal law, Appendix 2 sets out the steps the University may take and how this affects the University's procedures.
- 1.10 Where a criminal investigation or judicial proceedings are ongoing in the interest of not causing impediment to the criminal proceedings, the University will not normally commence an internal investigation or may suspend an ongoing investigation. In all instances the University will undertake necessary precautionary action. Further information on precautionary action is provided in Appendix 3.

- 1.11 A decision by the Police or Crown Prosecution Service (or other law enforcement agency) to take no further action in relation to a criminal matter or an acquittal at a trial does not preclude the University from taking action under this procedure.
- 1.12 Where a student has been convicted of a criminal offence or accepts a Police caution in relation to behaviour that falls within the scope of the University's Student Code of Conduct, the conviction/caution will be taken as conclusive evidence that the behaviour took place, and no further investigation shall be required by the University. The case will be referred by the Associate Head of College to a Stage 2 Formal Disciplinary Panel Hearing as an allegation of a major offence under the Student Disciplinary Regulations.
- 1.13 References in these Regulations to named University employee titles or officers (e.g. Academic Registrar) will include reference to their nominees.
- 1.14 Further information about the terminology used in these regulations is provided in the Definitions in Appendix 1. You should refer to this document if there are any words or terms that are unclear to you. If, having referred to the Appendix 1, you are still unclear about any aspect of this procedure, contact the Academic Standards Team.

## **2. Support**

- 2.1 The University is committed to providing support for those members of its community affected by matters which fall under these procedures. The University will provide information on support resources available and offer interim measures as appropriate to the Reporting Party, Student, and witnesses involved in alleged incidents.
- 2.2 Support resources are available to any member of the University who discloses an incident regardless of their choice to make a Report to the University or Police. Support remains available irrespective of the outcome of an investigation, meeting or hearing.
- 2.3 Where the case involves a complaint of sexual misconduct or serious harassment a Student Casework Risk Panel (SCRP) meeting will be convened. The membership of the SCR Panel will depend upon the nature of the alleged incident and the membership may include;
  - Associate Head of College (Educations and Students)
  - Director of Student and Academic Services (or their nominee)
  - Director of Human Resources (or their nominee)
  - Head of Residential Life and Student Support
  - Student Wellbeing and Inclusion Manager
  - Deputy Registrar (Quality and Standards) (or their nominee)
  - Director of Global Recruitment, Marketing, Communications and Development
  - Head of Counselling
  - A senior representative from the Academic Department/s of the student/s named in the report
- 2.4 During the SCR Panel meeting, members will:
  - Consider the academic, welfare and support needs of the Student/s and of any other members of the University community directly involved in the complaint and identify any actions or measures required to ensure that those needs are met;
  - Undertake a risk assessment in order to determine whether any precautionary action needs to be put in place in order to:
    - ensure that a full and proper investigation can be carried out (either by the police or University) and/or
    - implement measures to reasonably ensure the safety and wellbeing of those involved during an investigation carried out by the Police or University.
- 2.5 Actions arising out of the SCR Panel meeting may include (but are not limited to):
  - a) The provision of further or different support to the students involved. The support measures may relate to academic, housing, finance, health and wellbeing matters.

- b) The imposition of precautionary action (as set out in Appendix 3) on the Student pending the outcome of the criminal and/or disciplinary process.
- 2.6 The SCR Panel (or representative from the Panel) may meet with the Student and/or a Reporting Person and/or providing the Student and/or a Reporting Person with an opportunity to make written submissions as part of the process, save where a decision needs to be made as a matter of urgency and the timescale in the circumstances does not provide for such opportunity.
- 2.7 Responding Students and where the Reporting Party is a student each will be offered to have a member of staff assigned to them to offer welfare and pastoral support from the Student Wellbeing Team. This support will be separate; one member of staff will not provide support to both parties. Staff in these roles are trained specifically to support either party during and after an investigation.
- 2.8 In sexual misconduct cases, the Reporting Student and Responding Student will be assigned a Sexual Misconduct Liaison Officer (SMLO) who is trained specifically to support each party under these procedures.
- 2.9 Pastoral support can also be received from Disability Services, for students living in University accommodation, Residence Life.
- 2.10 The University of Westminster Students' Union Advice Service is a confidential, independent and impartial service that is not part of the University. The service is for all students who are involved in the procedures described in these regulations, whether you are the reporting student, the reported student, or a witness. It will provide a named advisor who will meet with you and support and guide you throughout the process and can help you prepare for meetings / hearings and attend with you if you choose. They will also provide you with advice and support following the conclusion of a case, including, where applicable, information about whether you may have grounds for appeal, and support relating to any ongoing impact of any penalty imposed. They will aim to ensure that procedures are followed and that all students involved are given a fair opportunity to present their case.
- 2.11 The University will make these Regulations available to students in accessible formats, where required. The University will consider if reasonable adjustments are needed to the Regulations and its processes for Students with disabilities, and these will be discussed with the Student. A record of adjustments made to the procedures will be kept by the University

### **3. Monitoring**

- 3.1 The University will maintain an appropriate central record of incidents to effectively engage in prevention and response initiatives.
- 3.2 The Academic Standards Manager will ensure that the Court of Governors, University Executive Committee, Academic Council are provided with anonymised data concerning the cases that are dealt with under this procedure. This will include decisions which result in the suspension or exclusion or expulsion of a Student.

### **4. Relationship to other Policies and Procedures**

- 4.1 These Regulations relate to matters of non-academic misconduct and any action taken under these Regulations normally supersedes any disciplinary action being taken under other rules or regulations of the University of Westminster.
- 4.2 Where alleged misconduct constitutes academic misconduct, it should be referred for action in accordance with the [University's Academic Regulations](#).
- 4.3 If a student makes an allegation about a member of staff, this will be referred to the [Student Complaint Procedure](#) for investigation.

- 4.4 Students registered on programmes leading to membership of a professional or regulatory body should demonstrate appropriate behaviour and standards required for entry into that profession. Where such a student is found to have committed a disciplinary offence under these Regulations, that student may subsequently, and where appropriate, be referred for consideration under the [University's Fitness to Practise Procedure](#).
- 4.5 Where there is a concern that mental health, illness or disability may have directly affected a Student's behaviour, the Director of Student and Academic Services will be consulted to assess whether it would be more appropriate to consider the matter under the [Fitness to Study Policy](#) or Crisis Intervention Procedures as an alternative to disciplinary action. This assessment may be done at any stage of the disciplinary process (e.g. investigation, Stage 1 or Stage 2).
- 4.6 Where it is not clear how the alleged misconduct should be classified the matter will be determined by the Academic Registrar.

## 5. General Principles

- 5.1 The University will regard as unacceptable any behaviour by students which improperly interferes with or adversely affects:
- the University's community, pursuits, interests, activities, property or reputation; and/or
  - the safety, well-being, activities or interests of its students or staff as members of the University or of its visitors
- 5.2 Such misconduct includes, but is not limited to, behaviour which takes place during University-related activities (such as teaching, placements, field-trips and extra-curricular activities and events). It includes behaviour which takes place on or off University premises, including on digital platforms. It includes behaviour which takes place during or outside of term time, and behaviour that affects the reputation of the University in the local community or more widely.
- 5.3 These Regulations will apply in the case of allegations of non-academic misconduct. Conduct which the University regards as non-academic misconduct is set out in the [Student Code of Conduct](#)
- 5.4 The University strives to ensure fairness and consistency across the University in the application of penalties and sets these out in the table published in the Student Code of Conduct. The principle behind the table is simple and serves to ensure that all Students are aware of the possible penalties that they may receive if they are found guilty of misconduct in accordance with these Regulations. The table is not an exhaustive list of penalties or offences.
- 5.5 These Regulations apply to all Students. The University may also implement these Regulations in respect of Former Students and, where they are so implemented, references in these Regulations to Students should be read as references to Former Students.
- 5.6 In the case of Students who are also registered with a collaborative partner on a course that is validated by the University, the disciplinary procedures of that collaborative partner will normally apply. Any variation from this will be stated in the partnership agreement. Only where that agreement states that such students are subject to the University's disciplinary procedures will these regulations apply.
- 5.7 Where a Student is enrolled on a course that is regulated by a professional, statutory or regulatory body (PSRB) and the Student is suspected of misconduct, or is found under these Regulations to have committed misconduct, the University may, depending on the nature of the misconduct allegation or offence, be obliged to report that fact and related information to the PSRB.

- 5.8 These Regulations provide an internal and confidential University process for dealing with student misconduct and do not replicate court or criminal processes. Legal representation is not normally permitted at any meeting or hearing convened under these Regulations although the University, at its discretion, may permit legal representation in an exceptional case in the interests of fairness.
- 5.9 The University will, wherever practicable, seek to adhere to the time limits outlined in these Regulations; however, in cases where there are special circumstances which require variance from specified time limits, the University will advise Students of this and the reasons for this and the revised timeline.
- 5.10 The University may postpone or adjourn any procedural step or stage under these Regulations (including any investigation, meeting or hearing) and /or modify any of the procedural provisions of the Regulations in the interests of fairness and/or to assist it to comply with its legal and/or regulatory obligations and/or for other good reason. It may instigate or continue with any procedural step or stage of these Regulations where a Student refuses or otherwise fails to comply or engage with any invitation, procedural step or stage without good reason.
- 5.11 Students will be given an opportunity to attend disciplinary and appeal meetings and hearings in person (or, depending on the circumstances (for example, due to pandemic or personal circumstances) virtually). The University reserves the right to proceed with any disciplinary or appeal meeting or hearing in the absence, without good reason, of a Student, subject to the Student having been properly notified of the date and time of the meeting or hearing, or in cases where police investigation, criminal proceedings or conviction do not allow the Student to attend in person. Student's expenses for attending meetings under this procedure will not normally be reimbursed by the University.
- 5.12 Students will have the right to be accompanied to any meeting or hearing under these Regulations by a Friend. The role of the Friend is to provide moral support during a meeting or hearing. Student may also be accompanied by a Representative who may make representations on behalf of the Student. The Friend/Representatives cannot be a witness in the case under consideration.
- 5.13 The University reserves the right not to proceed with any investigation or other stage under these Regulations in connection with a misconduct allegation where it considers there are insufficient grounds or evidence to do so, or for other good reasons.
- 5.14 If the Reporting Person subsequently decides to withdraw their allegation, the University may decide to continue with proceedings under these Regulations including any investigation, or to refer the matter to the Police if it is necessary to uphold the health, safety and security of members of the University community. In all circumstances, the Reporting Student will continue to have the right to receive the support and advice of the University's support services.
- 5.15 The standard of proof adopted under these Regulations is the balance of probabilities. The burden of proof will be on the University to prove that, on the balance of probabilities, the Student has committed the misconduct of which they are suspected. Where a student appeals a decision the burden of proof will be on the student.
- 5.16 The University may share information provided by and/or about Students, staff, Witnesses and others with people involved in a disciplinary matter where it is necessary to do so for the purposes of investigating, determining or otherwise dealing with misconduct or disciplinary issues and/or the risks to which they give rise (including, for example, providing pastoral support and protecting the health, safety, wellbeing and/or continuation of study of a Student). The sharing of such information where it may constitute personal data about any individual involved in a disciplinary matter is subject to compliance with the data protection legislation and confidentiality requirements.

- 5.17 Written communications will be sent to the Student's University e-mail address (or, in the case of Former Students, to their home address and personal email registered with the University). Students are required to check regularly their University e-mail account. Written communications may also be sent to the term-time contact address (during term-time) or home address (out of term-time) as recorded on the University's student record system. Students are responsible for ensuring that these contact details are kept up to date. Non-receipt of properly addressed and dispatched correspondence will not be accepted as valid grounds for delay or annulment of procedures or outcomes under these Regulations, nor will it be accepted as grounds for appeal.
- 5.18 Where a Student is found to have committed a disciplinary offence this will be recorded on the Student's file and retained in accordance with the [University's records retention schedule](#). The Student's disciplinary record may be referred to in future references and will be referred to should any subsequent breach of the Student Code of Conduct be determined.
- 5.19 There will be very limited circumstances in which the University can disclose any information about the misconduct to any third parties. Where a third party, who is a member of the University (staff or student), has been involved in a case as a victim of the alleged incident, the University may provide information on whether the case is being considered, and if their concern was upheld and if action had been taken that directly impacts them. Where the third party is external to the University, the University would not normally provide information with regards to specific cases but may exceptionally do so where the information could potentially impact on the wellbeing of the third party. In addition, information relating to the case may be required to be disclosed in connection with any relevant professional or criminal investigation, (or in references, as referred to above). A written record of all such instances, with grounds for disclosure, should be kept.
- 5.20 In addition to the rights of review afforded to a Reporting Person under these Regulations, a Reporting Person who is concerned about how a misconduct allegation or disciplinary matter has been dealt with by the University may be able to make a complaint against the University under the Student Complaint Procedure.
- 5.21 The University may reconsider disciplinary allegations previously raised against a Responding Student after a matter has been dismissed, determined or otherwise concluded if there is new material evidence or information that emerges that was not previously reasonably available, for example at the time of an investigation.
- 5.22 The recording of any conversation, call, meeting or hearing by or on behalf of a Responding Person without the prior, express and written permission of the University will be regarded by the University as a covert recording and will not be admissible in proceedings under these Regulations save in exceptional circumstances in the interest of fairness in the sole discretion of the University. A student who, for good reason, wishes to record a conversation, call, meeting or hearing (for example by way of a reasonable adjustment for a disability or in the interests of fairness) should seek the prior, express and written permission of Academic Registrar. In determining a request, the Academic Registrar will consider how the privacy rights of any other relevant individuals should be protected and whether there is an alternative, more proportionate and less intrusive way in which the conversation, call, meeting or hearing may be noted (for example by way of a written transcript appropriately redacted).
6. **Disclosure**
- 6.1 A Reporting Person may choose to make a disclosure using the University's Report and Support tool. A disclosure does not automatically result in a Report to the University being made under these Regulations. The University respects the right of the Reporting Person to choose how to take forward a Disclosure.
- 6.2 Following a Disclosure, the Reporting Person will be given their reporting options along with information on resources for specialist support, which are set out in the table below. The University recognises that the Reporting Person may require time and reflection before

making a decision. The Reporting Person will be given the option and support to do one or more of the following:

- report to the Police;
- report to the University under the University's Student Disciplinary Regulations
- make no report of the incident; and/or
- receive advice on the support that is available

Status	Example	What student can expect
A disclosure	E.g. a student tells a tutor but does not provide details that permit investigation	Signposting to reporting platform Referral to wellbeing team Signposting to external agencies (e.g. Police and charity and support organisations as listed by the Student Wellbeing team)
A report	E.g. a student reports to the University with details of the incident (including using Report and Support) but does not state what action they are expecting	Access to specialist internal advice and support Liaison on academic or practical adjustments Advice on options (including making a complaint that the University can investigate)
A complaint	E.g. a student submits an account of the incident and confirms that they wish the University to take protective action and investigate	Student Disciplinary Regulations to be initiated Consideration of immediate protective actions

## 7. Initiation of the Regulations

- 7.1 Alleged student misconduct should normally be reported in the first instance (in writing) to the College Academic Administration Officer who will report the matter to the (relevant) Associate Head of College (Education & Students) in which the student is or was studying. The Associate Head of College (Education & Students) will also consider reports received from Report and Support; Security; Accommodation; Residential Life; academic staff, Students' Union, Members of the Public and other Professional Service Departments. Anonymous allegations will not normally be considered.
- 7.2 In the case of incidents arising in University of Westminster Student Residences, the alleged misconduct should normally be reported in the first instance in writing to the Residential Life Manager. In the case of incidents arising in a University Library, the alleged misconduct should normally be reported in the first instance in writing to the relevant Library Manager. A decision will be taken on whether the incident should be dealt with through local procedures or reported to the relevant Associate Head of College (Education & Students).
- 7.3 At all times the University will be mindful of any ongoing risk posed by the Responding Student alleged to have committed the misconduct, for example risk to self. The Associate Head of College (Education & Students) may consult the Academic Registrar, Director of Student and Academic Services and/or other relevant senior staff in relation to the management of risk, and where appropriate may take emergency action as outlined in Appendix 3.
- 7.4 A Reporting Person and the Responding Student against whom the allegation has been made should not attempt to investigate a misconduct matter themselves, instead providing all potentially relevant information to the Associate Head of College (Education & Students) or nominee.
- 7.5 Upon receipt of an allegation of misconduct, the relevant Associate Head of College (Education & Students) will determine whether:

- i) the allegation be dismissed. This may be for a variety of reasons such as that there is no case to answer, that there is insufficient evidence to support the allegation, that the allegation has been made with malicious intent or that the University is concerned that proceeding under the Regulations is outweighed by risk to the welfare of a Reporting Person or a Responding Student
  - ii) the allegation be referred to be dealt with under a different University procedure;
  - iii) the alleged misconduct be classified as a minor offence and a matter for the Student's Head of School to deal with at Stage 1 of these Regulations.
  - iv) the alleged misconduct be classified as a major offence or where there is persistent or repeated misconduct by the student and should be dealt with at Stage 2 of these Regulations. In this case, the Associate Head of College (Education & Students) will inform the Academic Standards Manager, the College Academic Administration Officer will update the database accordingly (see footnote 1<sup>1</sup>).
- 7.6 In order to make the above determination the Associate Head of College (Education & Students) may undertake a preliminary investigation into the alleged misconduct as is appropriate and proportionate in the circumstances.
- 7.7 Where a preliminary investigation is undertaken the investigation will be started promptly and normally within 10 working days of the date of the referral to the Associate Head of College (Education & Students).
- 7.8 A preliminary investigation may include (but need not be limited to) the taking of written statements from witnesses, the holding of meetings with members of university staff and/or the collation of evidence or information, as relevant in the circumstances. In addition, the Associate Head of College (Education & Students) may request written statements, meetings, evidence and/or information from anyone outside of the University community. Information collated by the Associate Head of College (Education & Students) as part of a preliminary investigation may include (but is not limited to) information provided by others, records, correspondence, CCTV evidence and/or records of online activity. This is a non-exhaustive list, and the Associate Head of College (Education & Students) may request any information that they consider relevant to the preliminary investigation.
- 7.9 The Associate Head of College (Education & Students) may invite the Responding Student against whom the misconduct allegations have been raised to meet with them as part of a preliminary investigation.
- 7.10 Written notes will be taken of all preliminary investigative meetings. A Responding Student invited to attend a preliminary investigative meeting will be informed in advance of the meeting that they are able to bring a Friend to the meeting. At the meeting the Responding Student will be provided with an opportunity to present information, evidence and the names of any witnesses should they wish to do so. Following the meeting they will be provided with the opportunity to comment on the factual accuracy of the written notes of the meeting.
- 7.11 Where a preliminary investigation meeting is held the Associate Head of College (Education & Students) will write to the Responding Student normally at least 5 working days before the date of the meeting to confirm that an allegation of misconduct has been received and the relevant clause(s) of the Student Code of Conduct or other University rules it is suspected

---

<sup>1</sup> The Academic Standards Manager shall manage a database for the purpose of recording student disciplinary cases, and the College Academic Administration Officer shall notify the Academic Standards Manager by logging the case in this database. Access to this database shall be restricted to the Academic Standards Manager, the College Academic Administration Officers, Heads of Colleges, Heads of Schools, Associate Head of College (Education & Students) Residential Life Manager and Library Managers. Records will be retained in accordance with the University's records retention policies, and in accordance with the provisions of the Data Protection Act.

may have been breached and to explain that the meeting is part of a preliminary investigation being carried out under Regulation 7. The Responding Student will also be informed of the date, time and place of the meeting (or, if it is to be held remotely, the arrangements for the holding of the meeting). The Associate Head of College (Education & Students) will provide a brief summary of the nature of the alleged misconduct and the name of any Reporting Person or Witnesses (unless the identity of any Reporting Person is unknown or, exceptionally, if there is good reason to keep the identity of a Reporting Party or any Witness confidential). The written invitation to the Responding Student will also describe the preliminary investigation process and the possible outcomes of the preliminary investigation as set out at Regulation 7.5 above.

- 7.12 Upon conclusion of a preliminary investigation the Associate Head of College (Education & Students) will produce a Preliminary Investigation Report, outlining the findings of the investigation and their decision on whether the offence should be classified as a major offence or minor offence or that the allegation be dismissed or be referred to be dealt with under a different University procedure, under Regulation 7.5. The Associate Head of College (Education & Students) will provide the written outcome of their preliminary investigation to the Reporting and Responding students.
- 7.13 Where the Associate Head of College (Education & Students) is unsure whether an instance of alleged misconduct should be classified as a minor or major offence, advice should be sought from the Academic Standards Manager.
- 7.14 In cases of alleged serious harassment or sexual misconduct (such as sexual assault) of a Reporting Person, a copy of the Preliminary Investigation Report, and where it is necessary for the purpose of protecting and/or supporting their health, safety or wellbeing from a risk of serious harm and/or protecting the continuation of their studies from a risk of serious interruption or disruption and of the decision made under Regulation 7.5, redacted for relevance and where necessary in compliance with data protection and confidentiality obligations, will be provided to the Reporting Person at the same time as it is provided to the Responding Student. The Reporting Person may request a review of the decision of the Associate Head of College (Education & Students) under Regulation 7.5 on one or more of the following procedural grounds only:
- procedural irregularity;
  - the decision reached under Regulation 7.5 was unreasonable; and/or
  - new material evidence is available which was not previously reasonably available.
- 7.15 The Reporting Person must make any review request in writing to the Deputy Registrar (Quality and Standards) within 10 working days of the date of the decision made under Regulation 7.5. The Deputy Registrar (Quality and Standards) will consider the review request and determine whether valid grounds for review are disclosed. The Responding Student will be informed that a review request has been made.
- 7.16 Where it is determined that no valid grounds for review have been disclosed, the Reporting Person and the Responding Student will be informed of this in writing (normally within 10 working days of the date of the review request) and this decision will be final.
- 7.17 Where it is determined that one or more valid grounds for review have been disclosed, the matter will be referred to a different Associate Head of College (Education & Students) to which the Responding Person is registered to undertake a review of the decision made under Regulation 7.5. and the Reporting Person and the Responding Student will be notified of this. The review will take place on paper without a hearing although the Associate Head of College (Education & Students) may meet separately with the Reporting Person and/or the Responding Student as part of the review process. The Reporting Person and the Responding Student will both be entitled to make written submissions in connection with the review, and such submissions if made will be copied to the Reporting Person / Responding Student as relevant (subject to necessary redaction) who will then have an opportunity to comment on them in writing to the Associate Head of College (Education & Students). At the conclusion of the review the Associate Head of College (Education & Students) will determine whether the original decision made under Regulation 7.5 should stand or a different decision

be substituted from the options available under Regulation 7.5. The Reporting Person and the Responding Student will be informed in writing of the review decision normally within 10 working days of the date of the matter having been referred to the Associate Head of College (Education & Students) for review. The decision may have information deleted to protect the data protection and confidentiality rights of other individuals This decision will be final.

## **8. Stage 1: Formal Disciplinary Meeting (Disciplinary Procedure for Minor Misconduct)**

- 8.1 Where the alleged misconduct is referred under Regulation 7.5 to the Head of School, or nominee will ensure that such investigation as is appropriate and proportionate is undertaken to deal with the matter. The responding student will be informed of the misconduct allegations, that an investigation is being undertaken and of the identity of the investigator. This may include interviewing other individual(s) concerned in the presence of a member of staff nominated by the Director of College Operations who will be responsible for making a formal record of the interview. Where a preliminary investigation has taken place, the Head of School, or nominee will be provided with the material gathered as part of the preliminary investigation.
- 8.2 Following any investigation, the University will invite the Responding Student in writing to a Stage 1 Formal Disciplinary Meeting with Head of School, or nominee. The written invitation will specify the concerns raised against the student and the alleged breach of the Code of Conduct. The Responding Student will be provided with the evidence in support of the allegations. The University will inform the student of any witnesses that they will be bringing to the meeting. The Responding Student will normally be given at least five working days' notice of the Formal Disciplinary Meeting. The written invitation will also inform the Responding Student of their right to be accompanied by a Representative or Friend and will also refer the Responding Student to sources of support and guidance available in connection with the Formal Disciplinary Meeting. The Responding Student must inform the University of who they would like to bring to the meeting.
- 8.3 The Responding Student will also be invited to request any reasonable adjustments in respect of the Formal Disciplinary Meeting.
- 8.4 Should the Responding Student fail to attend the Formal Disciplinary Meeting without good reason, the Meeting may proceed in the Student's absence.
- 8.5 At the Formal Disciplinary Meeting the Head of School will present the disciplinary case against the Responding Student and the Responding Student will be given an opportunity to respond to the case. Witnesses may be called by the Responding Student and/or the University to attend the Formal Disciplinary Meeting. Where the Responding Student invites Witnesses to attend the meeting, the names of any such witnesses, along with any written statements, must be submitted to the Head of School at least four working days before the meeting.
- 8.6 Following the Formal Disciplinary Meeting and consideration of the evidence (including any witness evidence), the Head of School will determine whether the Responding Student has committed any or all of the disciplinary offences raised against them. Where it is determined that the Responding Student has committed a disciplinary offence raised against them, the Head of School will consider whether a disciplinary penalty should be imposed on the Responding Student under Regulation 8.8. The Responding Student will be provided with an opportunity to offer information in mitigation prior to the Head of School deciding on any disciplinary penalty to be imposed on the Responding Student.
- 8.7 Exceptionally, where additional evidence comes to light which was not made available before the Formal Disciplinary Meeting and which would indicate that the matter is not a minor offence but a major offence, a recommendation will be made to the Associate Head of College (Education & Students) that a Disciplinary Panel Hearing be convened under Stage 2 below.

- 8.8 Where the Head of School, or nominee determines that the Responding Student has committed a disciplinary offence, the Head of School will consider whether to impose one or more of the following penalties or conditions:
- a) a formal written reprimand which includes a warning that any further misconduct may result in a Stage 2 Formal Disciplinary Panel Hearing
  - b) a requirement that the Responding Student provide a written apology within a specified time
  - c) a requirement that the Responding Student pay reasonable compensation for any damage or loss caused;
  - d) exclusion from specific University-related activity/ies and/or event/s (for example tutorials, lectures, examinations or other assessments, placements, field-trips, extra-curricular events and activities or graduation, whether in person and/or remotely) for a specific period of time;
  - e) suspension of access (whether in person and/or remotely) to University services and/or facilities (for example the library or studio spaces) for a specified period of time;
  - f) restrictions and/or prohibitions on contact (whether in person and/or remotely) between the Responding Student and a named Reporting Student and/or another named person(s) or category of person(s) for a specified period of time;
- 8.9 If a Responding Student admits to a disciplinary offence, the Head of School, or nominee will consider this in determining any penalty to be imposed.
- 8.10 The Head of School, or nominee will confirm their decision to the Responding Student in writing with reasons, along with the record of the meeting, normally within five working days of the date of the Formal Disciplinary Meeting. All outcome letters must include a detailed statement of the facts identified through the evidence available and give the reasons for the decision and for the penalty, if any, imposed. The College Academic Administration Officer will record the decision on the database maintained for this purpose. Other relevant members of staff will also be informed as appropriate.
- 8.11 Any Responding Student failing to comply with a penalty imposed under Stage 1 may be referred to a Stage 2 Disciplinary Panel.
- 8.12 The Responding Student will be informed in the decision letter of their right to request an appeal of the decision of the Formal Disciplinary Meeting. If a Responding Student wishes to request an appeal, they must submit a request in writing to the Academic Registrar, or nominee within 10 working days of the date of the decision letter. An appeal request submitted after this deadline may, exceptionally, be allowed at the discretion of the Academic Registrar, or nominee where the Responding Student provides good reason, to the satisfaction of the Academic Registrar, or nominee for its late submission.
- 8.13 An appeal request may be made on one or more of the following grounds only, that:
- there has been procedural irregularity in the conduct of the disciplinary process;
  - new material evidence is available which was not previously reasonably available;
  - the decision made was unreasonable and/or the penalty imposed was disproportionate to the disciplinary offence.
- 8.14 Where, in the opinion of the Academic Registrar, or nominee valid ground or grounds for appeal are disclosed the Academic Registrar, or nominee will accept the appeal request and refer the matter for consideration by a Student Disciplinary Appeal Panel and will notify the Responding Student in writing of this decision. The decision of the Formal Disciplinary meeting, including in respect of any penalty, will stand until such time as it may be overturned or modified by a Student Disciplinary Appeal Panel. A Reporting Person will have no right to request a review or appeal of the decision of the Formal Disciplinary Meeting but may have recourse to the Student Complaints Procedure where they have a complaint as defined in the Student Complaints Procedure
- 8.15 Where, in the opinion of the Academic Registrar, or nominee no valid ground for appeal is disclosed the Academic Registrar, or nominee will reject the request and will write to the

Responding Student to inform them of this decision. Where an appeal request is rejected the Formal Disciplinary Meeting decision will stand, there will be no further opportunities for appeal under these Regulations and the University's internal procedures are completed. The Responding Student will be issued with a Completion of Procedures letter

## **9. Stage 2: Formal Disciplinary Panel Hearing (Disciplinary Procedure for Major Misconduct including Persistent and/or Repeated Misconduct)**

- 9.1 In cases where it is determined under Regulation 7.5 or 7.17 that the suspected misconduct should be classified as a major offence and should be heard by a Stage 2 Formal Disciplinary Panel, the Academic Standards Manager, will convene a hearing of the Stage 2 Formal Disciplinary Panel as soon as possible and normally within 30 working days following notification of the requirement to hold a Formal Disciplinary Panel Hearing.
- 9.2 Where a preliminary investigation has not been undertaken, and the Associate Head of College (Education and Students) determines that a further investigation is required they may appoint an investigator prior to the holding of a Formal Disciplinary Panel Hearing (who may be external to the University) to carry out such investigation into the misconduct allegations as is necessary to prepare and present a disciplinary case against the Responding Student at a Formal Disciplinary Panel Hearing. The investigation may include as relevant, collating documents and other evidence such as CCTV footage, social media communications or text messages, interviewing witnesses and gathering statements (including any Reporting Person), and speaking with University staff and other individuals in addition to the Student may be invited. The Responding Student will be informed that an investigation of the concerns is being undertaken, in writing of the misconduct allegations and that an investigator has been appointed to undertake an investigation and of the identity of the investigator.
- 9.3 As part of the investigation the Investigator will identify and take statements from any witnesses and may be asked to attend an investigation meeting at the discretion of the Investigator. The witnesses will not normally be provided with any investigation materials. Witnesses will be required to keep the details of the investigation confidential.
- 9.4 At the conclusion of an investigation under Regulation 9.2 the Investigator will prepare an investigation report detailing the misconduct allegations they have investigated, summarising the evidence they have collated and their findings and the misconduct allegations.
- 9.5 A copy of the investigation report will be provided to the Associate Head of College (Education and Students), the Academic Standards Manager and the Responding Student and normally within 25 working days of the date of appointment of the investigator.
- 9.6 The Academic Standards Manager will write to the Responding Student to inform them of the date of the Stage 2 Formal Disciplinary Panel Hearing, the letter will:
- i. inform the Responding Student of the disciplinary offences raised against the Responding Student to be dealt with at a Stage 2 Formal Disciplinary Panel Hearing;
  - ii. enclose copies of the evidence in support of the disciplinary offences and the investigation report;
  - iii. enclose a copy of these Regulations and the conduct rules that it is alleged the Responding Student has breached;
  - iv. inform the Responding Student of the date, time and venue (or arrangements if it is to be held virtually) of the Formal Disciplinary Panel Hearing, providing the Responding Student with normally at least 10 working days' notice of the hearing date;
  - v. inform the Responding Student of the names of the Disciplinary Panel members (and who will act as Chair) and of the Secretary to the Panel;
  - vi. inform the Responding Student of their right to attend the Formal Disciplinary Panel Hearing, to submit a written statement to Secretary to the Panel in advance of the Hearing should they wish to do so, to call witnesses to attend the Hearing (and that it will be the Responding Student's responsibility to arrange their attendance) and to submit written witness statements in advance of the Hearing and the deadline for doing so;

- vii. inform the Responding Student of their right to be accompanied and represented at the Hearing by a Representative and/or Friend,
  - viii. inform the Responding Student of sources of support and guidance in connection with the Stage 2 process and Formal Disciplinary Hearing including the Students' Union Advice Service;
  - ix. invite the student to inform the Panel Secretary of any reasonable adjustments they might require to access the Hearing; and
  - x. advise the Responding Student that the Hearing may proceed in their absence if they fail to attend without good reason.
- 9.7 The Panel Chair may consider it necessary to permit the evidence of a witness, including a Reporting Person (who may be the main or only witness in a case), to be provided by way of a written statement or other means (e.g. through the Chair, or by video) rather than in person at the Hearing where there is good reason to do so (such as where the University considers that providing evidence in person at the Hearing and/or being questioned directly by the Responding Student could pose a risk of serious harm to their health or wellbeing). Where witnesses are requested to attend the Academic Standards Manager will make the necessary arrangements.
- 9.8 The Responding Student against whom the disciplinary allegation has been made may invite witnesses to submit a written statement and to attend the Formal Disciplinary Panel Hearing. The names of any such witnesses, along with any written statements, must be submitted to the Academic Standards Manager at least four working days before the date of the Hearing in order to allow the Panel sufficient time to consider the documentation.
- 9.9 The Responding Student may also submit a written statement in support of their case. This must be submitted to the Academic Standards Manager at least five working days before the date of the Formal Disciplinary Panel Hearing.
- 9.10 In cases of sexual misconduct, harassment or hate crime the Reporting Person may provide an impact statement that will be shared with the panel and the Responding Student.
- 9.11 The Academic Standards Manager will collate all documentation and, at least four working days before the date of the Hearing, circulate to Panel members and to the Responding Student a paginated bundle containing copies of the evidence to be presented at the Hearing.
- 9.12 The Formal Disciplinary Panel will have absolute discretion to regulate its own procedures, but will normally conduct its hearing as follows:
- The Chair will introduce the proceedings and those present;
  - Investigator, as Presenting Officer will be invited to present the University's case and may call any witnesses
  - The Responding Student (or Representative) will be invited to present their response and may call any witnesses
  - the Investigator may make a short closing statement;
  - The Responding Student (or Representative) may make a short closing statement;
  - the members of the Panel may ask questions of the Investigator, the Responding Student (or representative), and any witnesses at any time;
  - the Panel will retire in private to deliberate.
- 9.13 The Formal Disciplinary Panel will determine whether or not the disciplinary offences raised against the Responding Student are proven on the balance of probabilities. Any disciplinary offences determined not to have been proven will be dismissed. Where the Formal Disciplinary Panel determines that a disciplinary offence has been proven it will consider whether any sanction set out at Regulation 9.25 should be imposed, providing the Responding Student first with an opportunity (in person or in writing, at the Panel's discretion) to submit mitigation.
- 9.14 In cases of allegations of serious harassment or serious sexual misconduct of a Reporting Person and where it is necessary for the purpose of protecting and/or supporting their health, safety or wellbeing from a risk of serious harm and/or protecting the continuation of their

studies from a risk of serious interruption or disruption, the Formal Disciplinary Panel may provide a Reporting Person with a copy of the draft decision it is minded to make, including in respect of any penalty to be imposed (subject to relevance and compliance with data protection legislation and/or confidentiality obligations). In such instances the Reporting person will be provided with an opportunity to make written submission to the Panel on the draft decision which submissions will be copied to the Responding Student and upon which the Responding Student will have an opportunity to respond in writing to the Panel. There will normally be no further opportunity for the Reporting Person or the Responding Student to make comments to the Panel but the Panel through the Chair may request further comments from the Reporting Person and/or the Responding Student at its sole discretion as it requires necessary in order to reach a decision in the matter. The Panel will consider the comments made by the Reporting Person and the Responding Student under Regulation 9.25 in reaching a final decision in the matter.

- 9.15 The Responding Student will be informed of the decision of the Formal Disciplinary Panel in writing, with reasons, and of their entitlement to request an appeal under Regulation 10, normally within five working days of the date of the Hearing. If it is identified that the outcome may take longer than five working days, the Responding Student will be notified.
- 9.16 A formal record shall be kept of the Formal Disciplinary Panel meeting.
- 9.17 The Academic Standards Manager, or nominee, will act as Secretary to the Formal Disciplinary Panel.
- 9.18 The composition of a Stage 2 Formal Disciplinary Panel will be:
- i. Head of College, or nominee from a College other than that in which the Student is/was studying (Chair)
  - ii. 2 members of staff from the University's approved pool of panel members
  - iii. A Sabbatical Officer nominated by the Students' Union
- 9.19 The quorum for meetings of a Formal Disciplinary Panel will be three and must include the Chair.
- 9.20 All panel members will be impartial and, where reasonably practicable, not known directly to the Responding Student. Members of staff of the University's Students' Union are not permitted to serve as members of a formal disciplinary panel.
- 9.21 In the event that the Panel does not reach a consensus, the Chair will have a deciding vote.
- 9.22 The Formal Disciplinary Panel may adjourn a Formal Disciplinary Panel Hearing where, for good reason, the Responding Student is unable to attend the Hearing, in order to permit further investigation to be undertaken, to seek additional evidence or clarification of evidence, in light of police investigation or criminal proceedings, or for such other reason as is reasonable.
- 9.23 Where the Formal Disciplinary Panel determines that the Responding Student has committed a disciplinary offence, the Panel may consider the imposition of one or more of the following penalties or conditions:
- a) to reprimand the Responding Student formally and to warn the Responding Student of the possible consequences of any further misconduct; such reprimand to be confirmed in writing;
  - b) to require the Responding Student to provide a written apology
  - c) to require the Responding Student to pay reasonable compensation for any damage or loss caused;
  - d) suspension from specific University-related activity/ies and/or event/s (for example tutorials, lectures, examinations or other assessments, placements, field-trips, extra-curricular events and activities or graduation, whether in person and/or remotely) for a specific period of time;
  - e) suspension of access (whether in person and/or remotely) to University services and/or facilities (for example the library or studio spaces) for a specified period of time;

- f) restrictions and/or prohibitions on contact (whether in person and/or remotely) between the Responding Student and a named Reporting Student and/or another named person(s) or category of person(s) for a specified period of time;
  - g) to suspend the Responding Student from the University for a specified period of time not normally exceeding one academic year;
  - h) to require the Responding Student to leave Halls of Residence or other managed residence and / or denial of permission to reside in such residence for the remainder of the student's course of study.
  - i) to permanently expel the Student from the University and, where relevant, to require the Responding Student to leave Halls of Residence or other managed residence. Where a student is permanently expelled from the University, that student may not subsequently be re-admitted to, or enrol on, any course offered by the University. Where a student is permanently expelled from the University, they will not be entitled to register as an alumni
  - j) in the case of Former Students, to suspend specified alumni rights for a specified period of time;
  - k) in the case of Former Students, to permanently revoke all alumni rights;
  - l) exceptionally, to revoke an award previously conferred by the University or to decline to make an award.
- 9.24 Penalties h), i), j) and k) will be made as recommendations to either (a/the) Deputy Vice-Chancellors, the Vice-Chancellor, or other senior member of staff specifically nominated by the Vice-Chancellor for that purpose and require that individual's approval for the penalty to be imposed. Recommendation regarding penalty h) and i) will include appropriate risk assessment. Penalty l) will be made as a recommendation to Academic Council and requires Academic Council's approval for the penalty to be imposed.
- 9.25 The table in the Student Code of Conduct provides an indication of the penalties likely to apply in different circumstances, depending on the type of offence and its seriousness. The table is not an exhaustive list of penalties or offences.
- 9.26 The penalty or penalties imposed will be determined by the facts of the case, any impact statement from the Reporting Person, similar previous cases, any aggravating and mitigating factors, and the students conduct record.
- 9.27 A summary of anonymised records of offences, mitigating factors and penalties applied will be made available to Panel members to ensure penalties are applied consistently.
- 9.28 The Panel will make its decision, with reasons, known to the Responding Student in writing normally within five working days of the conclusion of the hearing; correspondence shall be copied to all relevant members of staff. The Chair of the Panel may arrange to communicate the decision in a meeting or in some other format, where this is considered to be a reasonable adjustment for a Responding Student with a disability or where there are serious concerns about the Responding Student's mental health or wellbeing (and followed up in writing).
- 9.29 In cases of allegations of serious harassment or sexual misconduct (such as sexual assault), of a Reporting Person and where it is necessary for the purpose of protecting and/or supporting their health, safety or wellbeing from a risk of serious harm and/or protecting the continuation of their studies from a risk of serious interruption or disruption, a copy of the decision letter of the Formal Disciplinary Panel or selected details therefrom may be provided to the Reporting Person (subject to relevance and compliance with data protection legislation and/or confidentiality obligations). A Reporting Person will have no right to request a review or appeal of the decision of the Formal Disciplinary Panel but may have recourse to the Student Complaints Procedure where they have a complaint as defined in the Student Complaints Procedure.
- 10. Stage 2 Student Disciplinary Appeals Process**
- 10.1 The Responding Student will be informed in the decision letter of their right to request an

appeal of the decision of the Formal Disciplinary Panel. If a Responding Student wishes to request an appeal, they must submit a request in writing to the Academic Registrar within 10 working days of the date of the decision letter. An appeal request submitted after this deadline may, exceptionally, be allowed at the discretion of the Academic Registrar where the Responding Student provides good reason, to the satisfaction of the Academic Registrar, for its late submission.

- 10.2 An appeal request may be made on one or more of the following grounds only, that:
- 10.2.1 there has been procedural irregularity in the conduct of the disciplinary process;
  - 10.2.2 new material evidence is available which was not previously reasonably available;
  - 10.2.3 the decision made was unreasonable and/or the penalty imposed was disproportionate to the disciplinary offence.
- 10.3 The Academic Registrar may request the Responding Student or any other individual to provide further information or clarification in connection with an appeal request.
- 10.4 Where, in the opinion of the Academic Registrar, valid ground or grounds for appeal are disclosed the Academic Registrar will accept the appeal request and refer the matter for consideration by a Student Disciplinary Appeal Panel and will notify the Responding Student in writing of this decision. The decision of the Formal Disciplinary Panel, including in respect of any penalty, will stand until such time as it may be overturned or modified by a Student Disciplinary Appeal Panel.
- 10.5 Where, in the opinion of the Academic Registrar, no valid ground for appeal is disclosed the Academic Registrar will reject the request and will write to the Responding Student to inform them of this decision. Where an appeal request is rejected the Stage 2 decision will stand, there will be no further opportunities for appeal under these Regulations and the University's internal procedures are completed.
- 10.6 The Academic Registrar will write to the Responding Student to notify them of their determination normally within 15 working days of receipt of the appeal request.
- 10.7 In cases of allegations of serious harassment or sexual misconduct of a Reporting Person, the University may inform a Reporting Person that a Responding Student has submitted an appeal request and/or of the decision made on an appeal request where it is necessary for the purpose of protecting and/or supporting the Reporting Person's health, safety or wellbeing from a risk of serious harm and/or protecting the continuation of their studies from a risk of serious interruption or disruption, subject to relevance and compliance with data protection legislation and/or confidentiality obligations. The Reporting Person will have no right to comment on the appeal request or decision made on an appeal request.
- 10.8 The Student Disciplinary Appeal Panel composition will be as follows:
- i. Deputy Vice-Chancellor (Chair)
  - ii. Two members of staff from the University's approved pool of panel members
  - iii. President of the Students' Union, or nominee who shall be a sabbatical officer of the Student's Union.
- There will be a Secretary to the Panel who will be appointed by the Deputy Registrar (Quality and Standards) and who will not be a member of the Appeal Panel.
- 10.9 Each member of the Student Disciplinary Appeal Panel will be impartial; where practicable, the Panel will comprise members who are not known directly to the Responding Student(s) in question.
- 10.10 The quorum for a Student Disciplinary Appeal Panel is three, including the Chair. In the event that the Student Disciplinary Appeal Panel does not reach a consensus, the Chair will have a deciding vote.

- 10.11 The Student Disciplinary Appeal Hearing will normally be held within 30 working days of the date of the written notification to the Responding Student of the Academic Registrar's decision to accept the appeal request. Where it is not possible for the Hearing to be held within this timeframe the Responding Student will be informed and will be advised of the reasons for the delay and of the new timescale.
- 10.12 The Responding Student will be invited to submit any further written information in support of their appeal. Such information must be submitted to the Panel Secretary no later than seven working days in advance of the date of the Student Disciplinary Appeal Hearing.
- 10.13 The Responding Student will be invited in writing to a hearing of the Student Disciplinary Appeal Panel. Witnesses will not normally be called to a hearing. The letter inviting the Responding Student to a Student Appeal Hearing will include the date, time and venue (or arrangements if to be held virtually) of the hearing and the names of the members of the Student Disciplinary Appeal Panel and will inform the Responding Student of their right to be accompanied by a Friend or represented by a Representative at the appeal hearing and refer the Responding Student to sources of support and guidance such as the Students' Union Advice Service. The Responding Student must notify the Panel Secretary the name of any Friend or Representative and the role in which they will attend at least seven working days in advance of the date of the appeal hearing.
- 10.14 The Panel shall have absolute discretion to regulate its own procedures, but will normally hear the appeal as follows:
- 10.14.1 the Responding Student and/or their Representative, will present the appeal;
  - 10.14.2 the Student Disciplinary Appeal Panel may question any party;
  - 10.14.3 the Responding Student and / or their Representative will have the opportunity to make a final statement to the Student Disciplinary Appeals Panel;
  - 10.14.4 the Student Disciplinary Appeals Panel will deliberate in private.
- 10.15 During this time, the original decision of the Stage 2 Disciplinary Panel including any penalty will stand.
- 10.16 The Student Disciplinary Appeal Panel may uphold or dismiss the appeal in whole or in part. Where the appeal is upheld in whole or in part the Student Disciplinary Appeal Panel may:
- 10.16.1 substitute such decision and/or penalty from those listed under Regulation 9.25 as it thinks fit although it may not impose a penalty more severe than that originally imposed;
  - 10.16.2 refer the matter to be determined afresh by a new Stage 2 Formal Student Disciplinary Panel; and/or
  - 10.16.3 refer a specific issue or issues back to the original Student Disciplinary Review Panel for re-determination.
- 10.17 In cases of allegations of serious harassment or sexual misconduct (such as sexual assault) of a Reporting Person, the Student Disciplinary Appeal Panel may inform a Reporting Person of its draft decision on any penalty to be imposed on the Student (but not of any other draft outcome or on the substantive appeal)] where it is necessary for the purpose of protecting and/or supporting the Reporting Person's health, safety or wellbeing from a risk of serious harm and/or protecting the continuation of their studies from a risk of serious interruption or disruption, subject to relevance and compliance with data protection legislation and/or confidentiality obligations. In response, the Reporting Person will have the right to make written submissions to the Student Disciplinary Appeal Panel on the draft penalty within 5 working days, which written comments will be copied to the Responding Student who will have an opportunity to comment in writing thereon to the Appeal Panel (with normally no further right of exchange or comment between the Reporting Person or the Responding Student).
- 10.18 The Reporting Person will have no right of review or appeal of a final decision of the Student Disciplinary Appeal Panel but may have recourse to the Student Complaints Procedure

where they have a complaint as defined in the Student Complaints Procedure.

- 10.19 The decision of the Appeals Panel will be final.
- 10.20 The Panel Secretary will make the Panel's decision known to the Responding Person in writing, with reasons, normally within five working days of the date of the Student Disciplinary Appeal Hearing and the correspondence will be copied to all relevant staff.
- 10.21 The decision of the Student Disciplinary Appeals Panel forms the final stage of the University's internal disciplinary procedure. At the completion of the appeal process the Deputy Registrar (Quality and Standards) will issue the Responding Student with a completion of procedures letter informing the Student that the University's procedures are complete and that if the Student is dissatisfied with the outcome they may make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA), and that any such complaint should be made within 12 months of the date of the completion of procedures letter. Information and eligibility rules are available at <http://www.oiahe.org.uk>
- 10.22 If a Responding Student does not appeal within 10 working days of the date of the Stage 2 decision letter under Regulation 10.1, the University will close the matter and notify the Responding Student in writing and refer the Responding Student to details of the OIA scheme and the timescale for a student to make any complaint to the OIA within 12 months of the date of a completion of procedures letter. If the Responding Student requests a Completion of Procedure letter this will be provided, and it will state that Responding Student has elected not to complete the internal processes.

## Appendix 1: Definitions

Term	Definition
Apprentice	Apprentices are learners who combine working whilst studying to gain skills and knowledge in a specific job and are considered as students
Balance of probabilities	A standard of proof in which a decision is made following an objective assessment of the evidence whether it is more likely than not that an alleged incident occurred.
Burden of Proof	The "burden of proof" determines whose responsibility it is to prove an issue.
Digital Platforms	' <b>Digital Platforms</b> ' is defined as any online communication platform such as, but not limited to; Blackboard, Microsoft Teams, Zoom, Discord, Slack etc. and social media platforms such as, but not limited to What's App, Twitter, Facebook, Instagram etc. and University and Students' Union website and live chat functions.
Former Student	' <b>Former Student</b> ' is defined as any student who is no longer registered at the University and therefore is not pursuing a module, course or programme of study offered by the University.
Friend	' <b>Friend</b> ' is defined as a currently registered student of the University, a sabbatical officer or staff member of the University of Westminster Students' Union, or member of University staff who will provide moral support throughout the process.
Investigator	The role and functions of the Investigator are undertaken by appropriately trained individuals, appointed by the University. They have responsibility for investigating alleged breaches of this Code, including in university owned or administered accommodation
Nominee	A person who has designated authority to act on someone else's behalf
Office of the Independent Adjudicator ( <a href="#">OIA</a> )	An independent body set up to review student complaints about Higher Education Providers in England and Wales. It provides students with the opportunity of an independent review of their complaint or appeal once the University's internal procedures have been followed and completed.
Procedural Irregularity	' <b>Procedural irregularity</b> ' means the University has not acted in accordance with its own regulations or procedures, or has not acted with procedural fairness.
Property	' <b>Property</b> ' is defined as, but not limited to: computers; software; data; web pages; equipment (e.g. audio-visual equipment; laboratory equipment; instruments; tools); books; furniture; and personal belongings of individuals.

Term	Definition
Premises	<b>'Premises'</b> is defined as any premises owned, occupied or managed by the University including premises occupied by the Students' Union, and University of Westminster Student Residences.
Reporting Person	<b>'Reporting Person'</b> is defined as a person who reports a potential breach of the Student code of Conduct. They may be a Student, Former Student, member of staff or member of the public who has reported or disclosed an allegation of misconduct against a student or Former Student and who is a victim of the alleged or proven misconduct.
Reporting Student	<b>'Reporting Student'</b> is defined as a Student or Former Student who has reported or disclosed an allegation of misconduct against a student or Former Student and who is a victim of the alleged or proven misconduct.
Responding Student	Student against whom the allegation has been made.
Representative	is defined as a person who may represent the Responding Student during the process and make representations on their behalf.
Student	<b>'Student'</b> unless specifically qualified otherwise, is defined as any person pursuing a course, module or programme of study or research offered by the University, whether or not currently in attendance, suspended, interrupted, or on placement.
Witness	<b>'Witness'</b> is defined as a person who has witnessed a Student's alleged misconduct or otherwise has relevant information about the suspected misconduct. A Witness is not restricted to someone to whom misconduct was directed.
University	<b>'University'</b> is defined as the University of Westminster, a charity and company limited by guarantee Reg no 977818
University of Westminster Student Residences	<b>'University of Westminster Student Residences'</b> is defined as residences managed by University of Westminster staff or by staff engaged under a University contract for which the University takes responsibility for the placement of students and the collection of rentals.

## Appendix 2: Criminal Proceedings

- A2.1 If your alleged breach of the Code of Student Conduct may also constitute an offence under criminal law, this Appendix sets the steps the University may take and how this affects the University's procedures.
- A2.2 Where a Reporting Person alleges that they are the subject of misconduct committed by a Student that may amount to a criminal offence, the University will provide support to Reporting Students, Former Students and members of staff in whatever action they choose to take, including reporting the misconduct to the police. The University will provide contact information for external support services as appropriate.
- A2.3 Where suspected misconduct by a Student is also subject to police investigation or criminal prosecution, the University may suspend the disciplinary process under these Regulations until the police investigation and/or any criminal proceedings have been concluded. The University will consider each matter on a case-by-case basis and may continue with or proceed to take action under these Regulations (or other University procedure), including but not limited to exercising its powers to take emergency action under Regulation A3. Precautionary Action, at its discretion notwithstanding any police investigation and/or criminal proceedings.
- A2.4 The Student will be reminded that whilst police investigations and/or any criminal proceedings are underway they will be obliged to keep the University informed of any progress and/or change in status regarding their case. The Associate Head of College (Education & Students) will review the case on at least a monthly basis and will determine if any action is required during this review period.
- A2.5 When police investigations and/or any criminal proceedings have concluded, the Associate Head of College (Education & Students) will decide whether the University should continue with or proceed with action under these Regulations (or other University procedure).
- A2.6 Where the Student has been convicted of a criminal offence, the University is not precluded from taking action under these Regulations (or under other University procedure) and it may have regard to the criminal conviction including in respect of determining any disciplinary penalty, as relevant in the circumstances. A conviction in a criminal court will be taken as conclusive evidence that the criminal offence has occurred, and no further investigation will be required by the University in that regard.
- A2.7 Where criminal proceedings and/or conviction (including in respect of bail conditions, period of time spent on remand, and/or period of time served in custody following conviction) result in a Student being absent from their study for a period of less than twelve months it will normally be the case that their studies will be interrupted, by the University for this period. In such circumstances it will be the responsibility of the Student to notify the Associate Head of College (Education & Students) regarding the date of release from custody, or any other relevant information
- A2.8 Where criminal proceedings and /or conviction (including bail conditions, period of time spent on remand, and/or period of time served in custody following conviction) result in a Student being absent from their study for a period in excess of twelve months, the Student will be withdrawn from the University. The student may then reapply for admission to the University.
- A2.9 Where the Student has been acquitted in criminal proceedings the University may take into account the decision of the court when dealing with a matter under these Regulations.
- A2.10 Where, following investigation by the Police, a decision has been taken not to proceed to a criminal trial, this does not preclude the University from conducting its own investigations and/or instigating proceedings under these Regulations or other University procedure.

## Appendix 3: Precautionary Action

- A3.1 This Appendix to the Student Disciplinary Regulations sets out the circumstances and arrangements for precautionary action that may be imposed
- A3.2 Where an allegation of misconduct has been made against a Student, the University may impose at any stage of these Regulations (including, but not limited to, when a misconduct allegation is first raised or where a Student's studies have been interrupted under Regulation Appendix 2 - 2.7) conditions on the Student where the University determines that the Student poses any of the following risks and that such precautionary conditions are necessary to manage the risks identified:
- a) risk of harm to the health, safety and/or welfare of the Student, a Reporting Person or other individual;
  - b) risk of serious disruption to students' learning, study, enjoyment of accommodation and/or student experience;
  - c) risk of serious harm or disruption to the interests, activities, property or reputation of the University; and/or
  - d) risk of serious disruption to or interference with the implementation or operation of these Regulations, including (but not limited to) in respect of any investigation.
- A3.3 The precautionary conditions which the University may impose under the Student Disciplinary Regulations are as follows:
- a) exclusion from a specific part or parts of the University's premises (including residential accommodation) for a specified period of time;
  - b) exclusion from specific University-related activity/ies and/or event/s (for example tutorials, lectures, examinations or other assessments, placements, field-trips, extra-curricular events and activities or graduation, whether in person and/or remotely) for a specific period of time;
  - c) suspension of access (whether in person and/or remotely) to University services and/or facilities (for example the library) for a specified period of time;
  - d) restrictions and/or prohibitions on contact (whether in person and/or remotely) between the Student and a named Reporting Person and/or other named person(s) or category of person(s) for a specified period of time;
  - e) suspension of all access to and attendance at or on University premises whether in person and/or remotely (including residential accommodation), activities, events, services and facilities and on carrying out any University-related role or function (e.g. as a student representative, University committee member or student governor) for a specified period of time (the enrolment status of the Student would not be amended during such suspension); and/or
  - f) such other condition(s) which the University determines is necessary to manage a serious risk of harm or damage posed by the Student in connection with suspected misconduct by the Student under these Regulations.
- A3.4 The imposition of conditions are precautionary measures only imposed by the University in order to mitigate risks which it determines are posed by a Student. They are not a penalty and do not indicate that the Student has committed misconduct.

- A3.5 Any decision to impose precautionary conditions on a Student will be taken by the Associate Head of College (Education & Students) in consultation with the Student Casework Risk Panel (see 2.3 to 2.6) and may involve such investigation and risk assessment as is appropriate and proportionate in the circumstances.
- A3.6 A decision made under A3.5 will be communicated promptly and in writing to the Student and may be communicated orally in the first instance. Depending on the circumstances of a case, the decision (including details of any relevant precautionary conditions imposed) may also be communicated in writing to a Reporting Person where there is good reason for the University to do so (subject to compliance by the University with data protection legislation and confidentiality obligations). This version of the decision may have information deleted to protect the data protection and confidentiality rights of other individuals.
- A3.7 A Student who is subject to any precautionary condition will have the right to request a review of a decision made under A3.5 on one or more of the following grounds only:
- procedural irregularity
  - the decision reached is unreasonable and/or any precautionary condition imposed is disproportionate; and/or
  - new material evidence is available which was not previously reasonably available.
- A3.8 A review request must be made by the Student in writing within 5 working days of the date of the written decision made under A3.5. The review will take place on paper and the review decision may remove, continue, modify, add to and/or extend any precautionary conditions to which the Student is subject. The review decision will be provided to the Student in writing and will be final, save for a review decision in respect of suspension under Regulation A3.3 c and e).
- A3.9 In respect of a review decision in connection with suspension under Regulation A3.3 c), the Student may make a further review request on any of the grounds set out in Regulation A3.7 to the Deputy Vice-Chancellors. Such further review request must be made in writing to the Academic Standards Manager within 14 working days of the review decision made under A3.3 c and e). The further review will take place on paper and the further review decision may remove, continue, modify, add to and/or extend any precautionary conditions to which the Student is subject. The further review decision will be provided to the Student in writing and will be final.
- A3.10 In cases involving allegations of serious harassment or sexual misconduct (such as alleged sexual assault) of a Reporting Person, and where it is necessary for the purpose of protecting and/or supporting their health, safety or wellbeing from a risk of serious harm and/or protecting the continuation of their studies from a risk of serious interruption or disruption, the fact that a Student has requested a review under Regulation A3.11 or a further review under Regulation A3.13 may be communicated to the Reporting Person (subject to compliance by the University with data protection legislation and confidentiality obligations). The Reporting Person will be provided with an opportunity to make written submissions to the Associate Head of College (Education and Students) if the review is requested under Regulation A3.11 or the Deputy Vice-Chancellor if the review is requested under Regulations A3.13, in response to the review request or the further review request. The University may also inform a Reporting Person of its decision made on a review request or a further review request where it is necessary for the purpose of protecting and/or supporting the Reporting Person's health, safety or wellbeing from a risk of serious harm and/or protecting the continuation of their studies from a risk of serious interruption or disruption (subject to compliance by the University with data protection legislation and confidentiality obligations). This version of the decision may have information deleted to protect the data protection and confidentiality rights of other individuals. There is no right under these Regulations for a Reporting Person to request a review of any review decision.
- A3.11 Where reasonably practicable the University will seek to minimise the disruption to the studies of a Student who is subject to any precautionary conditions under Regulation A3.3. The

Associate Head of College (Education & Students) considering imposing any precautionary conditions must consult the Student's Course Leader on the potential impact upon the Student's studies or research. A Student subject to precautionary conditions may seek guidance from their Course Leader on the continuation of their studies or research.

- A3.12 Where a precautionary condition excludes or suspends the Student from their accommodation, the Associate Head of College (Education & Students) will as part of their determination consult with the Director of Student and Academic Services and will include consideration of whether alternative accommodation is available to the student.
- A3.13 The Associate Head of College (Education & Students) will review regularly, and at least every four weeks, any decision and precautionary conditions made under these Regulations, including in the light of any material developments or representations made by the Student or anyone else or where there is new material information. Following such review, the Associate Head of College (Education & Students) may remove, continue, modify, add to and/or extend any precautionary conditions to which the Student is subject and where the Associate Head of College (Education & Students) proposes to subject the Student to more serious precautionary decisions they will invite the Student to make written submissions which the Associate Head of College will take into account when reaching their decision. The Student will be responsible for informing the Associate Head of College (Education & Students) of any developments which may have implications for any precautionary conditions to which they are subject. Such regular reviews will be carried out on paper and will not involve a hearing or submissions made in person. There is no right for a Student to request a review of a decision made under Regulation A3.17.
- A3.14 The University may inform a Reporting Person of a decision to alter under Regulation A3.12 any precautionary conditions to which the Student is subject where there is good reason for it to do so (subject to compliance by the University with data protection legislation and confidentiality obligations). This information may have details deleted to protect the data protection and confidentiality rights of other individuals. There is no right under these Regulations for a Reporting Person to request a review of a decision made under Regulations A3.12.
- A3.15 Failure by a Student to comply with any precautionary condition will constitute misconduct under The Student Disciplinary Regulations.
- A3.16 In the absence of the Associate Head of College (Education & Students), suspension under these Regulations may only be authorised by a Head of College and the Deputy Vice Chancellors and may not be devolved to any other nominated individual.
- A3.17 Following a period of suspension under A3.3, if the outcome of the case is to permit the student to return to the University, this will be subject to the student's academic status and return to the course being at a time deemed academically appropriate, i.e. with sufficient time to engage with their studies and assessments. The decision will be taken within the College responsible and where applicable with the advice of the SMART Panel.
- A3.18 Students should be aware that following a period of suspension, a return to their course might incur additional financial costs in relation to their tuition fees and/or accommodation.
- A3.19 International students who are sponsored to study at the University of Westminster on a Student visa may be required to leave the UK during the suspension period. The UKVI Compliance Team will assess students on a case by case basis, taking into account the duration and nature of the suspension (i.e. whether total or selective restriction) and if appropriate will seek advice from UK Visas & Immigration. If it is decided that sponsorship must be withdrawn, a notification will be made to UK Visas & Immigration which will lead to the curtailment of the Student's visa. The UKVI will contact the Student with official confirmation of the curtailment and the new date by which they must depart the UK. A new visa will be required if the Student is approved to resume their studies at a later date. If

following withdrawal of sponsorship by the University the Student is required to remain in the UK by the authorities, for example to face criminal proceedings, the terms of leave to remain will be a matter to be agreed between the, police and UK Visas & Immigration.

A3.20 Where a student who is also an employee of the University or the Students' Union has been suspended under Regulation A3.3 c or e, ( the Associate Head of College (Education & Students) will notify the Director of Human Resources and/or the Students' Union for consideration as to whether any further action is required under their procedures.

(End of document)