

## Regulations Governing Student Discipline

### Introduction

The aim of these Regulations is to provide a framework within which staff can work with students to maintain satisfactory standards of conduct and bring about improvement in conduct where necessary.

The Regulations are divided into two sections:

**Section A: The Policy** sets out the scope and application of these Regulations and the principles to be applied in all cases.

**Section B:** outlines **The Procedure** to be followed in handling disciplinary cases.

Each case will be treated with fairness and will be considered on its own merits on the evidence and circumstances presented. Where the University finds that misconduct has occurred, it is the University's aim to recommend a corrective course of action (where appropriate); although other sanctions may also apply.

The Regulations outline the usual timescales in disciplinary matters. Please note that where 'working days' are referred to, this excludes weekends, bank holidays and University closure days.

Students may obtain free, independent and confidential advice throughout a disciplinary case from the <https://www.susu.org/support/advice-centre.html>, while additional information and guidance can be found on the *Student Discipline website*.

For students based overseas, localised arrangements may need to be applied. These Regulations are made subject to the Charter, Statutes and Ordinances of the University.

Mediation - An alternative informal method of dispute resolution

Where an allegation of misconduct has been raised by a member of the University that a student's conduct should be investigated under these Regulations and that conduct has affected the student personally, the University may recommend that the individuals involved choose to explore mediation as a means to resolving the dispute instead of proceeding under these Regulations. Information about the Mediation Service and how to access it can be found at

<https://www.soton.ac.uk/corporateservices/mediation/studentpage.html>. Where mediation is recommended and provided this is for appropriate circumstances, students who refuse to consider mediation or an alternative means to resolve disputes with each other will need to provide adequate reasons to the University

### Section A: The Policy

#### 1. Whose conduct may be investigated under these Regulations?

- 1.1 These Regulations apply to allegations of misconduct committed by students enrolled at the University; including students in nominal registration and studying off-campus for any reason.
- 1.2 These Regulations may also apply (in the University's discretion) to:
  - 1.2.1 students enrolled at another institution but who are studying at or otherwise visiting the University at the time the alleged misconduct took place. This is

subject to the terms of the agreement entered into between the University and the other institution and these students may also be referred to their institution to initiate disciplinary proceedings under their regulations.

1.2.2 students who are also staff members (guidance should be sought from the Secretary of the Committee of Discipline who will consult with Human Resources).

1.3 All staff have the authority to deal with misconduct pursuant to these Regulations.

## 2. What is misconduct for the purposes of these Regulations?

2.1 Misconduct is an act or failure to act by a student which is unlawful or otherwise judged to be inappropriate or unacceptable behaviour; and that behaviour does or could negatively affect the University in any way, or any person or entity associated with the University.

2.2 Serious misconduct is misconduct which appears in the reasonable opinion of the University to be significant due to its impact on the University, the person or the property affected by the misconduct.

2.3 Examples of misconduct can be found on the [Student Discipline website](#); this is a guide and is not exhaustive and may be updated from time to time by the University.

2.4 *Misconduct that is also a criminal offence*

Where a student's conduct is the subject of a criminal investigation, no immediate disciplinary action will necessarily be taken under these Regulations, but the University will take those decisions set out in regulation 4 below. If the matter is not being dealt with under the criminal process or where the criminal process has concluded, then the University will proceed under these Regulations. Guidance for staff on handling matters of this nature can be found on the [Staff Information webpage of the Student Discipline website](#).

## 3. Other University Regulations relevant to disciplinary matters:

3.1 The following matters are not covered by these Regulations:

3.1.1 **Academic Integrity:** Breaches of academic integrity (academic misconduct) are dealt with by separate [Academic Integrity Regulations](#).

3.2 Allegations of misconduct arising in the circumstances set out below may be considered under these Regulations where the University deems it appropriate but will be considered in the first instance as follows:

3.2.1 **Fitness to Practise:** A student's fitness to practise may be challenged when their behaviour, health and/or professional conduct gives cause for concern. See [Fitness to Practise Policy and Procedure](#).

3.2.2 **Fitness to Study:** The University's [Fitness to Study Procedure](#) outlines how the University will respond to situations where signs of illness, mental health difficulties or disorders are thought to have directly impacted on the conduct or behaviour of the student concerned.

3.2.3 Discipline within University Halls of Residence Regulations will be handled in accordance with the [Regulations Governing Halls of Residence](#).

- 3.2.4 The Students' Union: Misconduct which is alleged to have occurred within premises occupied or managed by the Students' Union or during a Student's Union activity or event will be dealt with in the first instance by the Students' Union.

## **4. 4. Decisions and Actions before starting the Disciplinary Procedure**

- 4.1 Once an allegation has been raised, the University:
- 4.1.1 will determine whether the matter falls within the scope of these Regulations. If a matter falls outside of these Regulations, the person raising the allegation should be referred to other regulations that apply;
  - 4.1.2 may recommend mediation is pursued in appropriate circumstances as set out above. Students who refuse to consider mediation or an alternative means to resolve disputes with each other will need to provide adequate reasons to the University before being able to progress further under these Regulations;
  - 4.1.3 may put in place such measures as it deems appropriate to manage the risks to the parties involved or to manage the conduct of the parties. These measures may remain in place throughout the process even if no misconduct is found or the student chooses not to pursue mediation. The arrangements and the reasons for the decision will be conveyed to the students in writing. These measures are not disciplinary sanctions and do not imply that any decision has already been made about the allegations; it will be for no longer than the University deems it necessary.
- 4.2 If the allegation is within the scope of these Regulations and mediation is not recommended by the University or is otherwise not suitable, it will, subject to 4.3 below, also determine whether to instruct that the student does not communicate or contact certain individuals. The arrangements and the reasons for the decision will be conveyed to the student in writing. This is not a disciplinary sanction and does not imply that any decision has already been made about the allegations; it will be for no longer than the University deems it necessary to complete the investigations into the allegations and/or to hold a hearing.
- 4.3 The University may also, acting through the President and Vice-Chancellor, temporarily suspend a student from the University (i.e. a total prohibition from the University.) The arrangements and the reasons for the decision will be conveyed to the student in writing in 5 working days.
- 4.3.1 Before taking this decision, the student shall have been advised and provided with sufficient detail of the allegations and be given an opportunity to be heard in person before a member of the Committee of Discipline.
  - 4.3.2 Due consideration should be taken of any imminent examination, assessment or other deadlines which are scheduled for the student in question and to hear any representations put forward by the student concerning the proposed suspension.
  - 4.3.3 The action in 4.3 is not a disciplinary sanction and does not imply that any decision has already been made about the allegations; will be for no longer than the University deems it necessary to complete the investigations into the allegations and/or to hold a hearing and will be reviewed by the Chair of the

Committee of Discipline or their nominee(s) every twenty (20) working days whilst in force to take into account any developments or representations made by the student.

## 5. Confidentiality

- 5.1 The University will process all personal information in accordance with its *Data Protection Policy*.
- 5.2 The University will disclose information to: inform the student of the allegations made and give them an opportunity to respond as required by natural justice, to allow an investigation to be carried out properly, for the discharge of its duties or as required by law.
- 5.3 There may be exceptional cases where it is appropriate to preserve confidentiality in relation to the identity of witnesses where there is reasonably perceived to be a need to protect any student or staff from the risk of intimidation or retribution.
- 5.4 The University may also adapt the procedures in Section B where it is considered undesirable for any one person to give evidence in the presence of another.
- 5.5 Where a person against whom allegations have been made is not aware of the identity of all those who have given evidence, due weight to this factor must be given and their response to the allegations must be seen in this context. Natural justice must be observed, meaning that such an individual has the right to fully understand the case made against him/her.
- 5.6 Audio and/or visual recording of meetings and disciplinary hearings is not permitted. If, due to exceptional circumstances it is agreed in advance that recordings are permitted, the recording is confidential and must not be copied, shared with any third party, published or disseminated in any way. A true and complete copy of the recording of the meeting must be provided to the other party as soon as possible after the recording was made.

## 6. Disciplinary Sanctions

- 6.1 The usual sanctions for misconduct are set out below. Examples of disciplinary sanctions aligned to forms of misconduct for illustrative purposes only can be found on the *Student Discipline website*; this is a not exhaustive guide, which may be updated from time to time by the University. Each case will be assessed in light of its facts.
- 6.2 Findings of misconduct are made on a balance of probabilities.
- 6.3 The sanctions the University may levy are one or more of the following:
  - A written apology including a piece which reflects on the student's behaviour to be provided to an aggrieved party;
  - A verbal warning;
  - A written warning;
  - Fines ranging from £100 to a maximum of £300;
  - To require compensation;

- To require the student to undertake unpaid community services to the University community up to a maximum of 40 hours;
  - To impose a No Contact Order with specified persons;
  - To require the student to attend rehabilitation programmes;
  - To exclude or restrict a student from access to parts of the University or University services (action taken by the President and Vice-Chancellor following a recommendation by the Committee of Discipline);
  - To suspend a student from the University (action taken by the President and Vice-Chancellor following a recommendation by the Committee of Discipline);
  - To expel a student from the University with a consequent loss of rights and privileges of University membership (action taken by the President and Vice-Chancellor following a recommendation by the Committee of Discipline);
  - To recommend that Senate consider withholding an award where it would otherwise withdraw or cancel same if made pursuant to part 7: Admission, Examinations and Awards of the Ordinances of the University (action taken by the President and Vice-Chancellor following a recommendation by the Committee of Discipline).
- 6.4 Where appropriate, the University may choose to suspend the implementation of one/more sanctions if the student has shown remorse and undertakes to significantly improve their conduct. Positive action to improve conduct will need to be demonstrated to the University from time to time.
- 6.5 If a student admits an allegation at any stage of the procedure the University may levy a sanction for that misconduct without progressing through the next stage of the disciplinary procedure for sanctions requiring action by the President and Vice-Chancellor as set out above. If a student wishes certain facts to be taken into account before a sanction is imposed they should submit a written statement (with evidence where appropriate) together with their admission and the University will consider this in deciding the sanction. The University may also look favourably on students making early admissions.

## 7. Appeal

- 7.1 Students may appeal a decision reached by the University on the following grounds:
- 7.1.1 There is **new substantive information supported by evidence which was not known by the student and/or the evidence could not have reasonably been obtained by the student in time to present to the University** and/or
  - 7.1.2 That there has been **significant failure of due process** in the making of the original decision i.e. a material procedural irregularity or misinterpretation of its own regulations, or administrative errors which, if it had not occurred, might have impacted significantly on the original judgement and/or the sanction imposed.
- 7.2 Dissatisfaction with the outcome of a matter or sanction does not itself constitute grounds for appeal.

## 8. Recording and Monitoring of Disciplinary Matters

- 8.1 Records of disciplinary matters under these Regulations which have resulted in sanction(s) shall be taken into account when imposing sanctions in any subsequent misconduct involving that student and kept on student files as indicated below:
- *Sanctions for Misconduct*: a maximum period of 12 months from the later of, the date of the Outcome Letter or Completion of Procedures Letter;
  - *Sanctions for Serious Misconduct*: for the duration of the student's enrolment at the University.
- 8.2 Subject to regulation 5.1 above, the University will record, report on and monitor discipline cases to identify trends, inform University practices, procedures and activities and as required under the University's Charter, Statutes and Ordinances.

## 9. External Review - Office of the Independent Adjudicator for Higher Education

- 9.1 A Completion of Procedures letter signifies to the student that the University's internal procedure for reviewing and resolving discipline has been completed and should be sent to the student normally within 28 days of the University's internal procedures having been exhausted. The letter will provide information about complaining to the OIA.
- 9.2 Information about the OIA's procedures may be found at <http://www.oiahe.org.uk>. Students wishing to submit a complaint to the OIA must do so within the timeframe set down in the Rules of the Student Complaints Scheme which is normally within 12 months from the date of the Completion of Procedures letter, unless the Completion of Procedures letter was issued before 9 July 2015, when the complaint must be submitted within 3 months from the date of the Completion of Procedures letter. A complaint must be made in writing using the Scheme Application Form.. A complaint must be made in writing using the Scheme Application Form.
- 9.3 9.3 Where a student requests a Completion of Procedures Letter more than a calendar month after the decision letter, the time for bringing a complaint to the OIA will normally run from the date of the final decision, rather than the date of the Completion of Procedures Letter.
- 9.4 Contact details for the Office of the Independent Adjudicator are:
- Office of the Independent Adjudicator  
2nd Floor  
Abbey Gate  
57-75 Kings Road  
READING  
Berks RG1 3AB  
Tel: 01189 599813  
Email: [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk)

## Section B : The Procedure

A simple summary of this procedure can be found on the [Student Discipline website](#). Reasonable adjustments to this procedure may be made, when appropriate, for

students with additional needs or to allow for other factors that would otherwise place a student at a disadvantage. This may include holding meetings by videoconferencing, telephone conferencing or other appropriate means.

## 1. Support

- 1.1 During all stages of the procedure, students may be accompanied to meetings or hearings by a member of the University - either a member of staff or a fellow student, or by an adviser from the *Students' Union Advice Centre*. Other than as set out herein, otherwise only in exceptional circumstances, and by prior agreement, may a student be accompanied by someone who is neither a member of the University nor a Students' Union adviser.
- 1.2 The role of the companion is not to offer formal representation, but to offer support and advice to the student conducting their case.

## 2. Student Advised of Allegation

- 2.1 When the University receives an allegation and after it has understood the scope of the allegations, the University will advise the student(s) concerned of the scope of the allegations, explain the processes involved and any temporary measures which will be put in place. The University may do this in writing or at a preliminary meeting which is followed up in writing.

## 3. Investigations

- 3.1 The purpose of an investigation is for the University to gather the facts and evidence relating to any disciplinary allegations against the student to determine if there are sufficient grounds or evidence to proceed with the matter or whether it should be dismissed.
- 3.2 The amount of investigation required will depend on the nature of the allegations, any possible counter-allegations made and will vary from case to case. It may involve interviewing and taking statements from the student, the person making the allegations, witnesses, and/or reviewing relevant documents.
- 3.3 The University will appoint an investigator and others to co-ordinate and assist in managing the case. The investigator will prepare a report which sets out the findings during the investigation and a recommendation as to whether there are sufficient grounds or evidence to proceed to a hearing.
- 3.4 During an investigation, if a student admits to the allegations raised this will be recorded in the investigation report and a disciplinary hearing will not need to be held at all or in respect of the misconduct which is admitted. The student may still submit evidence in mitigation to be taken into account when determining the sanction to be imposed. See Section A.6.5 above.

## 4. Notification of a Hearing

- 4.1 Following any investigation as set out above, if the University considers there are grounds to proceed to a hearing, the student will be required to attend a disciplinary hearing.
- 4.2 Within 10 working days of a decision to proceed to a hearing, the University and the student will supply to one another the following:

- a. a summary of relevant information each intends to rely on at the hearing;
  - b. a copy of any relevant documents which each party intends to rely on at the disciplinary hearing;
  - c. a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case the party will give the other as much information as possible while maintaining confidentiality;
  - d. the names of any witnesses each party intends to call.
- 4.3 Following this exchange of information, the University will estimate the duration of the hearing and may discuss with the student ways in which to manage the time available for the hearing.
- 4.4 The University will give the student written notice of the date, time and place of the disciplinary hearing once it has been arranged. The hearing will be held as soon as reasonably practicable and normally within a twenty (20) working day period after the discussions in 4.3 above have taken place, alternatively after the information in 4.2 above has been exchanged by the parties.

## 5. The Hearing

- 5.1 The duration of a hearing will vary from case to case but must be proportionate to the misconduct alleged to have occurred; the facts in dispute and the number of witnesses to be called.
- 5.2 A student must make every effort to attend a hearing. If a student fails to attend without good reason, or is persistently unable to do so (for example for health reasons), the University may take a decision based on the available evidence and without the student's presence at a hearing.
- 5.3 The University will select a person to Chair the hearing. In cases of serious misconduct the Chair of the Committee of Discipline may refer the case to a hearing before the Committee of Discipline and must do so where a likely outcome is that a student could be suspended, excluded or expelled from the University and/or their award from the University withheld. The Investigator may also be present at the hearing and normally will be present in cases of serious misconduct. The Student may bring a companion to the disciplinary hearing.
- 5.4 At the disciplinary hearing the University will go through the allegations against the student and the evidence that has been gathered. The student will be able to respond and present any evidence of their own. The student's companion may make representations and ask questions, but should not answer questions on the student's behalf. The student may confer privately with their companion at any time during the hearing. For hearings before the Committee of Discipline, the student may be accompanied by an adviser of their own choice, who may also speak on their behalf.
- 5.5 The student will be given the opportunity to respond to any information given by a witness. The University may recall witnesses as it sees fit. A student will not be permitted to cross-examine witnesses unless, in exceptional circumstances, the University decides that a fair hearing could not otherwise be held or where the likely sanction to be imposed by the University is one of suspension, exclusion or expulsion or withholding their award from the University.

- 5.6 The University may adjourn the disciplinary hearing if further investigations need to be carried out or for additional witnesses to be called or evidence to be submitted. The student will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

## 6. Outcome

- 6.1 The University will inform the student in writing of its decision and the reasons for it in an Outcome Letter. The letter will provide information about any sanction(s) imposed and the reasons for this. The letter will also identify the internal appeals procedures and will be sent to the student normally within ten (10) working days after the hearing (or subject to section A.6.5 after an admission if one is made).

## 7. Appeals

- 7.1 A student wishing to appeal a decision by the University under these Regulations must do so within ten (10) working days of the date of the Outcome Letter by sending a copy of the completed Notice of Appeal form (found in Appendix A) to the University, together with a copy of the Outcome Letter.
- 7.2 The University will consider the Notice of Appeal normally within ten (10) working days of it being received to determine whether the grounds raised in the Notice of Appeal meet the eligibility criteria for appeals. It may decide:
- 7.2.1 That some or all of the issues raised are not eligible for appeal and may refuse the appeal.
  - 7.2.2 That some or all of the issues raised appear to be eligible for an appeal.
- 7.3 Issues which are eligible for appeal and are capable of being decided on the papers (i.e. without an appeal hearing) will be decided and any of the findings set out in section B 7.9 may be made. A hearing must be held for appeals against a sanction of expulsion, suspension, exclusion or withholding of an award.
- 7.4 Any decisions reached by the University under paragraph 7.2 or 7.3 will be provided to the student in writing within five (5) working days of being made. A Completion of Procedures letter will be provided if the case is concluded and there are no further internal steps to take.
- 7.5 An Appeal Hearing will normally be decided by two members of staff selected from ex-officio members of Senate who have not had any dealings with the case previously. One of the members will be appointed as Chair by the President and Vice-Chancellor. The Panel will be serviced by an appropriate senior member of Professional Services staff who has not had any previous involvement before. However, the Appeal Hearing against a sanction of expulsion, suspension, exclusion or withholding of an award will be heard by three selected members of Council nominated by the President and Vice-Chancellor of the University, who have not had any dealings with the case previously.
- 7.6 If an Appeal Hearing is required then the University will inform the student of the date, time and place of the hearing and advise the student that he/she is entitled to attend in person, and may choose to be accompanied by an independent adviser from the Students' Union or another member of the University or an adviser of choice in appeals before Council. An Appeal Hearing will normally be held within twenty (20) working days of the notice in paragraph 7.1 above.

7.7 All documentation to be considered by the Appeal Panel at a hearing must be sent to the student normally no less than five (5) working days before the date of the Appeals Panel hearing. The student is strongly advised to attend the Appeals Panel hearing but this may proceed without the student present.

#### 7.8 *Appeal Hearing*

7.8.1 The Appeal panel may wish to have a private meeting prior to the start of the Appeal Hearing to consider the documentation. After this, at the appointed time, the Chair will invite the student, the student's companion (or representative in the circumstances above) (if any) and the person presenting the case for the University to enter the hearing together.

7.8.2 The Chair will:

- welcome the student, introduce those present, explain their roles and the procedure to be followed;
- invite the student to present their case and confirm the grounds of their appeal which are eligible and the outcome which they are seeking;
- invite the University representative to present its case and explain the original decision and make any further comments following the student's submission;
- invite the members of the Appeal panel to question the student and the University representative (the Chair may also ask questions);
- give the student and the University representative an opportunity to make a final statement summarising their respective positions.

7.9 The student, student's companion and the University representative will then leave the hearing. The Appeal panel will deliberate in private and solely on the basis of the papers before the panel and submissions made on the day.

An Appeal Panel may decide to uphold an appeal or dismiss an appeal on some or all of the grounds present and in addition it may: -

7.9.1 lower or remove any sanctions imposed;

7.9.2 decide that new issues have arisen which require investigation;

7.9.3 decide a re-hearing is required;

7.9.4 alter or remove any other measures that have been put in place under Section A.4.

7.10 The decision of the Appeals panel is final and will be given to the student in writing within five (5) working days of the Appeal panel reaching a decision and a Completion of Procedures Letter will follow within a further twenty-eight (28) working days.

#### *Guidance*

7.11 Additional information and guidance can be found on the [Student Discipline website](#).