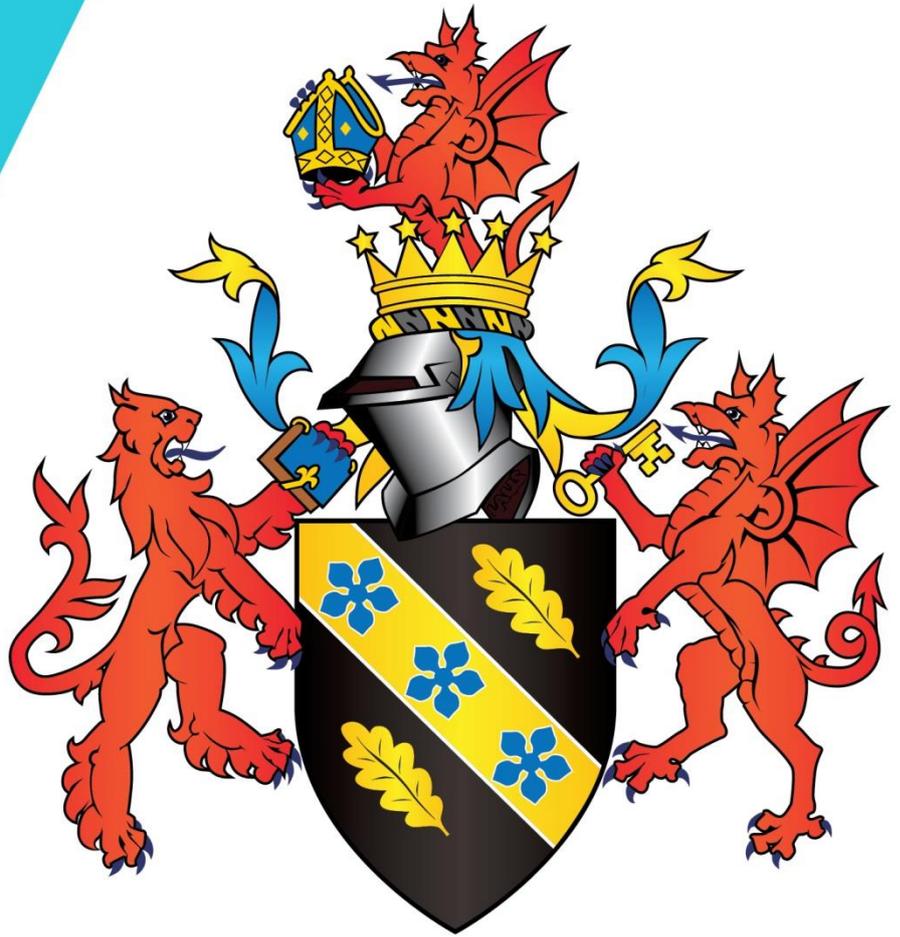




Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David



Student Disciplinary Policy (Non-academic Misconduct)

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1. Introduction

- 1.1 This policy covers the University's procedures in relation to non-academic misconduct by students and outlines the procedures that should be followed when an allegation of non-academic misconduct has been made.
- 1.2 The policy adopts the principles and good practice from a number of sector documents:
 - OIA: The Good Practice Framework: Disciplinary Procedures (2018)
 - Universities UK and Pinsent and Mason: Guidance for Higher Education Institutions: How to Handle Alleged Student Misconduct Which May Also Constitute a Criminal Offence (2016);
 - Universities UK: Changing the Culture: Report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students (2016);
 - Universities UK: Changing the Culture: One Year On: An assessment of strategies to tackle sexual misconduct, hate crime and harassment affecting university students (2018).

2. Purpose

- 2.1 The purpose of this policy is to foster a culture where non-academic misconduct is not tolerated and to provide an inclusive, supportive, and safe learning environment in which all students and staff can flourish and are able to fulfil their personal potential.
- 2.2 The policy also aims to ensure that disciplinary procedures for non-academic misconduct are conducted in a fair and transparent manner, that the University exercises an appropriate duty of care, applies principles of natural justice, and complies with equal rights, human rights and all other relevant legislation in this area.

3. Scope

- 3.1 This policy applies to all students registered directly at the University of Wales Trinity Saint David.
- 3.2 For students registered at collaborative partnership institutions or at Constituent Colleges of the University, procedures from that institution are followed in the first instance. However, such students are entitled to submit an appeal to the University with respect to the outcome of their case. See section 20 of this policy.
- 3.3 In cases where an alleged offence has been committed by a student who is both a student and a member of staff, a decision shall be made first as to whether student or staff disciplinary procedures shall be instigated.
- 3.4 This policy may be applied to former students of the University of Wales Trinity Saint David, particularly where disciplinary proceedings were instigated while the former student was still a registered student at the University.
- 3.5 This policy covers alleged non-academic misconduct by a student occurring on or off University premises (including via social media) where the behaviour has affected the University itself, a student or employee of the University, others visiting, working or studying at the University, a member of the public or any other third party.
- 3.6 In relation to non-academic misconduct off the University premises the University may take action where the alleged misconduct occurs during University activities (e.g. on

placements and field trips or while studying or using facilities at partner organisations) or take disciplinary action in response to conduct which affects the University's reputation in the local community or more widely.

- 3.7 The policy describes the internal disciplinary procedures and outlines how it deals with disciplinary matters which may constitute criminal offences.
- 3.8 The University has the ability to take disciplinary action against a student of its own volition if the reporting student or member of staff does not wish to make a formal complaint.

4. Relationship and interface with other policies and procedures

- 4.1 There are a number of strategies, policies and procedures that are connected to the Student Disciplinary Procedures, including:
 - a. Fitness to Practise Policy
 - b. Fitness to Study Policy
 - c. Fraud Procedures
 - d. Harassment and Bullying Policy
 - e. Health and Safety Policy
 - f. Information Technology and Systems Acceptable Use Policy
 - g. Prevent Procedures
 - h. Professional Relationship Policy
 - i. Social Media Policy
 - j. Safeguarding Policy
 - k. Strategic Equality Plan
 - l. Unfair Practice Procedure (for Academic Misconduct)
- 4.2 Before any formal procedures are instigated, the University will consider which procedure(s) are the most appropriate to be used in relation to the alleged offence.
- 4.3 The University will reassess this as appropriate and may change or add procedures as appropriate. For example, where it becomes clear that there are underlying physical or mental health issues the Fitness to Study policy rather than the Student Disciplinary policy may be used for alleged breaches of conduct. It may be the case that two procedures are run in parallel, for example the Information Technology and Systems Acceptable Use Policy with the Student Disciplinary Policy or the Student Disciplinary Policy with the Fitness to Practise Policy. Or it could be the case that the Student Disciplinary Policy is followed by procedures under the Fitness to Practise Policy if misconduct is proven. Where formal processes are instigated against a student following an allegation of harassment and bullying under the Harassment and Bullying Policy, the Student Disciplinary Policy (Non-Academic Misconduct) is used.
- 4.4 Where two or more policies or procedures are applicable at the same time, normally one policy will be the primary policy in terms of process.
- 4.5 Students against whom an allegation is made will be informed which policy, policies and /or procedures are used in their case.

5. Responsibilities

- The maintenance of discipline and good conduct is overseen by Council.
- The maintenance of discipline and good conduct is the responsibility of Senate.
- Student disciplinary procedures involving non-academic misconduct are overseen on behalf of Senate by the Associate Pro Vice-Chancellor (Student Experience).
- The Deputy Vice-Chancellors are responsible for making decisions in relation to the suspension or termination of studies.
- Case Officers fulfil a range of roles in relation to a disciplinary case, including undertaking any preliminary risk assessment, completing an investigation, making a recommendation as to whether a case needs to proceed to a Disciplinary Panel, and conducting and completing processes in relation to minor offences. A case may have more than one Case Officer, each with a specific role in relation to the case.
- A Senior Officer will undertake the review of an appeal.
- Deans of Faculties and relevant Heads / Directors of Professional Services are responsible for ensuring that the procedures outlined in this policy are used appropriately for any minor alleged offences or breaches of conduct that are dealt with at a local level.

6. Definitions

6.1 A **Student Code of Conduct** is published which sets out expected standards of behaviour and gives examples of non-academic misconduct. Any behaviour that contravenes this Student Code of Conduct will amount to a breach of discipline. The Student Code of Conduct details the range of penalties that may be used in relation to the different types of non-academic misconduct.

6.2 Disciplinary offences are likely to fall into one of the categories below:

- Actions which cause actual or potential **distress or harm** to others;
- Actions which cause actual or potential **damage to property** of others;
- Actions which may prevent or disrupt the **normal functioning** of the University;
- Actions which may cause **reputational damage** to the University as a result of the misconduct of the alleged perpetrator;
- Actions **which impede or interfere with the pursuance of work/ study** of University members, or impact on normal operations of the University.

6.3 Examples of non-academic misconduct include:

- Antisocial behaviour;
- Inappropriate, abusive or threatening behaviour including on social media;
- Compromising the safety of and/or wellbeing of staff, other students, or visitors;
- Sexual misconduct;
- Violence, harassment and hate crimes;
- Behaviour likely to bring the University into disrepute, such as disruptive behaviour in the community;
- Internet access abuse, such as visiting inappropriate websites, uploading/downloading inappropriate content, propagation of computer viruses;
- Disruptive behaviour on the University's premises, such as setting off fire alarms or obstructing access to buildings or rooms;
- Damage to the University's property or abuse of its facilities;
- Causing a health or safety concern;
- Relying on forged, falsified or fraudulent documentations, and other forms of deception that are intended to gain an advantage, for example submitting

- fraudulent mitigating circumstances claims or falsifying evidence in support of mitigating circumstances claims;
- Other behaviour which may also constitute a criminal offence.
- 6.4 Disciplinary offences are classified as either **minor** or **major** depending on the severity of the misconduct. A series of minor disciplinary offences may count as a major offence, particularly where earlier intervention or remedial action has failed (see 10.9 & 16.4).
- 6.5 In relation to major offences, the investigation will seek to establish whether the case is **complex** or **non-complex**. Complex cases are referred to a Disciplinary Panel; non-complex cases proceed immediately to an outcome. **Complex** cases include cases where the alleged offence is not admitted to, where there is conflicting, inconclusive or inconsistent evidence, where there is a high level of risk, or where the consequences for the student are potentially very serious.
- 6.6 Throughout this policy, **'the student'** = the student against whom an allegation has been made of non-academic misconduct. The student or member of staff raising a complaint = **'the complainant'**.
- 6.7 This policy covers incidents where there is an actual complainant as well as incidents where the complainant is the University.
- 6.8 All parties are allowed to nominate a **named representative**, e.g. to accompany them to any meetings or in relation to communication about their case (see 7.4, 8.6, 12.15 & 12.17). Legal representation is only allowed in exceptional circumstances (see 12.5).
- 6.9 **First disclosure** = when a student first reports an alleged incident to a member of staff. A first disclosure may lead to a **complaint** but does not have to. See also 11.7. Staff guidelines are in place in relation to the first disclosure of incidents.
- 6.10 Further definitions relevant to non-academic misconduct are given in the Student Code of Conduct (e.g. in relation to 'consent').

7. Reasonable adjustments and mitigating circumstances

- 7.1 Reasonable adjustments will be made as appropriate in relation to the disciplinary process and communicating the outcome for all parties who have a declared disability or other health issues. Where students have not already formally declared a disability to the University prior to the alleged incident, they are advised to make such a declaration as soon as possible during the formal processes so that it is possible to make reasonable adjustments as appropriate. The Student Services Department will make the decision in relation to the exact nature of any reasonable adjustments needed, in consultation with the student / complainant and ensuring external advice is taken as appropriate. The disciplinary process may be suspended until reasonable adjustments have been put in place.
- 7.2 A student's disability may be a mitigating factor in relation to the alleged offence or incident.
- 7.3 For the inclusion of named representatives in relation to communication about a case, see 8.6.
- 7.4 In exceptional circumstances, where a student is not able to represent him/herself and it is not appropriate to delay the disciplinary process until they are able to, a

representative may be appointed. Where appropriate, a written request will need to be submitted to the Office of the Associate Pro Vice-Chancellor (Student Experience). Independent evidence will need to be considered as part of this request.

- 7.5 Students will have the opportunity to present any mitigating circumstances or factors that they believe should be taken into account in relation to the alleged offence. Normally, such circumstances and factors will be presented as part of the investigative process. Mitigating factors might include:
- The offence is a minor example of a serious offence;
 - It is a first offence;
 - The student admits to the offence at the earliest opportunity;
 - The student has expressed remorse;
 - The student has compelling personal circumstances that affected their judgement.
- 7.6 Mitigating circumstances are not normally relevant to deciding whether a student is guilty of an offence, but they are normally taken into account when deciding on a penalty if the student is found to have committed the offence.

8. Support

- 8.1 The welfare of students and staff is paramount to the University. Any allegation of misconduct is likely to have an adverse impact on all parties involved (whether the incident is dealt with through a disciplinary process or criminal process).
- 8.2 The University will ensure that all parties involved in such incidents have access to support, information, advice, and assistance throughout the process, from the time of first disclosure or first reporting of the incident until the time when the relevant criminal and/or disciplinary process has been concluded. Where appropriate the University will refer to external support services to provide further specialised support. Support can take a range of forms, depending on what is needed and appropriate in each individual case. The disciplinary process may be suspended until access to appropriate support has been arranged.
- 8.3 All parties involved with the incident will be treated fairly and no presumptions will be made about any of the parties involved until the relevant criminal and/or disciplinary process has been concluded.
- 8.4 Support for the student and complainant will not be provided by the same member of staff.
- 8.5 All parties and witnesses involved with the case will be able to access such support through the Student Services Department of the University throughout the disciplinary process. Students and student witnesses may also approach the Students' Union for support. Staff will be able to access support through the HR Department.
- 8.6 Students may decide that they would like a named representative (e.g. parent, guardian or third party) to be copied into any communication in relation to their case. Such a request needs to be made by the student in writing to the Office of the Associate Pro Vice-Chancellor (Student Experience). Legal representation is only allowed in exceptional circumstances (see 12.15).
- 8.7 Where a student is acquitted of a criminal offence and no disciplinary action is taken against the student, ongoing action may need to be taken outside of the disciplinary process to ensure the welfare and wellbeing of all parties.

9. Immediate exclusion from an element of a module

- 9.1 Section 6.17.2 in the Academic Quality Handbook describes what processes a tutor needs to follow to exclude a student from an immediate element of a module (e.g. a seminar or lecture) following a breach of conduct. The Programme Director(s) and Faculty, as appropriate, shall be informed in writing of this action at the earliest opportunity and full details of any incidents shall be reported to the Office of the Associate Pro Vice-Chancellor (Student Experience).
- 9.2 Based on the written report submitted by the tutor and any further relevant evidence regarding the student, the Faculty will determine whether the issue can be dealt with informally or whether it is appropriate to refer the case to the Office of the Associate Pro-Vice Chancellor (Student Experience) for formal procedures under the Student Disciplinary Policy, Fitness to Practise Policy or Fitness to Study Policy.

10. Processes for minor alleged offences and breaches of conduct

- 10.1 For minor, straightforward alleged offences or breaches of conduct, normally a local (e.g. Faculty or Professional Services-led approach) is followed. This may involve a meeting with a named member of staff from such a unit.
- 10.2 The Office of the Associate Pro Vice-Chancellor (Student Experience) has a list of named members of staff that are able to deal with minor, straightforward alleged offences or breaches of conduct at a local level. This list includes members of staff in roles such as Programme Director, Head of School, Accommodation Officer, and Principal Student Services Officer.
- 10.3 Penalties that may be imposed at this level include a behavioural contract, apology, action plan, remedial action, or a formal written warning. Faculties are not able to impose fines; fines can only be imposed for minor offences by relevant Professional Services.
- 10.4 Any penalties that are imposed for minor offences and breaches of conduct need to be logged centrally with the Office of the Associate Pro Vice-Chancellor (Student Experience).
- 10.5 Although students can be excluded from an immediate element of a module following a breach of conduct, students are not able to be excluded for a further fixed term period or permanently from (part of) their studies or from any University services or facilities because of minor non-academic misconduct. See also 9 & 14.
- 10.6 Faculties and Professional Service Departments normally complete the process for minor alleged offences and breaches of conduct within ten clear working days.
- 10.7 Students are able to appeal against outcomes of minor offences or breaches of conduct. See section 20.
- 10.8 Where the named staff in Faculties or Professional Services are not sure whether an alleged offence or breach of conduct is minor or major, advice can be sought from the Office of the Associate Pro Vice-Chancellor (Student Experience).
- 10.9 Where the alleged offence or breach of conduct is major or where there are multiple, repeated or continued minor breaches of conduct or where earlier remedial action has

not been successful, it is expected that matters will be proceeded to a formal stage, following formal student disciplinary processes for major alleged offences as outlined in this policy. Where criminal processes have been instigated, formal disciplinary procedures will always be used. For repeated or continued breaches of conduct see also 6.4 & 16.5.

11. Criminal processes

- 11.1 In the event of external criminal processes being commenced in relation to the alleged misconduct, the procedures outlined in this policy may be need to be adapted. Any adaptations will normally be discussed with all parties.
- 11.2 A Faculty or Professional Service is required to inform the Office of the Associate Pro Vice-Chancellor (Student Experience) as soon as they become aware that criminal processes have been commenced in relation to one of their students.
- 11.3 Any criminal process will normally take priority over the University's internal disciplinary process. Care will be taken that there should be no duplication of process and no other process should normally operate at the same time. Save for any precautionary action (see section 14), the internal disciplinary process will normally be suspended until the criminal process is at an end. For example, the University may take action under its disciplinary procedure at the same time as a criminal process if the disciplinary case is based on facts and matters which are different to those being dealt with under the criminal process.
- 11.4 At all key stages (for example, at the start of external criminal proceedings being instigated, if the matter is not dealt with under the criminal process or where the criminal proceedings have concluded), the University will consider whether it should instigate disciplinary action.
- 11.5 If the student has been convicted of a criminal offence, then this outcome will be taken into consideration by the University in relation to the penalty/ies if any to be applied by the University.
- 11.6 If the student has been acquitted of a criminal offence, the University can still take disciplinary action against the student if there is sufficient evidence that a breach of discipline under the University's disciplinary procedures occurred.
- 11.7 The University will assist complainants to understand the various options available to them and will provide support in assisting them in making a decision about the way forward. The aim is to ensure that the complainant will understand the process related to each option, understands the difference between criminal investigations/proceedings and University disciplinary investigations/proceedings, and will thus be able to make an informed decision as to whether to initiate criminal proceedings.
- 11.8 The complainant has the option of requesting that the University deal with the matter under its own disciplinary processes (i.e. as a potential breach of discipline) if he/she decides not to make a report to the police or if the police decides not to investigate or if the prosecutor decides not to prosecute.
- 11.9 Only in very specific circumstances,¹ and mindful of its obligations under relevant data protection legislation, will the University report an incident to the police contrary to the

¹ E.g. see the University's Prevent procedures or where the safety of students and staff may be at risk.

wishes of those affected. Such action will be explained those affected so that they understands what is happening and is prepared if/when the police contacts him/her.

12. Procedures: general principles

- 12.1 All allegations of major misconduct will be handled by an appropriately independent member of the University (= Case Officer).
- 12.2 References in this policy to steps or actions by specific University post holders shall be read as including reference to their nominees. In addition, in order to avoid delays or potential conflicts of responsibilities, other staff members may undertake tasks allocated to specific post holders.
- 12.3 Procedures for minor and major offences are outlined in this policy and describe the University's internal processes of dealing with allegations of non-academic misconduct. Whilst seeking to ensure consistency of approach and application, the University reserves the right to vary the precise details of the procedure applied to the circumstances of a particular case, for example to address any actual and/or perceived imbalances between the complainant and the student.
- 12.4 The University will wherever possible seek to adhere to the time limits outlined within these procedures, but in cases where there are special circumstances which require variance from specified time limits, the student will be advised of the reasons for this. The complainant and witnesses will also be advised about any delays to the process as appropriate.
- 12.5 The University reserves the right to take no further action at various stages of the disciplinary procedures if appropriate (e.g. if there is insufficient evidence to support an allegation of misconduct).
- 12.6 During the application of this policy the University reserves the right to adjourn any disciplinary investigation or hearing and reconvene at a later date.
- 12.7 The student will be informed in writing as soon as appropriate and possible after the event giving rise to the allegation or receipt of the complaint about the incident. Supporting evidence will be given as appropriate to explain the allegation to the student. See also 6.9.
- 12.8 It is expected that students, their representatives and staff will act reasonably and fairly towards each other and will treat the disciplinary process with respect.
- 12.9 Where, for example as a result of the investigative process, the allegation is amended or new allegations are made, the student is informed about these and will be given the opportunity to respond.
- 12.10 Where possible and practical, the student will be given the opportunity to attend any meetings or hearings related to the disciplinary proceedings or any appeal in person. However, the University reserves the right to proceed with any investigative meeting, disciplinary hearing or appeal meeting in the absence of the student, subject to the student having been properly notified of the date and time of the hearing or in cases where, for example, criminal proceedings do not allow the student to attend in person.
- 12.11 Where appropriate, all parties will be offered the opportunity to attend meetings electronically if attendance in person is not possible.

- 12.12 For major alleged offences of conduct, the student will be invited to any meeting or hearing, normally at least two clear working days before the meeting. However, there may be circumstances where an urgent risk assessment or investigation is required and in this case a verbal invitation with less than two days' notice will be given. For minor alleged offences or breaches of conduct, normally notice of one clear working day will be given.
- 12.13 Failure to attend a meeting without due notification from the student of their inability to attend such a meeting without good reason may lead to disciplinary action. Where the student decides to leave any meeting associated with the disciplinary process the University reserves the right to continue with such a meeting.
- 12.14 Where the student has communicated in response to a meeting notification that he/she is not able to attend a meeting for a good reason, the university will normally rearrange the date of such a meeting.
- 12.15 The student will have the right to be accompanied by a person of his/her choosing at any investigative meeting or disciplinary hearing and is required to inform the University in writing in advance of any meeting or hearing whether he/she intends to be accompanied. Legal representation is only allowed in exceptional circumstances. Such a request for legal representation needs to be made in writing to the Office of the Associate Pro Vice-Chancellor (Student Experience). The accompanying person shall not normally contribute to the discussions.
- 12.16 The student will be advised of the identity of the Case Officer and, if held, of the members of a Disciplinary Panel.
- 12.17 Where possible, practical and appropriate, the complainant will be given the opportunity to attend the meeting of the Disciplinary Panel (see SE4). The complainant will have the right to be accompanied by a person of his/her choosing at any investigative meeting, disciplinary hearing or a meeting of the disciplinary panel and is required to inform the University in writing in advance of any meeting or hearing whether he/she intends to be accompanied. Legal representation is only allowed in exceptional circumstances. Such a request for legal representation needs to be made in writing to the Office of the Associate Pro Vice-Chancellor (Student Experience). The accompanying person shall not normally contribute to the discussions.
- 12.18 The panel will be able to ask questions from the student and complainant as part of the processes outlined in appendix SE4. The student and complainant cannot cross-examine each other and can only ask questions, including questions of the witnesses through the panel's chair.
- 12.19 No meetings will be recorded and the University does not allow for any meetings to be recorded covertly. Notes or minutes will be provided for each meeting held. All relevant parties will be asked to sign for any statements. Where there is a disagreement that cannot be solved, two versions may be submitted to the Disciplinary Panel or as part of an appeal.
- 12.20 The rights and interests of both the student and any complainant (s) of the alleged misconduct will be balanced fairly and equally.
- 12.21 The complainant will be kept informed of the progress of their complaint as appropriate.
- 12.22 All relevant parties will be supplied with a copy of this policy and procedures.

- 12.23 The University will ensure that all written records related to the case are clear, accurate, and appropriate and will be stored in accordance with relevant data protection legislation.

13. Processes involving more than one student

- 13.1 In cases of a group complaint, normally a spokesperson/representative will be appointed.
- 13.2 In cases of a joint or group allegation, care will be taken to ensure that all students will be able to have an equal opportunity to hear and respond to the allegations made against them. They will also be able to hear and respond to what others have said and to evidence that others have provided.
- 13.3 Where possible and practicable, joint or group allegations will be heard at a single panel meeting with all students in attendance, All students will be given the opportunity, normally as part of the investigative processes, to raise privately confidential or sensitive matters relating to mitigation.
- 13.4 Where it is not possible or practical to hold a single panel meeting for joint or group allegations, normally the same panel will consider the case against all students involved to ensure that there is a consistent approach.
- 13.5 Decisions cannot be reached by default in the case of joint or group allegations.
- 13.6 An outcome decision will be taken for each student individually, taking into account their particular circumstances and mitigating factors. However, there will be broad consistency in the penalty given to all students who commit the same offence in similar circumstances.

14. Precautionary action for major alleged offences or breaches of conduct

- 14.1 Where there is uncertainty whether an alleged offence should be classified as minor or major and in case of all (alleged) major offences or breaches of conduct, a formal risk assessment shall take place at an early stage in the proceedings to assess whether there is a risk to any member(s) of the University community or a risk to the student, using the risk assessment form. This risk assessment will include consideration of support arrangements that need to be put in place for all parties involved.
- 14.2 Particularly swift precautionary action will need to be taken in some cases, including:
- Cases involving a threat or serious harm to the student and/or others;
 - Cases where the student's mental health is at risk or where the student displays significant distress;
 - Issues of a highly sensitive nature;
 - Cases involving an ongoing threat of serious disruption to other students or to the University's activities.
- 14.3 Risk assessments are normally undertaken by the Case Officer but may also be undertaken by an appropriate Senior Officer of the University, particularly in relation to cases with urgent, high-level risks as outlined in 14.2.
- 14.4 The initial risk assessment process will normally be completed within five clear working days. Additional time may be needed to consider and approve a set of reasonable

adjustments and support arrangements, particularly where external evidence is required. Additional time may also be needed where criminal proceedings have commenced.

- 14.5 Precautionary measures will be reviewed at regular intervals and reconsidered as the case develops and at key stages within the overall process.
- 14.6 The student and complainant will, where possible and appropriate, be consulted as part of the risk assessment to represent his/her views in relation to their part of the assessment.
- 14.7 If risk levels are high, precautionary measures may be imposed. Precautionary measures may be put in place if they are necessary:
 - a. to ensure that a full and proper investigation can be carried out (either by the police or a University Case Officer) and/or
 - b. to protect the complainant or others whilst the allegation is being dealt with as part of a criminal process or disciplinary process.
- 14.8 Precautionary action must be reasonable and proportionate and may include the imposing of certain conditions, a suspension from studies, or exclusion from any or all University grounds and/or facilities pending the outcome of criminal/disciplinary proceedings. The suspension and/or exclusion may be qualified or partial where appropriate and will be for a fixed term. Precautionary measures involving a suspension of studies or exclusion from facilities must be approved by a Deputy Vice-Chancellor. Suspension of studies is a last resort, where the risk of harm to others (or the student themselves) outweighs the potential disadvantage to the student.
- 14.9 A precautionary suspension, exclusion or set of conditions should not be regarded as a penalty and does not indicate that the student has committed a breach of discipline or a criminal offence.
- 14.10 When precautionary measures are put in place the student will be informed of these in writing and the reasons for the set of measures will be explained. A meeting may be convened to explain precautionary measures. In the case of urgent risks, the student may be informed verbally in the first instance.
- 14.11 The student may appeal against the precautionary measures imposed,² by submitting a written request stating the reason for the appeal to Office of the Associate Pro Vice-Chancellor (Student Experience) within five clear working days of the date issued on the notice of the precautionary measures. The student will be notified of the final decision of his/her appeal within ten working days of the receipt of the letter requesting an appeal.
- 14.12 Whilst the precautionary measures are in place, the student may request a review of the suspension, exclusion or set of conditions if there is a relevant change to his/her circumstances. This request should be made in writing to the Office of the Associate Pro Vice-Chancellor (Student Experience), who will normally respond within ten clear days of the receipt of the letter.

² Where action has had to be taken in order to mitigate against urgent risks, it may not be possible to appeal against the full set of precautionary measures.

- 14.13 If the student fails to comply with any of the precautionary measures, the precautionary measures will be reviewed which may result in more serious precautionary measures being imposed by the Associate Pro Vice-Chancellor (Student Experience).
- 14.14 The complainant will be informed as appropriate of the precautionary measures taken.

15. Procedures for the investigation of major alleged offences or breaches of conduct

- 15.1 Care will be taken to ensure that the Case Officer appointed is impartial and not implicated. The Case Officer is normally a member of University staff, but could, in exceptional circumstances, be external to the University.
- 15.2 If there are any concerns in relation to the Case Officer, parties are asked to express those concerns in writing to the Office of the Associate Pro Vice-Chancellor (Student Experience) who will consider any such concerns.
- 15.3 The purpose of the investigation is to gather all information necessary to establish the facts in relation to the allegation of misconduct, to recommend whether or not the case needs to be referred to a Disciplinary Panel, and to help to make an informed and reasoned decision.
- 15.4 To this end, the Case Officer will seek to collate and evaluate evidence to verify the allegations, interview relevant parties and witnesses, question discrepancies, and make findings of fact on the balance of probabilities.
- 15.5 All parties will be informed of the scope and remit of the investigation.
- 15.6 As part of an investigation, normally all parties are interviewed separately. All parties will be informed how their evidence will be used and shared so that they understand the process and can give informed consent.
- 15.7 Any witnesses are normally also met as part of the investigation. To aid the investigation, all involved parties will be asked to indicate if there are any relevant witnesses that need to be consulted. See also 21.3
- 15.8 Witnesses will be asked to sign their witness statement and will be asked to give written consent for their evidence to be used and identity disclosed at a disciplinary panel.
- 15.9 As part of an investigation, the Case Officer will normally consult with the student to explain the alleged misconduct and allow the student the opportunity to respond to the allegation, and provide the Case Officer with any evidence that they wish to be taken into account.
- 15.10 The entire investigation process is normally concluded within 30 clear working days.
- 15.11 Once the investigation has been completed, the Case Officer will submit their investigative findings to the Office of the Associate Pro Vice Chancellor (Student Experience) and make a recommendation to as to whether or not the case is complex and needs to proceed to a Disciplinary Panel.
- 15.12 Where the Case Officer is not clear whether the alleged major offence should be classified as a complex or non-complex case, the Case Officer will refer the case to the

Associate Pro Vice-Chancellor (Student Experience), providing details of the alleged incident and its investigation, in order for a final decision regarding classification to be made.

16 Outcomes and penalties

- 16.1 The Student Code of Conduct provides an indication of the penalties which may be imposed on students in relation to particular breaches. Any penalty imposed will be reasonable and proportionate to the misconduct that is found to have occurred.
- 16.2 An overall list of penalties that can be imposed for minor and major offences is as follows:
- Apology;
 - Written reprimand or warning;
 - Recording of the offence on the student record;
 - Behavioural contract;
 - A suspended fine of not less than £50 but not exceeding £500 (the University will advise the student in writing of the circumstances in which the fine would become payable);
 - A fine of not less than £50 but not exceeding £500 per offence;
 - Restitution of damage;
 - Compulsory attendance at an appropriate workshop;
 - Restorative justice;
 - Mediation;
 - Temporary or permanent exclusion from use of specific University facilities or services (*major offences only);
 - Temporary or permanent exclusion from the University (*major offences only).
- 16.3 A decision about a penalty will take into account as appropriate a student's particular circumstances (e.g. mitigating circumstances and declared disabilities) as well as unintended impacts (e.g. in relation to a declared disability or an international student's visa status). See also section 7.
- 16.4 Where a student admits to an offence, they will be made fully aware of the consequences of agreeing to a penalty. For example, they will be told whether the offence will be recorded on their student records and whether the offence will be taken into account in future disciplinary or fitness to practise procedures.
- 16.5 Multiple or repeated incidents of misconduct may be more serious than a single act of misconduct. A student's previous disciplinary record will not normally be relevant in relation to whether they have committed an offence. However it is likely to be relevant to decisions about the penalty.
- 16.6 In imposing any penalties the University will determine:
- a. whether the alleged facts and matters occurred on the balance of probabilities;
 - b. whether those facts and matters amount to a breach of discipline and, if so, the level of seriousness of the breach of discipline;
 - c. what penalty (if any) should be imposed.
- 16.7 The decision to terminate the student's studies at the University permanently will need to be approved by a Deputy Vice-Chancellor, with notification given to the Chair and Clerk of Council.

- 16.8 Outcomes will be communicated as appropriate to relevant staff only. Examining Boards will be informed so that disciplinary decisions will be noted and applied.

17 Reconsideration of the same offence

- 17.1 The University may reconsider an allegation if new evidence emerges which, for good reason, could not have been obtained by the University at the time.
- 17.2 In deciding whether it is appropriate to consider an allegation for the second time, the University will consider:
- Whether the outcome of the first process has been called into question, and if so why;
 - The length of time that has elapsed and the effect on this on the reliability of any evidence to be considered;
 - The severity of the alleged offence;
 - The impact on the student of undergoing a second disciplinary procedure;
 - Whether leaving the matter unaddressed would impact on matters of fitness to practise or on any obligations the University has to professional or regulatory bodies in respect of a particular student's character.

18 Procedures for non-complex major alleged offences or breaches of conduct

- 18.1 If the Case Officer's recommendation that the case is non-complex is confirmed by the Associate Pro Vice-Chancellor (Student Experience), the Associate Pro Vice-Chancellor (Student Experience) will make a decision in relation to the outcome.
- 18.2 The Associate Pro Vice-Chancellor (Student Experience) will explain the rationale for the procedure followed after the completion of the investigation, classification as the alleged offence as non-complex, and confirm the outcome and imposition of any penalty/ies to the student in writing, normally within five clear working days of the completion of the investigation.
- 18.3 A meeting may be convened with the student as appropriate to discuss and explain the imposed penalty/ies.

19 Procedures for complex major alleged offences or breaches of conduct

- 19.1 If the recommendation from the Case Officer that the alleged major offence is complex is confirmed by the Associate Pro Vice-Chancellor (Student Experience), the case will proceed to a Disciplinary Panel.
- 19.2 The rationale for the procedure followed after the completion of the investigation, the classification of the alleged offence as complex, and the decision to proceed to a Disciplinary Panel will be communicated to the student in writing, normally within five clear working days of the completion of the investigation.
- 19.3 The date of the meeting of the panel, membership, names of any witnesses, and format of the Disciplinary Panel will be communicated to the student in advance of the proceedings by the Office of the Associate Pro Vice-Chancellor (Student Experience), normally not less than ten clear working days in advance of the meeting.

- 19.4 Any documentation for the meeting of the panel will be circulated to the members of the Disciplinary Panel, the student and the Case Officer, normally not less than five clear working days in advance of the meeting.
- 19.5 Following the meeting the student will be formally notified of the outcome in writing within five clear working days of the meeting of the Disciplinary Panel, confirming the imposition of any penalty.
- 19.6 Complainants will be informed when the formal stage has been completed and of the outcome of their complaint as appropriate.

20. Appeal

- 20.1 The student may raise an appeal against the outcome of a major or minor offence. Any appeal needs to be submitted in writing to the Office of the Associate Pro Vice-Chancellor (Student Experience) and needs to be received on the appropriate appeal form. Appeals normally need to be made within 15 clear working days of the date of the letter notifying them of the outcome of their case.
- 20.2 The student is also able to raise a complaint under the student complaints procedure if they have concerns about how the matter was handled or the outcome. Such complaints normally need to be made within 15 clear working days of the date of the letter notifying them of the outcome of their case.
- 20.3 Students registered at a collaborative partnership or a Constituent College of the University may submit an appeal on the appropriate appeal form to the Office of the Associate Pro Vice-Chancellor (Student Experience) in relation to an institutional level outcome. Appeals normally need to be made within 15 clear working days of the institutional letter notifying them of the outcome of their case.
- 20.4 A complainant who is dissatisfied with the outcome of the disciplinary process, will be able to make a complaint under the student complaints procedure.
- 20.5 A witness cannot make an appeal against the outcome of the disciplinary process. Witnesses may be able to make a complaint under the student complaint procedure.
- 20.6 Appeals received after the above deadline will be deemed to be out of time and may not be considered unless there is independent evidence to show compelling reason as to why the appeal was not received in a timely manner. The University will not normally consider any appeal submitted more than 12 months after the receipt of outcome.
- 20.7 The Office of the Associate Pro Vice-Chancellor (Student Experience) will acknowledge receipt of the appeal normally within 5 clear working days. If the appeal has not been acknowledged within 5 clear working days the student should contact the Office of the Associate Pro Vice-Chancellor (Student Experience) to ensure that the appeal was actually received.
- 20.8 The request for the right to appeal will only be granted if there is evidence of the following:
 - irregularities in the conduct of the Disciplinary Procedure, which are of such a nature as to cause reasonable doubt whether the same decision would have been reached had they not occurred;
 - the existence of new material evidence and there are valid reasons why this evidence was not provided earlier in the process;

- that there is bias or reasonable perception of bias during the procedure;
 - the outcome was not reasonable given the circumstances of the case;
 - that the penalty imposed was disproportionate, or not permitted under the procedures.
- 20.9 An appeal will be considered by an appropriate Senior Officer from the University, not previously involved in the matter.
- 20.10 The student raising the appeal will be informed of the remit of the appeal and its scope and purpose
- 20.11 No appeal hearing will be held as part of the appeal process. A hearing can only be held if the matter has been referred back to the formal stage for reconsideration. See 20.12.
- 20.12 The Officer reviewing the appeal will be able to:
- uphold the original outcome;
 - refer the matter back to the formal stage for reconsideration;
 - offer a modified outcome (and remedy).
- 20.13 The outcome of the appeal will be confirmed in writing by the Office of the Associate Pro Vice-Chancellor (Student Experience), normally within 20 clear working days of the appeal being received. The appeal decision is final and is the final possible stage of the University's internal processes.
- 20.14 In all cases (whether an appeal is upheld, the appeal is not upheld, or is not permitted to proceed under the grounds of appeal), a Completion of Procedures letter will be sent to the student within 28 days. In this letter the student will be advised that a complaint may be made to the Office of the Independent Adjudicator (OIA) for Higher Education. Complaints to the Office of the Independent Adjudicator (OIA) for Higher Education must be made within 12 months of the date of the Completion of Procedures letter. Full details of the procedure are available from the OIA website: www.oiahe.org.uk.

21. Confidentiality parameters

- 21.1 The University will be mindful of its obligations under relevant data protection regulations and the Equality Act 2010 in relation to any information shared about the (alleged) misconduct.
- 21.2 All parties will be reminded of the confidentiality associated with the procedures outlined above. Information associated with the case will be disclosed to as few people as possible.
- 21.3 Witnesses will not normally be able to give evidence confidentially. Where witnesses indicate that they would like to give their information confidentially, normally their evidence will not be relied on.

22. Standard time-lines

- 22.1 Throughout the policy standard time-lines are mentioned for key stages of the process. The University will wherever possible seek to adhere to the time limits outlined within these procedures, but in cases where there are special circumstances which require variance from specified time limits, the student and any other relevant parties will be advised of the reasons for this. Processes may need to be suspended (e.g. 7.1).

Key stage	Standard time-line
Notification of receipt of a formal complaint	Within 5 clear working days
Completion of minor alleged offences and breaches of conduct procedures	Within 10 clear working days from the start of the procedures
Invitation to meetings associated with minor alleged offences and breaches of conduct	Notice provided not less than 1 clear working day
Invitation to meetings associated with major alleged offences and breaches of conduct	Notice provided not less than 2 clear working days
Completion of the initial risk assessment process	Within 5 clear working days of the start of the risk assessment process
Submission of appeal against precautionary measures	Within 5 clear working days of the date issued of the notice of the precautionary measures
Completion of investigative process	Within 30 clear working days
Notification of the outcomes of non-complex major alleged offences and breaches of conduct	Within 5 clear working days of the receipt of the investigative findings
Proceed to panel notice for major alleged offences and breaches of conduct	Within 5 clear working days of the receipt of the investigative findings
Information about the format of the panel, membership, date and venue	Notice provided not less than 10 clear working days in advance of the meeting
Circulation of any documentation associated with the meeting of the panel	Notice provided not less than 5 clear working days in advance of the meeting
Notification in writing of the outcome of a Disciplinary Panel meeting	Within 5 clear working days
Completion of the formal process	Within 60 clear working days of the allegation made against the student (this time frame would normally exclude the time taken by any criminal investigation or prosecution)
Appeal against a minor or major offence outcome	Within 15 clear working days of the date of the notification of the outcome
Notification of the receipt of the appeal	Within 5 clear working days

Key stage	Standard time-line
Notification of the outcome of an appeal	Within 20 clear working days of the appeal being received

23. Monitoring

- 23.1 A non-academic disciplinary cases overview report will be submitted annually to Senate by the Associate Pro Vice-Chancellor (Student Experience). This report will also monitor the effectiveness of the policy.

• Resource implications

Implication	Detail
Finance	<i>Training for all University members of staff involved in disciplinary procedures (e.g. Case Officers, Chairs of Disciplinary Panels, staff providing support to any party involved in an incident, senior members of staff, minute takers)</i>
Staff	<i>No additional resource anticipated.</i>
Assets	<i>There are no identified asset costs.</i>
Partners	<i>Consideration will be given to the application of this policy across the dual-sector group.</i>
Timescales	<i>Once approved the policy will be implemented immediately. The policy will be regularly monitored to ensure ongoing compliance with relevant legislation.</i>
Leadership	<i>APVC (Student Experience)</i>

• Impact Assessment

Implication	Impact considered (Yes/No)	Impact Identified
Legal		<i>The policy identifies action taken if the offence is also subject to criminal proceedings / legal action. The policy conforms with:</i> <ul style="list-style-type: none"> - <i>Contract and consumer law</i> - <i>Negligence (duty of care)</i> - <i>The Human Rights Act 1998</i> - <i>The Equality Act 2010</i> - <i>Health and Safety at Work Act 1974</i> - <i>Natural Justice (fairness)</i> - <i>Data Protection Act 2018 (and GDPR)</i>
Contribution to the Strategic Plan		<i>The policy aligns with the values expressed in the Strategic Plan.</i>
Risk analysis		<i>Policy compliance will mitigate the risk of non-academic misconduct.</i> <i>It will also mitigate against court claims, complaints to the OIA, and complaints to the ICO.</i>
Equality		<i>The policy will ensure adherence to provisions of the Equality Act.</i>

Welsh language		<i>The policy aligns with principles expressed by the Welsh Language Act.</i>
Environmental and sustainability		<i>None identified.</i>
Communication / Media / Marketing		<i>The policy will be made available to staff and students via MyDay.</i>

- Policy author: Dr Mirjam Plantinga, APVC (Student Experience)
- Document version control

Version No.	Reason for change	Author	Date of Change
0.1	Draft policy	MP	26.10.16
0.2	Feedback following APC	MP	10.11.16
0.3	Feedback following Senate	MP	23.11.16
04	Annual review of policy	MP	08.10.17
05	Annual review of policy	MP	06.11.18