

## Student Disciplinary Procedure

### A. PRINCIPLES

All students give an undertaking at enrolment to abide by the rules and regulations of the University, including those relating to conduct and discipline. The University's Policy on Student Conduct outlines how the University expects its students to conduct themselves, and what it considers to be misconduct. This Disciplinary Procedure is the process for dealing with cases where allegations of misconduct are made against a student, whether by another member of the University community or by a third party.

Under the Articles of Government of the University the Vice-Chancellor has overall responsibility for the maintenance of student discipline and conduct. For matters of misconduct which are not serious enough to justify suspension or expulsion from the University (Level 1 cases) the Vice-Chancellor delegates this responsibility to designated staff, and for initial hearings of a case which could result in suspension or expulsion (Level 2 cases), to a member of the University Executive. Responsibilities and terminologies are set out in section A3.

The University has the right to investigate allegations of misconduct, and students are required to participate in any such investigation. Where a student fails to engage with the process this is a disciplinary issue in its own right and can lead to further action.

The University will support both the Reporting Person, and the Student Reported, as well as others involved such as witnesses, and will encourage all parties to make use of appropriate support services, and the independent advocacy and advice which is available from the Student Union (or other relevant organisations, such as professional/medical defence bodies). The University will direct all parties to those services, with information on how to access them. The University will take care over matters of conflict of interest where both Reporting Person and Student Reported might be receiving support from the same services.

The University expects in any disciplinary process that students, their representatives, and staff will act reasonably and fairly towards each other and will treat the process with respect. The University will ensure that those charged with investigating or hearing an allegation will have had no material prior involvement in the case, and that the process is conducted in a timely way. Reported Students will be made aware of the allegations against them, and have a fair opportunity to present their case to respond what has been said about them. A student's prior disciplinary record will not normally be relevant to the determination of whether misconduct has been committed, and may not be disclosed until a decision on misconduct is reached. It will, however, be relevant to decisions about penalty.

Although the University is not responsible for misconduct where it is proven, it will seek to offer some appropriate and reasonable resolution to the Reporting Person through the outcomes of this Process.

## A1 SCOPE

This Process encompasses not just allegations of misconduct in the context of activities on campus, but also in clinical, school or other work placements, field trips or sporting trips, or other activities where students are learning away from the campus or are representing the University. The University reserves the right to take disciplinary action against a student in respect of any misconduct wherever it may have taken place when it is considered necessary to protect the safety, interests and reputation of the University, its staff, or students.

Students at partner colleges in the UK and overseas are subject to the disciplinary regulations of the partner. The University may take relevant follow-up action where necessary: for example, if a partner college excludes a student, the University may end that student's enrolment on their University award.

If a student withdraws from, or leaves, the University part way through a disciplinary process, the University has the right to continue that process, or where a disciplinary issue is discovered after a student has left, to hear that process in full and reach a conclusion. The outcome would be taken into account if the student chose to return for further study.

The University may reconsider an allegation that has already been dealt with under this process if new evidence is available which for good reason could not have been obtained at the time of the original investigation. In determining whether to reopen an allegation the University would consider the length of time that has elapsed and the impact of that on available evidence, the severity of the allegations, and the impact upon the student of going through a further process, as well as considering whether not proceeding would impact on matters of fitness to practise or related obligations to professional or regulatory bodies.

It is a requirement, if dealing with an allegation against a student under the age of eighteen, that at any meeting, Hearing or Panel referred to under these Regulations the student must be accompanied by a responsible adult.

## A2 TIMESCALES

These Regulations indicate the normal timescales within which they are operated, and the University will endeavour to carry out any disciplinary processes in a timely way, to bring resolution to both those reporting the allegations (the Reporting Person, or RP), the students who are the subject of the allegation (the Student Reported, or SR). The University reserves the right, where good cause exists, to vary these timescales on an exceptional basis providing that both the Student Reported and the Reporting Person are notified in writing of this. Students may request variation of the timescales by sending evidence that would justify the variation to the Disciplinary Officer (for section C), or the Officer to the University Disciplinary Panel (for section D) who will consult with the Chair of that Panel. The relevant Officer's decision is final.

## A3 DEFINITIONS

"Reporting person" (RP) – the person making the allegations

"Student reported" (SR) – the person against whom an allegation is made

"Level 1 allegation" – all allegations of misconduct not likely to warrant suspension or exclusion.

"Level 2 allegations" – the most serious misconduct, which could result in suspension or exclusion if proven.

"Disciplinary Officer" – Academic Deans, Directors of Service, and the Heads of the London and Hong Kong Campuses, who have the authority to order a Disciplinary Investigation, and to apply Level 1 sanctions.

“Disciplinary Panel” – the University Panel, chaired by a member of the University Executive, which reaches a judgement on whether Disciplinary Investigations in a Level 2 case are upheld, and which determines sanctions.

“Disciplinary Investigation” – the process undertaken by a Disciplinary Investigator to determine facts in a report to the Disciplinary Officer or Disciplinary Panel.

“Disciplinary Investigator” – the member of University staff nominated by the Disciplinary Officer to conduct investigations of both Level 1 and Level 2 misconduct, and to report to the Disciplinary Officer (or, if appropriate the Disciplinary Panel).

All references in this procedure to an officer of the University also include his or her properly appointed nominee or Deputy.

**Burden of proof:** the burden of proof in investigation is on the University. In other words, it is for the University to demonstrate that the student committed misconduct. In an appeal, it is for the student to demonstrate that there are relevant grounds for appeal.

**Standard of proof:** the civil standard for burden of proof - on the balance of probabilities. In other words, a decision must be reached as to whether it is more likely that the student committed the alleged misconduct, than she or he did not.

#### A4 CONFIDENTIALITY

Information relating to allegations made or action taken under these Regulations will be treated as confidential subject to the need for necessary disclosure in order to carry out the investigations and hearings outlined within these Regulations, or to process any outcome of a disciplinary case (for example, informing the Student Loan Company or Home Office UK Visa and Immigration service of a case of expulsion, or to make relevant reports to Professional, Statutory or Regulatory Bodies). The University may share limited information with the Students' Union where necessary to manage risk to the University community and when requested to provide information on whether any candidates for elected office have any findings of misconduct against them.

Any witness statements made in connection with a disciplinary investigation will be shared with the student accused of misconduct, as will the identity of those making those statements. If in an exceptional case where there is clear risk of harm the University would vary this position, this must be subject to agreement by the Vice-Chancellor in consultation with the University solicitor. Any intimidation towards witnesses or other interference with an investigation is considered to be a misconduct offence in its own right.

The University will balance the confidentiality of the decision with the need to make the outcome of a disciplinary process known to those affected by the outcome, most notably any victim of misconduct, where understanding the outcome is helpful to their security or wellbeing.

The University reserves the right to refer to disciplinary findings when requested to provide a reference, but would only do so in cases which resulted in expulsion or punitive suspension, or exceptionally where failure to include mention in a reference would create a material risk in the context of the employment (for example, if it involved working with children). In any such exceptional case, the consent of the University Solicitor must be sought before any such reference is made.

The University reserves the right to report any matters to the police if deemed necessary. The University will take into consideration the views of any victim before doing so, but will not be bound by these views.

## A5 RECORDING OF INTERVIEWS

When a Disciplinary Investigator has been allocated to investigate, either a level one or level two case, all interviews with the reporting person (RP), Student Reported (SP) and/or other witnesses forming part of the investigation, may be audio recorded. The recordings will be securely stored, access by staff working within Student casework or those undertaking or reviewing the investigation. They seek to provide transparency and integrity of the interview process.

The recording will be retained as per the timescales outlined throughout this procedure, inclusive of any appeals and including where students exercise their right to have their complaint or investigation reviewed by the Officer of the Independent Adjudicator for Higher Education. This can be made anytime within 12 months following receipt of a Completion of Procedures Letter. If no appeal is launched then this recording will be deleted.

You can apply for a copy of this recording following a request to the University of Sunderland's Data Protection Team by email [Dataprotection@sunderland.ac.uk](mailto:Dataprotection@sunderland.ac.uk).

## A6 OTHER PROCESSES

These Regulations do not cover misconduct within the jurisdiction of the Students' Union, which will be dealt with, initially at least, under the Students' Union's own disciplinary procedures.

If a student subject to action under this process is also an employee of the University, any allegation of misconduct will be notified to the University Secretary and Director of Human Resources and the University may act under staff disciplinary processes as well as the student disciplinary process, determining on a case by case basis which process will operate and in what order. The student will be informed if this is the case, and if so what procedures will apply and in which order.

Where other processes – for example, Fitness to Practise, or Fitness to Study – may also be required, it will be clearly explained to the Reported Student the order in which those processes will operate. Normally the disciplinary process will take precedence, but that will not prevent relevant precautionary actions such as a fitness to practise suspension from placement.

## **B. PROCESS: REPORTING AND INVESTIGATION**

### **B1. REPORTING**

Allegations of misconduct that can be dealt with informally (see below) should be made to an appropriate member of staff with responsibility for the student alleged to have committed misconduct. This may be a senior manager in a Service (for example, within accommodation or the library), or a Team Leader or Head of School within the Faculty.

To make a formal complaint of misconduct triggering this Procedure a request should be submitted through the Student Casework Team in Academic Registry (0191 515 2941, [studentcasework@sunderland.ac.uk](mailto:studentcasework@sunderland.ac.uk)), who also provide advice on the administration of this Process. Members of the Team can provide confidential advice to Reporting Persons who are exploring whether they wish to make a complaint of misconduct or not, although if there is direct concern for the safety of others the University may have to set aside that confidentiality and act.

**Where a reporting person has direct and pressing concern for their safety, they should contact the police, and then University Security before reporting it through the route above.**

You can get further advice and contact details at the University's 'Report It! Get Supported' page: <https://sj.sunderland.ac.uk/wellbeing/staysafe/>

Most cases of a minor nature can be dealt with in the first instance by an individual member of staff most closely involved, simply and quickly on an informal basis of advice and direction concerning acceptable behaviour or conduct. At the outset, the student should be informed that this is an informal resolution to an issue and there will be no sanctions other than the above – but that any repetition or escalation of the behaviour in question might lead to formal disciplinary proceedings. A record will be made by the member of staff and kept by the relevant Service or Faculty to note that the counselling has taken place, and this note should be shared with the student. If a student disputes the basis on which this advice and direction has been given, the student should write to the immediate manager of the individual who has given it, setting out the reason why they dispute it. The manager will consider all the evidence, and either reaffirm or withdraw the advice given.

The allegation will then be referred to a Disciplinary Officer, who shall reach a decision within five working days on the next steps to be taken. Both the Reporting Person and the Reported Student should be informed at that point of the decision made and the expected timescales involved.

Disciplinary incidents that arise within the provision of a University service (for example, within student accommodation, the library, or computing facilities) should be dealt with in the first instance by the relevant Disciplinary Officer within that service. All such incidents should also be notified to the Faculty. However, where the Disciplinary Officer deems the incident to be significant misconduct, or where the case demonstrates repeated misconduct, he or she should refer the case to the appropriate Faculty for action.

If the Disciplinary Officer considers that there is good cause to suspend the student on a precautionary basis pending an investigation on the basis of risk to the University community, a request should be made through the Student Casework Manager or Academic Registrar. See Section D, Precautionary Suspension.

## **B2. LEVEL ONE CASES**

Level One cases are those where the judgement of the Disciplinary Officer, in consultation with the Academic Registrar or Student Casework Manager if needed, is that the case if proven is not likely to result in an appropriate penalty of punitive suspension or exclusion.

The Disciplinary Officer will appoint a Disciplinary Investigator who will investigate the facts of the case. This will include assembling all relevant evidence, and speaking to any relevant parties, which should always include the Person Reporting if possible, and the Reported Student. The Reported Student will be informed of the allegation in writing, which will set out the precise nature of the allegation and how it is being considered as a Level One case, and will be invited to attend a meeting with the Investigator and, should the student wish, to provide a statement in writing as well. Where possible the Investigator will give the Reported Student an indication of the range of likely sanctions if misconduct is proven.

Students, whether as a witness, Person Reporting, or Reported Student, have the right to be accompanied to any meeting by another member of the University community (which includes an Independent Advisor from the Students' Union), and any request for a meeting in an investigation should state this, and clearly outline the purpose of the meeting. Following a meeting, the record of discussions should be shared. The Investigator will review any support needs that all parties may have following the initial meeting, and make any recommendations for further support as appropriate.

The University will conduct investigations in a timely manner, and will complete the investigation, decision, and communications of that decision within a maximum of sixty days. Where this cannot be met for good reason, the Reported Student and the Reporting Person will be advised of the reason, and of timescales for completion.

### **B2.1 THE DISCIPLINARY OFFICER'S DECISION**

The Disciplinary Investigator will present the evidence and any arising conclusions to the Disciplinary Officer, who will decide and communicate to the Reported Student within five working days whether that demonstrates that the balance of probabilities threshold for misconduct has been reached. If it has, and the Reported Student has committed misconduct, the Officer will apply an appropriate sanction. Where a case has been investigated as Level One, but the results of the investigation leads the Officer to consider that suspension or exclusion is in fact an appropriate outcome, the Officer should not make a decision but refer the case to the Disciplinary Panel as outlined in the Level Two process below.

The student will be given written notification of the decision, including the evidence that exists, why the evidence supports a decision of misconduct on the balance of probabilities and a clear description of any sanctions, and be advised of the right to appeal. The Reporting Person will also be informed that the Process has reached an outcome.

NB: Whether dealt with by Service or by Faculty, in cases which involve fraud or theft of University property or resources the University's Director of Finance must also be notified.

## **B2.2 APPEALING A UNIVERSITY DISCIPLINARY OFFICER'S DECISION**

A Reported Student who has been found to have committed Level One misconduct has the right of appeal against a finding, other than that of referral to a University Disciplinary Panel (which has its own appeal stage). This appeal must be made in writing to the Student Casework Manager in Academic Registry within ten working days of the date on which the student was informed of the finding. The submission must make clear the grounds on which any appeal is based, which must be one or more of:

- new information that was not, for good reason, available in the first consideration of the case
- a material procedural irregularity in that first consideration, which could be on the grounds of procedural misconduct, bias, or evidence was factually and demonstrably incorrect
- that the decision was not reasonable in the circumstances

If the Student Casework Manager, taking advice from the University Solicitor where necessary, is satisfied that such grounds exist he/she will pass the case within five working days to another University Disciplinary Officer who has had no prior involvement with the case. That Disciplinary Officer will review the case within, reach one of the following conclusions, and communicate the decision to the student within thirty days of the appeal being lodged:

- i) that the appeal is denied as the grounds are not satisfied;
- ii) that the appeal is upheld and the original decision should be quashed and the disciplinary process terminated;
- iii) that the appeal is upheld and the original decision should be quashed, but the case should be reheard in full, with a new Investigator and a new Disciplinary Officer.

This decision is final, and the Disciplinary Officer considering the appeal must therefore inform the student in writing of the finding, and request that the Student Casework Manager (Academic Registry) provides the student with a Completion of Procedures letter which entitles the student to take their case to the Office of the Independent Adjudicator, should she or he choose to do so.

## **B3. LEVEL TWO CASES**

Level Two cases are those where the judgement of the Disciplinary Officer, following consultation with the Academic Registrar or Student Casework Manager, is that the case if proven could likely to result in an appropriate penalty of punitive suspension or exclusion. In such a case, the Disciplinary Officer should commission an investigation as with Level One cases. That investigation will take place as in the Level One process described in B1, but the Disciplinary Investigator will report to the Disciplinary Panel, not to the Disciplinary Officer, and the Reported Student will be informed that it is being considered as a Level Two case, and the potential sanctions under consideration. The Investigator will review any support needs that all parties may have following the initial meeting, and make any recommendations for further support as appropriate.

The University will conduct investigations in a timely manner, and will complete the investigation, panel hearing, decision and communications of that decision within a maximum of sixty days. Where this cannot be met for good reason, the Reported Student and the Reporting Person will be advised of the reason, and of timescales for completion.

### **B3.1 UNIVERSITY DISCIPLINARY PANEL**

The Disciplinary Panel will be chaired by a member of the University Executive. Other members will be an Academic Dean or Director of Service or senior nominee, appointed by

the Chair, and a Student Union President with no prior involvement in the case. The Student Casework Manager or Academic Registrar will act as Officer to the Panel. In exceptional circumstances the Panel membership may be varied in consultation with the student, if for example no individuals are available in those roles who have not had prior involvement.

The Student Casework Manager will send the Reported Student notice of the Student Disciplinary Panel hearing, setting out all of the allegations against the student, any evidence that will be put before the Panel, the membership of the Panel, and the date and venue of the Panel hearing. The notice will advise the student of their right to be accompanied or represented (including, where agreed in advance, legal representation) at that Panel hearing, and will include a copy of this Procedure. Unless mutually agreed between Chair of the Panel and the student, the student will be given not less than ten working days' notice before the date of the Panel hearing. The Chair of the Panel has the authority to amend the date of the Panel hearing, provided the notice period above is adhered to.

The student must submit, via the officer to the Panel, any evidence which they wish to put before the Panel hearing, including any witnesses they intend to call. This submission must be made not less than five working days prior to the date of the Panel. The Panel may receive evidence in any form, oral or written, but new written evidence will not be accepted on the day, although a Panel using its discretion may choose to do so if the student can demonstrate good reason why this could not be provided before.

If the student or a designated representative from within the University community does not appear, and the Panel are satisfied that proper notice was sent, the Panel hearing may proceed in the student's absence. Where a student submits valid reason for not being able to attend, the Panel would normally be rescheduled a maximum of one more time before proceeding.

The Disciplinary Investigator will be called to present the case to the Panel. In exceptional circumstances, and subject to the prior agreement of the Chair, a nominee may attend in place of the Officer. The student will then be able to respond. The Panel members will have the right to ask questions of all participants. Either party may call witnesses (if notice has been given), who shall attend only for the purpose of presenting their evidence and responding to questions from the Panel or the other party (via the Chair). Once their evidence has been heard, witnesses are required to withdraw.

The Disciplinary Investigator will make a concluding summary of the allegations, followed by the student who will summarise his or her defence. New evidence may not be introduced in these summaries. Both Disciplinary Investigator and student will then withdraw while the Panel considers its conclusions. This order of events may be varied by the Chair if appropriate, and the Panel has the right to impose time limits on any aspect of the hearing. Exceptionally (for example where a decision cannot reasonably be reached without further evidence), the Panel may adjourn for up to four calendar weeks and defer its decision. If members of the Panel do not agree, a majority verdict may be reached.

If the sanction decided upon is not suspension or expulsion, the Panel may impose a sanction, notifying a student in writing within five working days of its decision. If suspension or expulsion is chosen, the Panel will make recommendation to the Vice-Chancellor within five working days, and within a further five working days of the receipt of these recommendations, the Vice-Chancellor will notify the student and the Panel of the decision in this matter.

All notifications of decision will refer to the student's right of appeal to the Student Disciplinary Panel Appeals Committee, and should explain clearly why the decision was made on the basis of the evidence and the balance of probabilities, and why the sanction was chosen. The Reporting Person will also be informed that the Process has reached an outcome.

## B3.2 APPEALING A UNIVERSITY DISCIPLINARY PANEL DECISION

A student may appeal a decision of the Disciplinary Panel to the Student Disciplinary Panel Appeals Committee by giving notice to the University's Head of Legal Services within ten working days of the date of the issue of the decision. This submission should make clear the grounds on which the appeal is based, which must fall into one or more of the following grounds:

- evidence heard at the Panel was factually and demonstrably incorrect;
- fresh evidence is available that, for good reason, was not available at the time;
- the Panel process was materially flawed on the grounds of procedural misconduct or bias;
- the decision reached was not reasonable in the circumstances.

Except for where a Precautionary Suspension has been made under D1 above, any suspension or expulsion will be deferred pending the outcome of the Student Disciplinary Panel Appeals process.

The Appeals Committee will be a member of the Executive, other than the Vice-Chancellor or the Chair of the Disciplinary Panel; an Academic Dean or Director or senior nominee, and a President of the Students' Union, neither of whom should have had any previous involvement. The Officer will normally be whichever of the Student Casework Manager or Academic Registrar did not act as officer to the initial Disciplinary Panel. In exceptional circumstances the Panel membership may be varied in consultation with the student, if for example no individuals are available in those roles who have not had prior involvement.

The process for operation of the hearing as set out in the Disciplinary Panel section will apply to the operation of the Committee. A decision will be reached by the Panel, and communicated to the student, within thirty days of the appeal being lodged.

Where an appeal is successful, the University will determine whether there has been an adverse impact on the Reported Student, and if so what an appropriate remedy might be.

The decision of the Appeals Committee will be the final decision of the University in all matters. The student will be issued with a Completion of Procedures letter, and has the right at this point to take their case to the Office of the Independent Adjudicator for Higher Education.

### C. SANCTIONS

When considering sanctions, the Disciplinary Officer or Panel should start at the lowest possible sanction, and determine whether it would be appropriate, and only if not then move to consider the next higher sanction, and so on. The record of that consideration, whether letter to student or notes of meeting, should give clear reason for the penalty chosen.

Sanctions may be put in place which are appropriate to correct behaviour, or provide learning to a student to help understanding or prevent repetition, to provide restitution or restoration, or to manage risk to the University community. Multiple sanctions may be combined where reasonable and appropriate, and the decision may also consider misconduct which is minor but which is persistent, and previous disciplinary history. In choosing which sanctions to apply, the decision-maker should take into account any mitigating circumstances, and will also consider whether the Reported Student has clearly demonstrated reflection, learning and resource – or has not.

Sanctions are as follows (sanctions n-p are only available to a Disciplinary Panel):

- a. to require an apology, either verbally or in writing;
- b. to offer advice as to future behaviour;
- c. to issue an informal warning (this is not held on the student's record)
- d. to issue a formal reprimand, to be held on the student's record for a limited period of time, and which will be considered in any future disciplinary cases during that time;
- e. to issue a permanent formal reprimand, to be held on the student's record for the duration of their study, and which will be considered in any future disciplinary cases;
- f. to require the student to sign a good conduct agreement;
- g. to make an order for restitution and/or compensation for damage or loss, this includes set fines where those are established and communicated to students in advance;
- h. to order the withdrawal of any benefit, facility, service or privilege (such as membership of the gym, use of IT, out of hours access) for such period as the Disciplinary Officer may consider appropriate, including notice to quit University accommodation;
- i. to impose a requirement for the student to attend a relevant student support service. Failure to comply with any such requirement is itself a disciplinary offence;
- j. to make any reasonable requirement that the student should carry out an activity which contributes to the University community, particularly where that activity relates to their offence (for example, awareness-raising);
- k. impose reasonable restrictions on communication with named students or members of staff, both verbally or via written or electronic or other means;
- l. to make a report to any relevant professional or statutory body (which may in some instances be mandatory);
- m. to refer the case to other procedures, for example the University's Fitness To Practise procedure or the Academic Misconduct procedure;
- n. suspension from the University, for a defined period;
- o. exclusion from the University, but with the possibility of a return should certain conditions be met;
- p. permanent exclusion from the University.

#### D. PRECAUTIONARY SUSPENSION

A precautionary suspension is designed to protect the University community (or in some cases, the Student Reported) while further investigation takes place. It does not make any assumption as to whether or not the student will be found to have committed misconduct, and will be made on the basis of a consideration of risk to the University community and the reputation of the University. Where practicable and appropriate, the University will support the student in continuing in study by other means during the period of suspension, or in taking assessments.

In cases where a precautionary suspension, pending an investigation, is recommended by the Disciplinary Officer, via Academic Registry, this will be decided upon by a member of the University Executive, advised if necessary by a case conference of relevant staff.

The student will be notified in writing of the reasons for, and terms of, the suspension, the duration of suspension, support and advice available for the student, and the student's right to make representations to the Executive member about the decision to suspend. Suspension under this provision is initially for a period of up to four weeks (though it can be put in place for a shorter period), which can be renewed following review by the member of the Executive. At renewal the University will make clear to the student when the next review point will occur (which could be, for example, in a further four weeks to allow the University to gather more evidence, or in serious cases when a criminal court case against the student is concluded), and their right to submit new information at any point which is material to the continuation of the suspension.

## E. CRIMINAL OFFENCES

Where the alleged conduct would constitute a criminal offence if proved in a court of law, action under this Procedure may proceed, but the University reserves the right to defer action (other than a precautionary suspension) pending the outcome either of any police investigation or of court action. The University does not investigate crimes, but rather investigates whether a student has committed misconduct as set out in the University's Policy on Student Conduct, and so an acquittal or no further action in respect of a criminal allegation does not necessarily mean that the University cannot act under this Procedure.

The Disciplinary Investigator will explain options to a Reporting Person where a criminal offence may have been committed, from reporting the event to the police, to choosing not to do so at this point but requesting a disciplinary investigation, and outline the potential consequences of those choices. In cases which present a clear risk to the safety of others, the University may choose to report to the police, even if the Reporting Person does not wish to do so.

If a custodial sentence is imposed, the student will have her or his enrolment with the University revoked with immediate effect. Any return to the University following the sentence is only possible at the discretion of the Vice-Chancellor following representations from the student, and any agreement to permit return may require the imposition of conditions or penalties, or further action to be taken under this Procedure.

## F. DISABILITY AND HEALTH

In investigating and determining an outcome to any disciplinary, the University will consider any relevant equality or diversity issues relevant to protected characteristics under the Equality Act 2010: age, disability (including mental health and wellbeing), race, gender, gender reassignment, pregnancy and maternity, religion or belief and sexual orientation. Requests for any reasonable adjustments needed within the process should be made to the relevant Investigator at the outset of the case.

Where there is concern that health may have a bearing on a case, the University Wellbeing team and/or Disability Support team, as appropriate, must be consulted by the Disciplinary Officer and/or investigator, both at the initiation of disciplinary proceedings and before any final action is taken. This is to ensure that the student is properly supported through the process, to ensure that the University's decision making is informed by a clear understanding of the relevance of the student's health to the misconduct concerned even if a diagnosis does not necessarily mitigate the imposition of penalties, or to determine that an alternative process (for example, Fitness to Study) would be more appropriate.

In some instances, the Disciplinary Officer may decide that it is appropriate to postpone, pause or not pursue a disciplinary case because a key person is, for medical or other reasons, unfit to participate in it. This type of decision must be based on evidence that Disciplinary Officer considers relevant and adequate. The Officer has the right to reject or ask for an independent assessment of evidence if its relevance or adequacy is doubted. The Disciplinary Officer may refer the case to the Fitness to Study procedure if relevant.

Should matters be serious enough to make it necessary to withdraw a student from the University until such time as they are fit to return without posing a risk to others or themselves, the Fitness to Study process can be used instead of this Disciplinary Process to manage this if it is appropriate. This does not prevent the University from making a disciplinary decision to expel a student permanently under this Process should the situation warrant it.