



Quality Handbook

Student Disciplinary Regulations

These Regulations have been revised in consultation with the Students' Union and have been approved by the Board of Governors of the University on July 3rd 2014, in accordance with the provisions of the Articles of Government, for use commencing September 2014. This version supersedes any previous versions.

The Procedure is written and maintained by Academic Registry, and will be reviewed no later than the academic year 2016/17.

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This Procedure is available in alternative formats on request from the Student Casework Manager, Academic Registry.

A. INTRODUCTION

All students give an undertaking at enrolment to abide by the rules and regulations of the University, including those relating to conduct and discipline. This document outlines what the University considers to be unacceptable behaviour on the part of students, and the processes which exist for dealing with it.

Allegations of misconduct 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, Head of Department or Deputy Dean within the Faculty. If you are not sure where to direct a complaint of misconduct, please contact Academic Registry (0191 515 2059, studentcasework@sunderland.ac.uk), who also provide advice on the administration of these Regulations.

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 and be taken into account when imposing a penalty at any stage.

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

These Regulations indicate the normal timescales within which they are operated. The University reserves the right, where good cause exists, to vary these timescales on an exceptional basis providing that the student and other participants 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.

Where more than one student is involved in the same incident of alleged misconduct, the Disciplinary Officer or the Chair of the University Disciplinary Panel will decide whether to hold meetings or hearings separately or jointly.

A1 SCOPE

These Regulations apply to alleged misconduct in the context of activities engaged in, or services and facilities accessed, as a student of the University, or on or around the premises of the University (which includes residential accommodation owned or leased by the University). However, the University also 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.

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.

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 Director of Human Resources and the University may take action under staff disciplinary processes as well as the student disciplinary process. The student will be informed if this is the case, and will be told which process will operate and in what order.

A2 *RESPONSIBILITY FOR STUDENT DISCIPLINE*

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 the Vice-Chancellor delegates this responsibility to designated staff, and for initial hearings of a case which could result in suspension or expulsion, to a Deputy Vice-Chancellor. The latter are subject to a right of appeal to a Student Disciplinary Appeals Committee chaired by the Vice-Chancellor.

A3 *STUDENTS UNDER THE AGE OF EIGHTEEN*

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.

A4 *BURDEN OF PROOF*

Where the University is taking action, 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. In all cases, these Regulations operate on the civil standard for burden of proof: that is, on the balance of probabilities.

A5 *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).

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.

The University may choose to make the outcome of a disciplinary process known to other students affected by the outcome, most notably any victim of misconduct. 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.

A6 *SUPPORT*

Wellbeing support for students facing misconduct allegations (or for students who are involved as victims of misconduct, or as witnesses) is available from the University's student support services, and from the Student Union. Independent advocacy and advice is available from the Student Union. Students are encouraged to seek this support at all stages of this process.

B. DEFINITIONS OF MISCONDUCT

Students are expected to conduct themselves generally in a manner which does not cause risk, distress or fear to others, or hinder the University's proper operation or damage its reputation. Being under the influence of alcohol or drugs will not normally be accepted as a mitigating factor or excuse for misconduct, and may be regarded as an aggravating factor. Examples of misconduct include:

1. Disruption of academic, administrative, sporting, social or other activities of the University;
2. Sexual, homophobic, racial, physical or other harassment, or behaviour which causes fear or distress to others; threatening, abusive, disorderly or unreasonable behaviour; behaviour which contravenes the University's principles of dignity and respect or is a form of harassment or bullying, or which creates a hostile environment for another, including via the use of social media.
3. Behaviour which interferes with freedom of speech, thought, action or enquiry of any other student or member of staff or lawful visitor to the University;
4. Fraud, deceit, deception, dishonesty or misappropriation of University funds or assets, misuse or falsification of any records or documents held by the University (including falsification of qualifications or other requirements for admission to the University, or of attendance monitoring of any student by the University), its staff, students or visitors, or any improper access to, transmission, use, or disclosure of computerised or other data held by the University or accessible through University equipment or networks;
5. Conduct which constitutes a criminal offence, including the use or supply of illegal drugs, where that conduct -
 - (a) took place on or in the vicinity of University premises, or
 - (b) affected or concerned other members of the University, or
 - (c) damages or threatens the reputation of the University, or
 - (d) is an offence of dishonesty, where a student holds an office of responsibility within the University;
6. Damage to, or wrongful treatment of, the property or equipment of the University or any of its staff, students or visitors, or any action likely to cause injury to any person or impairing the health and safety of the premises or its occupants, or contravening University policies on Health Safety and the Environment;
7. Action or omission which could cause loss, damage or injury or put others at risk.
8. Failure to disclose name and/or student ID to an employee of the University when it is reasonable to require such information, or impersonation of another student/using their identity at any time or requesting/facilitating someone else to impersonate a student.
9. Offering or giving money, gifts or other incentives to any employee of the University with the intention of inducing that employee to perform her/his job improperly or to reward her/him for doing so.

10. Failure to declare any criminal convictions acquired while at University.
8. A breach of any other University Rules, Regulations, Codes of Conduct or Procedures, or any failure to comply with any ruling or instruction made as a result of disciplinary proceedings, whether formal or informal, or misconduct committed when the student is already in receipt of an active formal reprimand.

C. THE DISCIPLINARY PROCESS

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. This can include advice that any repetition or escalation of the behaviour in question could lead to formal disciplinary proceedings. A record will be made by the member of staff and kept by the Faculty to note that the counselling has taken place.

Where formal disciplinary action is taken against a student, all communications to that student regarding the disciplinary case must also remind the student of the available sources of support, such as the Students' Union and the University's Health and Wellbeing Service and other support Services.

Where circumstances, seriousness or urgency warrant it, the Vice-Chancellor can require that allegations be considered directly by the Student Disciplinary Panel (see Section D).

C1 SUMMARY POWERS OF DISCIPLINE

C1.1 Deans of Faculty, Directors of Service, Deputy Deans and Assistant Directors, the Head of the London Campus and designated nominees have the power to act as Disciplinary Officers within this process.

C1.2 Disciplinary incidents that arise within the provision of a University service (for example, within student accommodation, the library, or central 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. Where the Disciplinary Officer deems the incident to be gross misconduct where expulsion is a likely outcome if proven, he or she should, following advice from Academic R, refer the case to a University Disciplinary Panel (section D2). Whether dealt with by Service or by Faculty, in cases which involve fraud or theft of University property or resources the Director of Business Assurance must also be notified.

C1.3 If the Disciplinary Officer considers that there is good cause to suspend the student pending an investigation on the basis of risk to other members of the University community - the Disciplinary Officer may, through the Deputy Academic Registrar of Academic Registry (or Director, or Student Casework Manager), recommend to the Vice-Chancellor that the student should be suspended on a precautionary basis under D1.1. In cases of gross misconduct where expulsion is a likely outcome if the offence is proven, the Disciplinary Officer may, in consultation with the Deputy Academic Registrar or Academic Registrar of Academic Registry, request that the Vice-Chancellor agrees to refer the case directly to a University Disciplinary Panel (D3).

C1.4 The Disciplinary Officer should investigate the facts of the case, taking into account the University's guidance on investigations, and taking consideration of appropriate evidence. This should always include the offer of a meeting with the student who is the subject of the misconduct allegation and/or the student being able to make his/her case in writing, and informing the student in writing of the evidence that has been presented against him/her. Students

have the right to be accompanied to any meeting by another member of the University community, and any request for a meeting in an investigation should state this.

C1.5 Based on this investigation, the Disciplinary Officer will then make a summary finding, and a decision on penalty if the finding upholds the allegation. The student will be given written notification of the decision within five working days of it being made, and be advised of the right to appeal (see C1.6). Outcomes and penalties available to a Disciplinary Officer are below, and multiple penalties may be combined where reasonable and appropriate. Consideration of appropriate penalties may also take into account misconduct which is minor but which is persistent.

- a. to dismiss the case;
- b. to require an apology, either verbally or in writing;
- c. to offer advice as to future behaviour;
- d. to issue an informal warning (this is not held on the student's record)
- e. to issue a formal reprimand, to be held on the student's record for a limited period of time, and which will be taken into account in any future disciplinary cases during that time;
- f. to issue a permanent formal reprimand, to be held on the student's record for the duration of their study, and which will be taken into account in any future disciplinary cases;
- g. to require the student to sign a good conduct agreement;
- h. 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 (for example, accommodation fines);
- i. to order the withdrawal of any benefit, facility or privilege; for such period as the Disciplinary Officer may consider appropriate, including notice to quit University accommodation;
- j. 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;
- k. 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);
- l. impose reasonable restrictions on communication with named students or members of staff, both verbally or via written or electronic or other means;
- m. to make a report to any relevant professional or statutory body (which may in some instances be mandatory);
- n. to refer the case to other procedures, for example the University's Fitness To Practise procedure or the Academic Misconduct procedure.

Where a Disciplinary Officer judges that the case is one of gross misconduct and punitive suspension or expulsion is an appropriate penalty, he or she will, following advice from Academic Registry, refer the case on to a University Disciplinary Panel (see D2).

C1.6 A student has the right of appeal against a summary 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 Deputy Academic Registrar of

Academic Registry within five working days of the date on which the student was informed of the finding, and must demonstrate grounds for appeal either on the basis of new information that was not, for good reason, available in the first consideration of the case, or on the basis of a material procedural irregularity in that first consideration. If the Deputy Academic Registrar, taking advice from the University Solicitor where necessary, is satisfied that such grounds exist he/she will pass the case to another University Disciplinary Officer who has had no prior involvement with the case. That Disciplinary Officer will review the case and reach a conclusion that:

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

This decision is final, and the Disciplinary Officer hearing 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.

D. SUSPENSION AND EXPULSION

D1. PRECAUTIONARY SUSPENSIONS

D1.1 In cases where suspension, pending an investigation, is recommended by the Disciplinary Officer, a decision will be taken by the Vice-Chancellor or Deputy Vice-Chancellor acting as nominee. If the Vice-Chancellor or nominee considers that there is good cause to suspend the student, such as to protect the university community, or to protect the student, the student will be notified in writing of the reasons for, and terms of, the suspension, the duration of suspension necessary to allow the disciplinary process to complete and arrive at a decision, support available for the student, and the student's right to make representations about their suspension. A copy of these Regulations will be included with this notification.

D1.2 Suspension under this provision is initially for a period of up to four weeks, which can be renewed following review by the Vice-Chancellor or nominee and the opportunity for the student to make any further written representations. 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.

D2. EXPULSION AND PUNITIVE SUSPENSION

In cases where the Vice-Chancellor or Deputy Vice-Chancellor acting as nominee considers that the incident provides clear grounds for considering expulsion or a longer term suspension, or where a case is referred for such consideration by a

Disciplinary Officer, the Vice-Chancellor will ask the Deputy Academic Registrar of Academic Registry to convene a hearing by a Student Disciplinary Panel.

D3. STUDENT DISCIPLINARY PANEL

- D3.1 The Panel will be chaired by a Deputy Vice-Chancellor or nominee. Other members will be a Dean of Faculty or Director of Service, appointed by the Chair, and a nominee from the Students' Union Executive (excluding the Student Union President) with no prior involvement in the case. The Deputy Academic Registrar of Academic Registry or nominee will act as officer to this Panel. The Disciplinary Officer 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 Disciplinary Officer.
- D3.2 The Deputy Academic Registrar of Academic Registry will send the student a 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, and the date and venue of the Panel hearing. The Notice will advise the student of their right to be accompanied or represented by a member of the University community at that Panel hearing. Unless mutually agreed between Chair of the Panel and the student, the Notice will be sent to the student not less than ten working days before the date of the Panel hearing. The student will also be sent a copy of these Regulations. The Chair of the Panel has the authority to amend the date of the Panel hearing, provided the notice period above is adhered to.
- D3.3 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.
- D3.4 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. The case against the student will be presented, followed by a response from the student. The Panel members will have the right to ask questions of all participants. Either party may call witnesses, 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 the evidence has been heard, witnesses are required to withdraw. The Investigating Officer 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 Investigating Officer and student will then withdraw while the Panel considers its conclusions. This order of events may be varied by the Chair, 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 20 working days and defer its decision. If members of the Panel do not agree, a majority verdict may be reached.
- D3.5 Once all evidence has been heard, the Panel will make recommendation to the Vice-Chancellor within five working days as to whether the allegations have been proven; and whether a suspension or expulsion is appropriate; and

if not, recommendation on whether any other penalty should be imposed, which may include any of the penalties available in the summary process. 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. This notification will make reference to the student's right of appeal to the Student Disciplinary Panel Appeals Committee.

D4. APPEALS AGAINST DECISIONS OF THE STUDENT DISCIPLINARY PANEL

D4.1 A student may appeal to the Student Disciplinary Panel Appeals Committee by giving notice to the University Solicitor within ten working days of the date of the issue of the decision. This notice of appeal should make clear the grounds on which the appeal is based, which would be:

- evidence heard at the Panel was factually incorrect
- fresh evidence is available that, for good reason, was not available at the time
- the Panel process was materially flawed on procedural grounds
- the findings of the Panel were inconsistent with the evidence
- the decision reached was not reasonable in the circumstances

D4.2 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.

D4.3 The Committee will be:

- the Vice-Chancellor, acting as Chair of the Committee (or a Deputy Vice-Chancellor or other member of the University Executive Board acting as nominee)
- a Dean or Director with no prior involvement in the case
- President of the Students' Union

D4.4 None of the members must have had previous involvement with the case other than a decision to make a precautionary suspension. If the Students' Union President has had previous involvement, they may nominate another member of the Students' Union Executive.

D4.5 Sections D3.2 to D3.4 above will apply to the operation of the Committee. Where possible, the Committee will announce their decision to the student in person, and in any event the decision will be confirmed in writing to the student within five working days of the Committee meeting.

D4.6 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.

E. CRIMINAL PROCEEDINGS

Where the alleged conduct would constitute a criminal offence if proved in a court of law, action under these Regulations may proceed, but the University reserves the right to defer action (other than a precautionary suspension) at the discretion of the

Vice-Chancellor pending the outcome either of any police investigation or of court action, particularly where the offence if proven would be likely to attract a custodial sentence, or where the offence is one which, if proven, would create serious concerns about risk to students and staff

Where student has been sentenced by a Court in respect of a matter of misconduct, the Court's penalty shall be taken into account in determining any penalty imposed under these Regulations, where the University disciplinary case relates to the matters judged by the Court. Where a student is acquitted of an offence in Court the University will not take disciplinary action where the misconduct is in substance the same offence of which the student has been acquitted.

If a custodial sentence is imposed, the student will have her or his enrolment with the University revoked. Any return to the University following the sentence would be subject to agreement by the Vice-Chancellor following representations from the student, and this agreement may require the imposition of conditions or penalties, or further action to be taken under these Regulations.

F. MENTAL HEALTH

While a diagnosis of mental illness does not necessarily mitigate the imposition of penalties on disciplinary grounds, where there is concern that issues of mental health may be apparent in connection to a disciplinary incident, the University student services team in Student and Learning Support Service must be consulted by the Disciplinary Officer 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, and to ensure that the University's decision making is informed by a clear understanding of the relevance of the student's mental health to the misconduct concerned.

Interim action, such as Precautionary Suspensions which may be taken in order to protect the safety of the University community, should still proceed, but the student must always be directed to support, within or without the University, as part of that process.

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 procedures for the Exclusion of Students On Health Grounds can be used instead of these Disciplinary Regulations to manage this. This does not prevent the University from making a disciplinary decision to expel a student permanently under the Disciplinary Regulations should the situation warrant it.

G: FLOWCHART OF THE DISCIPLINARY PROCESS

