
DISCIPLINARY PROCEDURES FOR STUDENT MATTERS



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1. Introduction

- 1.1. These procedures are to be read alongside the University's Student Code of Conduct.
- 1.2. The University is committed to upholding the highest standards and to carrying on its activities fairly, honestly, openly and in compliance with all applicable laws. As members of the University of Gloucestershire's community all students are required to comply with the University's current Regulations, Policies, Procedures and Codes of Practice at all times and in all places.
- 1.3. Allegations that students have failed to comply with the standards outlined in the Student Code of Conduct may result in the University taking action under the Student Disciplinary Procedures and/or such other University procedures as it might consider reasonable and appropriate.
- 1.4. The Vice Chancellor is responsible for the maintenance of student discipline.
- 1.5. There may be occasions where the Deputy Vice Chancellor appoints a member from the University's Executive Group to act as a nominee.

2. Scope and Purpose

- 2.1. The Disciplinary Procedures for Student Matters applies to all students of the University from enrolment (or arrival in halls of residence, if earlier) up to completion of their programme of study at the University (or departure from halls of residence, if later).
- 2.2. These procedures apply to all students of the University at all times (term time, placements and field trips) on or off University premises
- 2.3. These procedures may be initiated in response to reports from staff, other students or third parties.
- 2.4. A student may not be granted an award, obtain certification of an award or attend a graduation ceremony whilst a matter of alleged misconduct is still in the process of being dealt with under this procedure.
- 2.5. These procedures are intended to apply to current students; however, where a student withdraws or otherwise leaves the University once the procedure has been initiated, the University may choose to continue to with the case or not at its sole discretion. The University may or may not also determine it to be appropriate to initiate the procedure after a student has

left the University should an incident subsequently come to the University's attention.

- 2.6. These Disciplinary Procedures do not apply to allegations of academic misconduct, such as plagiarism, cheating in examinations, etc. Provision is made within the University's Academic Regulations for consideration of such matters.
- 2.7. The University will not normally intervene in disputes under private contractual agreements for example between a student and employer or landlord (although will usually offer mediation).
- 2.8. Students who are the subject of an allegation of misconduct whilst on placement or within a workplace setting which is linked to their programme of study will normally be subject to the conduct/discipline policy and procedures of the employer in the first instance. However, the University may also decide to take action under these or other relevant University policies and procedures, such as the Fitness to Practise Procedures if it is considered appropriate to do so.
- 2.9. Students registered with the University for an award but studying at an associate college or other partner institution will usually be subject to the student conduct/discipline policies and procedures of that institution or as set out in the partnership agreement.

3. Criminal Offences and Legal Proceedings

- 3.1. If an allegation of misconduct constitutes a criminal offence or where a police, criminal or other legal investigation or legal proceedings are likely or under way, the Director of Student Services may give formal notice to the student of an intention to invoke the Disciplinary Procedures but may postpone further action until the investigation and/or proceedings have been concluded. However, there may be circumstances in which the processes run concurrently or consecutively, particularly where there is an immediate issue of risk to the student or others.
- 3.2. The University will co-operate in any Police enquiry, and shall report any matter which appears to constitute a serious criminal offence, or where otherwise the University thinks fit to do so, directly to the Police.
- 3.3. The University reserves the right to consider the consequences of convictions for criminal acts incurred by a student with regard to the suitability of that person to continue as a student of the University, or to impose such other penalties as are permitted within the terms of the Student Disciplinary Procedure or other relevant University Procedures.

3.4. The University is not bound by the outcome of any criminal or other legal proceedings and is not precluded from taking action under any University procedures regarding the matter particularly where there is a risk to members of staff or other students.

4. Custodial Sentences and Students on Remand

4.1. Where information is provided to the University that a student is convicted of an offence and given a custodial sentence or is remanded in custody pending the outcome of criminal proceedings, the matter is to be reported to the Director of Student Services as soon as possible.

4.2. The Director of Student Services will liaise with key colleagues and determine:

- whether or not to invoke the University's disciplinary procedures either at the time or deferred, and
- the student's registration status, i.e. to consider if the student should be withdrawn (and if so either temporarily or permanently)

4.3. Such matters will be decided on a case-by-case basis taking into account the length of the sentence, the crime committed and the academic position of the student. In reaching his/her decisions, the Director of Student Services will take advice as appropriate in the circumstances, but this will usually include the Director of Communications, Marketing and Student Recruitment, the Head of School, the University Secretary & Registrar and the Deputy Vice Chancellor. The Director of Student Services will notify the student in writing of their decisions and whether and how the student may be able to apply for re-admittance.

4.4. A former student who has served a custodial sentence or period of remand may wish to return to the University to complete their studies. They are required formally to request re-admittance in writing to the Director of Student Services and to provide as much information as possible about the conviction and terms of release. The Director of Student Services will arrange for other information to be gathered as necessary, including about the student's previous academic position and any external advice available regarding risks.

4.5. The Director of Student Services will consider the nature of the offence, any particular circumstances, any potential risks to the University and its members, and any other pertinent issues and decide (1) on re-admission and the timing of it, and (2) any conditions associated with re-admission. They

may wish to meet with the student concerned to discuss the issues (where that is possible). They will also consult the Head of School and others as appropriate.

5. Application

- 5.1. Any breach of the University's Rules and Regulations will be subject to an investigation. A case for disciplinary action shall exist but is not limited to, the situations described in the introduction to the *Investigative Procedures for Student Matters*.
- 5.2. Allegations of misconduct should be made to the Deputy Vice Chancellor via the office of the Director of Student Services, with any accompanying formal reports from a University Investigating Officer or from external agencies (e.g. police) for consideration. The Deputy Vice Chancellor will consider if it is more appropriate to invoke instead the 'Investigatory Procedures for Student Matters', the 'Supported Study Procedures' or the 'Fitness to Practise Procedures' depending on the circumstances facing the student at the centre of the allegations.
- 5.3. Should the Deputy Vice Chancellor feel that the Disciplinary Procedures should be invoked the matter will then be referred to the Vice Chancellor. If the Vice Chancellor agrees that there is a case for the student to answer then the Deputy Vice Chancellor will decide to either:
 - a) Refer the student to meet with a Disciplinary Committee, or
 - b) Interview the student with another senior officer of the University (usually the Director of Student Services).
 - i. At this interview the student may be accompanied by a friend or Students' Union representative. The student may not be accompanied by a legally trained individual or anyone acting in a legal capacity.
 - ii. If the Deputy Vice Chancellor considers it appropriate to do so, and if the student agrees, the matter may then be dealt with summarily without recourse to a disciplinary committee.
- 5.4. The Vice Chancellor and/or the Deputy Vice Chancellor may decide that due to the nature of the allegations, the student(s) may be suspended from the University during the period of time in which the procedures are being applied until final decisions have been reached. Such a suspension may be wholly (i.e. from the grounds of the institution) or in part (i.e. student may be able to access the grounds for their studies, but may be suspended from other parts or activities of the institution)

6. Timescales

6.1 In the interests of ensuring that any matter is resolved as speedily as possible, time limits are given within the appropriate University procedures. Once it has been decided to invoke the Disciplinary Procedures the University will seek to conclude the process within 30 calendar days. There may be occasions when the timescale needs to be extended due to extenuating circumstances, for example where key individuals are unavailable, or if key information needs to be obtained from an external organisation/agency. In such occurrences the University will inform all parties in writing if it is not practicable to adhere to the timescales, outlining that they may be amended, after having attempted to gain the agreement of all parties.

6.2 Students will be given a least 2 working days' notice of meetings related to the procedures and will seek to take account of the availability of individuals and, if applicable, chosen representatives. It is expected that meetings related to the Disciplinary Procedures will be given high priority by all involved individuals.

7. Summary Procedure

7.1. In dealing with a matter summarily, the Deputy Vice Chancellor will consider written and/or oral evidence. The Deputy Vice Chancellor will find the student guilty of misconduct only if, on the evidence provided they are satisfied beyond reasonable doubt of the student's guilt. If a finding of guilt is made, the Deputy Vice Chancellor may impose any of the penalties set out in Section 8 of these procedures, other than expulsion from the University.

7.2. At the termination of the proceedings, the Deputy Vice Chancellor will formally write to the student to outline the final decisions within 5 working days. In the event of a finding of guilt, the letter will set out the misconduct alleged, and the terms of any penalties imposed. A copy of the letter will be sent to the student and will be circulated to appropriate members of University staff and Students' Union.

7.3. There is no right to appeal within the University against any decision issued through the summary procedure. Notwithstanding this, a student may still submit a case to the Office of the Independent Adjudicator for Higher Education (OIA).

8. Referral to a Disciplinary Committee

8.1. If the Deputy Vice Chancellor directly refers the student to a Disciplinary Committee, or after interview does not consider it appropriate to deal with

the matter summarily, or if the student does not agree to its being dealt with in this way, then it shall be referred to a Disciplinary Committee.

8.2. The Disciplinary Committee shall be formed in accordance with the University's Articles of Association.

8.3. The Disciplinary Committee should be comprised of the following:

- The Deputy Vice Chancellor or a member of the University Executive (as chair)
- A Head of School (but not that of the student(s) facing the committee)
- A non-academic Senior Manager
- 2 full time elected officers of the Students' Union
- The Director of Student Services (non-voting member)

8.4. If a finding of guilt is made, the Disciplinary Committee may impose any of the penalties set out in these procedures, including expulsion from the University.

8.5. Academic Registry will manage the administration of the committee.

9. Penalties

9.1. A student found guilty of misconduct may be:

- Absolutely discharged, which means that although the student may be technically guilty of the misconduct alleged, no blame should be attached to his or her actions
- Issued with a Written Warning; this warning will be attached to their Student Record. Should the student be found guilty of misconduct on a subsequent occasion during the remainder of their University career there will be consideration of all offences
- Issued with a Final Written Warning; this warning will be attached to their Student Record. Should the student be found guilty of misconduct on a subsequent occasion during the remainder of their University career there will be consideration of all offences
- Required to pay a reasonable sum by way of compensation for identified and quantified loss
- Suspended from the University for a fixed period of time, up to a maximum of two academic years. A student who is suspended is prohibited from entering University premises, and from participating in university activities. Suspension may be subject to qualification, such as permission to take an examination. The terms of the suspension will be notified to the student in writing. An order of

suspension may include a requirement that the student shall have no contact with a named person or persons

- Expelled from the University, which means that the student ceases to be a member of the University, and loses all rights and privileges of membership. (*Expulsion can only be decreed by a Disciplinary Committee, or by the Vice-Chancellor having gained approval from University Council*)

10. Non-Attendance

9.1 In every case the University will ensure all efforts are made to agree the scheduling of meetings to ensure that all parties can attend.

9.2 If a student fails to attend meetings related to either the Summary Procedures or those related to the Disciplinary Committee then the University reserves the right to issue penalties in absentia.

11. Rights of Appeal

10.1 If a student wishes to appeal against the verdict issued by a Disciplinary Committee they must write to the Vice Chancellor within 10 working days of receiving the outcome from the Committee.

10.2 Upon receipt of the letter, the Vice Chancellor will respond to the student within 10 working days. The decision of the Vice Chancellor will be final. Notwithstanding this, a student may still submit a case to the Office of the Independent Adjudicator for Higher Education (OIA).