

## STUDENT DISCIPLINE PROCEDURE

### Introduction

1. The University of Suffolk aims to provide a supportive and positive environment for learning and teaching. It is committed to ensuring that the rights of individuals are respected and that each person is treated with dignity, respect and courtesy at all times. Students are expected to conduct themselves in accordance with this commitment and should show concern for the reputation of the University and the student body, and for the effect their behaviour may have on their fellow students and staff as well as others visiting the University. In this context, the University has the power to discipline students who fail to meet acceptable standards of behaviour and conduct, and to suspend, exclude 1 0 0 1 507.9( )17(t)-4(i)15(m)BIET

behaviour

12. Investigations into allegations of misconduct will be carried out in a timely, objective and thorough manner, with due regard to confidentiality.

13. An allegation will be found proven if it is considered that the evidence presented identifies, on the balance of probabilities, that the student is blameworthy of the misconduct.

14. Any disciplinary action taken must satisfy the test of reasonableness in all the circumstances and be proportionate to the offence. Account will be taken of the student's previous record and any other relevant factors, including mitigation.

### **Commitments**

15. In considering any allegations, appropriate attention will be paid to the requirements of the Equality and Diversity Policy. In particular, reasonable adjustments will be made for those with disabilities, specific learning difficulties or long-term medical conditions to ensure that the procedure can be applied equitably to all students.

16. All proceedings should be conducted on the basis of strict confidentiality. All parties to the allegation and individuals who have been involved in any related investigation

20. At every stage in the procedure, the student has the right to be accompanied by a friend. A friend is defined as a member of staff of the University of Suffolk or one of the partner institutions, or a registered student of the University of Suffolk, or a member of staff or sabbatical

The role of the friend is to act as an observer, give moral support and to assist the student to make their case. The friend should not also be a witness to the alleged incident. In addition, where reasonable adjustments are required, a student may be accompanied by a supporter e.g. a sign language communicator or a note-taker, and a student with difficulty in understanding English may be accompanied by an interpreter.

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## Expectations

27. Students must recognise that they are independent adults with legal and social responsibilities and are therefore personally accountable for their actions and behaviour.

28. Service or the Student Services team via the Infozone as soon as they learn that an allegation of misconduct has been made.

29. Students are encouraged to respond to any allegation of misconduct, even if only to confirm that they have no comment to make.

30. Students are required to attend any meetings called to discuss their behaviour when requested to do so, and are expected to answer all reasonable questions and to co-operate in the investigation.

## Definition of misconduct

31. Misconduct is behaviour which interferes with the proper functioning of the University and its activities or those who work and study at the University, or which has the potential to damage the reputation of the University or the student body.

32. The following list is indicative of behaviour which would constitute misconduct and is provided for guidance. It is neither exclusive nor exhaustive, and there may be other offences which also constitute misconduct.

a) Disruption of, or improper interference with, the academic, administrative, sporting, social, or other activities of the University;

b) Obstruction of, or improper in2 845.32 841.9BT/1 0 0 1 80.424 443.83 Tm0 g0 G[ )]T&TQq0.000008



- s) Behaviour that breaches any other regulation, policy or rule of the University.

33. For the purposes of this procedure, misconduct is categorised at one of two levels, minor or major. Minor misconduct is generally behaviour which is inappropriate but has a small or temporary impact on the University community. Major misconduct is of a more serious nature and is generally behaviour which has, or has to the potential to have, a significant impact on the University community. Examples of indicative offences at each level are set out in appendix 1. This list is provided for guidance only. It is neither exclusive nor exhaustive and there may be other offences not listed which will constitute misconduct.

### **PROCEDURE FOR DEALING WITH MISCONDUCT**

34. There are three stages for disciplinary proceedings: the informal stage for early intervention and informal resolution; the formal stage, with one process for minor misconduct and admitted major misconduct (considered by a Disciplinary Officer) and another process for major misconduct that has not been admitted (considered by a Disciplinary Panel); and the review stage. Initially, allegations of misconduct may be dealt with either at the informal or the formal stage. The process for each of the stages is set out in paragraphs 51 to 80.

35. Additional information regarding the procedure for dealing with allegations of misconduct which may also constitute a criminal offence is set out in Appendix 3.

### **Reporting allegations of misconduct**

36. Any allegations of misconduct should be reported to the Dean of School or their equivalent in partner institutions at the earliest opportunity. This may either be via OSACC or to the Dean directly. Allegations of misconduct may arise from a number of sources including observations by members of University staff (see also paragraph 37 below), complaints from fellow students, reports from the police, and complaints from the public.

37. All members of University staff, including persons acting as agents of the University such as security staff, are empowered to take such action as may be necessary to prevent or bring an  
ules and regulations and  
may be considered misconduct. In such cases, for transparency and to ensure consistency and equitable treatment of all cases, all incidents should be reported at the earliest opportunity to OSACC and/or the Dean of School or their equivalent in partner institutions.

38. Following receipt of an allegation of misconduct, the Dean of School, in consultation with the Academic Registrar, will determine whether the allegation can be dealt with at the informal

stage or is of sufficient concern that formal stage proceedings should be instigated. In potentially serious cases, the Dean of School and Academic Registrar may recommend to the Vice-Chancellor that the student is suspended pending investigation (see paragraphs 39 to 50).

**Precautionary action (including suspension)**



45. Any suspension of a University of Suffolk student registered at one of the partner colleges must be notified

## STAGES

### Early intervention and informal resolution (informal stage)

51. The University encourages open and transparent communication between staff and students in order to identify and remedy minor incidents of misconduct as speedily and as effectively as possible. There is likely to be less recourse to the formal stage if deficiencies in a  
their attention at the earliest possible opportunity by their tutor or other appropriate member of staff and where appropriate help and support are offered to the student.

52. It is expected that Deans of School and Heads of Service or their equivalent in partner institutions will ensure that processes and appropriate recording mechanisms are in place locally to respond to minor incidents of misconduct in a timely and proportionate way through early intervention and informal resolution. This may include a compulsory meeting with the Dean of School, Associate Dean or Head of Service, regular pastoral support and guidance with the  
, or referral to Student Services for further specialised support and guidance.

53. If the student is required to attend a compulsory meeting with either the Dean of School, Associate Dean or a Head of Service, the student may be accompanied at the meeting by a friend as defined in paragraph 20. At this meeting, the Dean of School, Associate Dean or Head of Service may decide to impose a penalty on the student for a proven and/or admitted act of misconduct, in accordance with the table in Appendix 2. The Dean of School, Associate Dean or Head of Service will be responsible for determining the penalty and explaining the rationale to the student, either verbally or in writing.

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institutions, who has been trained to undertake the role of Investigating Officer and has had no previous involvement in the case.

**Formal stage – preliminary investigation**

56. The Investigating Officer, via OSACC, will arrange a meeting with the student in order to discuss the allegation, normally within ten working days of receipt of the allegation.

57. The student will be informed of the date, time and venue for the investigative meeting in writing by OSACC at least three working days before the meeting, and will be provided with a summary of their alleged misconduct. The student will also be advised that they may be accompanied at the meeting by a friend (as defined in paragraph 20) and that guidance and Service and Student Services.

58. The Investigating Officer may also interview, or request written statements from, relevant staff and students as part of their investigation in order

















106. If the Disciplinary Appeals Panel fully or partially upholds the appeal, the Panel may decide that the student is not guilty of misconduct, or confirm the finding of guilt but decide on a different penalty.

107. If following an appeal against exclusion or expulsion a student is reinstated, the University shall make every reasonable effort to mitigate the effects, if any, of the exclusion.

108. The student can expect to hear the outcome of the Disciplinary Appeals Panel, in writing via OSACC, within five working days of the Panel meeting. The student will also be informed within that time if the complexity of the case prevents an outcome being reached and advised of the likely timescale for further action and notification of the outcome.

109. In all cases, regardless of whether the appeal was upheld, in full or in part, or rejected, the outcome letter will give a full and clear explanation of the decision and rationale.

110. The decision of the Disciplinary Appeals Panel is final and there is no further right to appeal within the University. Students may be able to seek a review by the OIA (see paragraph 111).

### **Further right to appeal**

111. Students who are dissatisfied with the outcome of their appeal may be able to seek a <http://www.oiahe.org.uk/>.

Details will be provided in













117. Where the victim of the potential criminal offence is the University, the University will determine on a case-by-case basis whether to report the incident to the police. The University will take into account the nature and seriousness of the incident and whether there is any risk to the health, safety and well- Consideration will also be given to the potential effect on the accused student, and the University may decide that dealing with the matter under the Student Discipline Procedure is a more reasonable and proportionate approach. The final decision will rest with the Vice-Chancellor.

118. Where the victim is not the University, the University will normally allow the victim to decide whether or not to repo

study for a period of less than 12 months, the student will be intercalated. It will be the responsibility of the student to notify the University (normally via OSACC) when they are released from custody. Before returning to study, their case will be assessed in accordance with the Safeguarding Policy before consideration by a Disciplinary Officer.

124. Where criminal proceedings (including bail conditions, period of time on remand and/or period of time served in custody following conviction) result in a student being absent from their study for a period of 12 months or more, the student will be deemed withdrawn. The student may subsequently reapply for admission to the University but will be required to declare the criminal conviction in accordance with the Admissions Policy prior to a decision regarding an offer of a place. Where a declaration is not requested as part of the standard admissions process, the case will be considered in accordance with the Safeguarding Policy.

## **APPENDIX 4: ORDER OF PROCEEDINGS AT A MEETING OF THE DISCIPLINARY PANEL**

1. At the start of the meeting, the Disciplinary Panel will have a preliminary discussion in private. The Secretary shall then invite into the room:
  - the Investigating Officer presenting the case
  - the student who is the subject of the case
  - any accompanying friend as permitted by the Procedure
  
2. If the student fails to appear, the Disciplinary Panel will consider whether or not to proceed with the case immediately and may do so provided it is satisfied that the student has been properly informed of the time and place of the meeting.
  
3. Any witnesses whom the Disciplinary Panel has invited to attend shall remain outside the room in which the Panel is sitting until called to give evidence.
  
4. The Chair shall state briefly why the Disciplinary Panel is sitting.
  
5. The proceedings at the Disciplinary Panel will usually follow the pattern described below:
  - all written evidence will be taken as read;
  - the Investigating Officer will present their case;
  - the student will present their case;
  - the Investigating Officer and the student may question each other and may each be questioned by the Panel upon their statements or evidence, both written and oral;
  - witnesses are called one at a time and are questioned first by the Panel then by the person who nominated them and finally by the other party;
  - following the withdrawal of any witnesses who have been called, the Panel may ask any further questions of the student or the Investigating Officer;
  - the Investigating Officer may make a closing statement if wished (and may leave the room for a few minutes to prepare this);
  - the student may make a closing statement if they wish (and may leave the room for a few minutes to prepare this);
  - the student and Investigating Officer will leave the hearing;
  - the Panel make a decision and the meeting closes.
  
6. The order of proceedings will be at the discretion of the Chair of the Disciplinary Panel. The ruling of the Chair on any point of procedure shall be final.

7. The Disciplinary Panel may at any time either before or during a hearing decide to adjourn the hearing for a period not normally exceeding seven working days
  
8. The decision of the Disciplinary Panel shall be sent in writing to the student and to the Dean of School by the Secretary within five working days of the meeting of the Panel.