

Student Misconduct and Disciplinary Policy

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1. Introduction

- 1.1 The University is committed to the values and behaviours within the Student Charter to provide all students with a considerate, inclusive and safe environment. The link to the Student Charter can be found here: [Student Charter \(dmu.ac.uk\)](https://dmu.ac.uk/student-charter)
- 1.2 This policy sets out behaviours that we define as student misconduct and actions that we may take in response through the Student Misconduct and Disciplinary Procedure.
- 1.3 There is a separate policy and procedure to investigate cases of alleged [academic misconduct](#).
- 1.4 The [DMU Students' Union Code of Conduct](#) applies to any alleged misconduct that takes place under its remit and activities.
- 1.5 This policy covers misconduct that occurs in-person or on-line, including through social media and all other forms of technology. Students are expected to behave online as they would in face-to-face situations. Any complaints of unacceptable conduct online will be investigated in accordance with this policy or any other relevant policy, such as the Sexual Misconduct and Harassment Policy (see 1.5, below).
- 1.6 There is a separate policy related to allegations of sexual misconduct and harassment which should be referred to for details of how such cases are investigated. The policy can be found here [Sexual Misconduct Policy \(dmu.ac.uk\)](#). It contains details of support available if you are reporting alleged sexual misconduct or harassment or are the responding student, or a witness of such behaviour.
- 1.7. The standard of proof is the level of proof required to determine whether or not an incident occurred. In the civil law the standard of proof is based on the 'balance of probability'. This is the standard of proof used by the University.
- 1.8 Balance of probabilities means that the University is satisfied that an event is more likely to have occurred than not. Decisions are based on all available evidence and not simply a belief that something is likely to have happened.

2. Scope

- 2.1 The policy applies to all students registered with the University, including those studying at partner institutions. The specific nature of the Student Misconduct and Disciplinary Procedure may vary if you are studying at a partner institution and any differences will be included in your Programme Handbook. Where there is variation, the University is responsible for ensuring that the principles of the partner institution's procedure align with the University's requirements.
- 2.2 All students should familiarise themselves with other University policies that set out in more detail the behaviours that we require of you and what constitutes misconduct. These include but are not limited to:
- Policy on Dignity and Respect [Dignity & Respect Policy \(dmu.ac.uk\)](https://dmu.ac.uk/dignity-respect-policy)
 - No Space for Hate [No Space for Hate Policy \(dmu.ac.uk\)](https://dmu.ac.uk/no-space-for-hate-policy)
 - Sexual Misconduct and Harassment Policy [Student Misconduct and Disciplinary Policy 2024-2025 \(dmu.ac.uk\)](https://dmu.ac.uk/student-misconduct-and-disciplinary-policy-2024-2025)
 - Unacceptable Behaviour Policy (when communicating with staff) [Unacceptable Behaviour Policy \(dmu.ac.uk\)](https://dmu.ac.uk/unacceptable-behaviour-policy)
 - Smoking on Campus Policy [Smoking Policy \(dmu.ac.uk\)](https://dmu.ac.uk/smoking-policy)
 - Social Media Policy [Student Social Media Policy \(dmu.ac.uk\)](https://dmu.ac.uk/student-social-media-policy)
 - IT policies including Principal Information Security Policy, Use of Information Systems Policy, Network Management Policy, Janet acceptable use of guidelines

3. Glossary

- 3.1 The [Glossary](#) sets out definitions of terms used in DMU policies and regulations.
- 3.2 Misconduct is defined by the University as inappropriate behaviour, including but not limited to the following:
- **Towards other people:** behaviours that negatively affect the working and learning environment of others; violent, threatening, abusive or anti-social behaviour or language; physical misconduct; coercion, sexual misconduct; harassment; bullying; victimisation; making malicious complaints or allegations; breach of the DMU Equality, Diversity and Inclusion Policy; use of weapons; hate crimes; distributing or publishing information that is offensive, threatening or illegal; initiation ceremonies or associated behaviors.

- Behaviours towards other people includes abuse or misuse of power, position or knowledge through means intended to undermine, humiliate, denigrate or injure the recipient. It may occur in public or in private and may arise from the combination of an authoritarian personal style in the aggressor and a lack of assertiveness and self-confidence in the person victim.
- The rationale for the inclusion of this is due to the DMU description of bullying, being ongoing, when the misuse of power could be a one off occurrence.
- **Towards the University or its community:** damage to University property; unauthorised use of University property including IT networks; theft, fraud, deceit, deception and bribery; creating an obstruction that prevents a person or the University from operating normally; causing a potential or actual health and safety incident; possession, supply and production of illegal drugs; causing unreasonable reputational damage to the University or to a member of the University; failure to comply with a penalty issued for previous misconduct; failure to produce ID or comply with a reasonable request from a member of staff; unauthorised possession of an offensive weapon.
- **In accordance with UK law:** either on or off University premises, and where the nature of an alleged or actual offence has a potential or actual impact on you, the wider University community or your fitness to practise on a professional programme.
- In professional settings connected to your programme for which there may be additional and specific codes of conduct with which you need to comply.

4. Responsibilities

Academic Board

- 4.1 The Academic Board is responsible for ensuring the Student Misconduct and Disciplinary Policy is in line with the Office of the Independent Adjudicator's (OIA) Good Practice Framework.

Managers

- 4.2 PVC/Deans, directors and line managers have a day-to-day responsibility for overseeing the implementation of this policy and ensuring all members of the

University community are supported in disclosing and reporting incidents of alleged unacceptable conduct by students.

Students

- 4.3 Students are responsible for familiarising themselves with this policy and reporting unacceptable conduct of other students when it occurs.

5. Penalties

- 5.1 A penalty will normally be given if an allegation of misconduct is proven. The penalty will be dependent on the nature of the misconduct and its impact and will normally range from a warning through to expulsion from the University. Examples of misconduct and associated penalties are provided below. If the responding student is studying on a programme that leads to a qualification that includes the right to practise in a particular profession (e.g., nursing) and a case of misconduct against them is upheld, the penalty may include preventing them from practising in that profession.
- 5.2 An Authorised Officer may impose one or more of the penalties set out below for a minor breach of this policy:
- A verbal warning as an informal resolution.
 - That the Student is prevented from undertaking certain University activities (including the DMU Global programme of events and DMUsport activities, including representing DMU). This penalty will only be imposed after consultation with the Clerk to the Disciplinary Committee and/or Head of Security.
 - A formal reprimand (verbal warning), confirmed in the form of a written note, which will be kept on the Authorised Officer's file for three full terms. This penalty will be most appropriate in cases which can be resolved relatively informally, where the responding student admits the charge, expresses genuine regret at having committed the offence and where the complainant is satisfied that the matter has been satisfactorily resolved. A written warning which will be kept on the Authorised Officer's file and the Students' University record for a period of one academic year. A formal reprimand will only be given once. Any further breaches of the Student Misconduct and Disciplinary Policy will likely result in a more severe disciplinary penalty or referral to a disciplinary committee.
 - A requirement that the student makes an apology to any person or persons

named (usually the reporting student). This may either be made in writing or verbally, depending on the circumstances of the case, wording to be approved by the Authorised Officer.

Notwithstanding any penalty imposed by the Authorised Officer, the Authorised Officer may also order a student found to have committed a disciplinary offence to reimburse the University for any costs reasonably incurred by the University in carrying out any necessary repairs or replacing any items requiring replacement arising from any damage caused by the student or for which the student is responsible.

5.3. Where a responding student is found to have committed a major breach of this policy, the Chair of the Disciplinary Committee may impose one of the following penalties:

- Formal Written Warning
- Formal Reprimand
- Non-Contact Order
- A requirement to apologise (if appropriate)
- A requirement to undertake suitable training or awareness programmes
- A requirement to undertake restorative action
- Partial Suspension, such as a ban from the University campus and/or buildings
- Temporary expulsion from the University
- Permanent expulsion from the University
- A sanction made available to the Disciplinary Committee as set out in any other appropriate regulations
- The Disciplinary Committee may resolve to create a unique sanction(s) in order for the student to learn from their experience.

5.4. The Disciplinary Committee may, upon a student giving a firm undertaking to fulfil a condition or conditions, suspend the imposition of a penalty for so long as the student fulfils the condition or conditions. This will allow the Disciplinary Committee to take account of any welfare or pastoral problems being experienced by the student and to direct the student to seek appropriate assistance. This may be by arranging an interview with a member of Registry Services Staff who may then refer the student to appropriate assistance. Any failure by the student to fulfil such condition(s) shall be treated as a major offence and referred to the Disciplinary Committee.

5.5. The University has a statutory duty to refer a student to the Independent Safeguarding Authority where that student has been terminated from training because their behaviour is believed to pose a risk of harm to children and/or

other vulnerable people. Only the Designated Senior Member of Staff may make such a referral on the recommendation of the Disciplinary Committee.

- 5.6. The University will where possible share relevant investigation findings, the reasoned determination and relevant sanctions with the complainant and witnesses. 'Relevant' investigation findings and sanctions are those which have a direct impact on the complainant or witness.

6. Support

- 6.1 Support will be provided to all students (reporting, responding and any witnesses) involved in an allegation of misconduct. Confidential support about the process is available from Student Casework Services. This includes support from [The Mandala Project](#) in cases of Sexual Misconduct and from [No Space for Hate](#) in cases linked to hate or harassment. It is important to seek support if the situation is impacting negatively on your wellbeing or mental health. The Wellbeing Team offer mental health support to students at DMU. The DMU Students' Union can also provide independent advice.

7. Identification and reporting of alleged or actual student misconduct

- 7.1. The university is committed to providing support and protection to those in the greatest need, and wherever possible students with the most difficult circumstances are afforded that protection. Through this policy we aim to assist students to identify and access resources and support which will guide them through what can be a difficult and distressing time.
- 7.2. All students, including the reporting student, the responding student and any witnesses are supported by the university through plans which are made as part of this process, for example a risk assessment and access to Mental Health support via the Wellbeing Team. There will be an expectation that all reasonable efforts are made to commit to any plan from both the university and the students.
- 7.3. All students can let us know/choose to report something that has happened. Any report that is logged will be triaged so that the appropriate points of escalation, resources and support is put in place for the reporting student, the responding student and any witnesses.
- 7.4. The triage team consists of key members of expert staff from specialist areas within the university. These staff will ensure that reports are managed in a timely manner.

This team meets weekly to determine any next steps and support needs of any student impacted following a report. By choosing to make a report the university will be able to help provide students with better support and to stop something similar from happening to anyone else.

- 7.5. Students can disclose something that has happened anonymously. Choosing to submit a report anonymously means that we will not be able to contact you and we are therefore unable to give you support.
- 7.6. If you would like to speak to someone, or need direct support or guidance, please contact the Student Casework Services team at scs@dmu.ac.uk, or nsfh@dmu.ac.uk themandalapproject@dmu.ac.uk or by calling DMU Security 24 hours a day on 0116 2577642 or by email to security@dmu.ac.uk.
- 7.7. Anonymous disclosures will enable us to monitor trends and build a picture of issues across DMU where people do not feel able to reveal personal information. This will inform support and prevention work across DMU on tackling bullying, harassment and sexual misconduct.
- 7.8. DMU will not generally take steps such as investigating the complaint, initiating disciplinary or other formal proceedings or passing information on to third parties in order to take the report further, unless you have chosen to report with contact details (and you agree to this action).
- 7.9. However, there are certain circumstances in which DMU may take steps such as those listed above even where an anonymous disclosure is received (in which case action will be taken on a 'no names' basis). This is usually where there are concerns for your safety or another person's safety. Please see our Privacy Notice [Your privacy, your rights – data protection at DMU](#) together with our separate guidance notes on duty of care and confidentiality, for further information.
- 7.10. A report of alleged misconduct may be submitted by:
- Another student
 - A member of staff
 - A visitor to the University community
 - A person external to the University where your behaviour impacts on the reputation of the University and/or could harm members of the public or the University community.
- 7.11. The reporting student will not be disadvantaged by the University for reporting the alleged or actual misconduct of another student other than if the reporting

student makes a report on malicious grounds. We strongly encourage the reporting student to talk to a member of staff or the DMU Students' Union if, despite this assurance, you have a misconduct allegation that you do not feel you can raise without doing so anonymously. The DMU Students' Union or member of staff can discuss this matter, with DMU Security via the Control Room 01165274642 or by attending the Security Office (24/7) (only with your agreement) to consider if there are any actions that the University is able to take, for example, in accordance with the University's Safeguarding Policy.

This policy and its procedures are not designed to receive emergency disclosures. if you are in an emergency situation, or if something happens out of normal university working hours, you can contact DMU Security 24 hours a day on 0116 2577642 on extension 7642 or by email to security@dmu.ac.uk. Students are also invited to attend the Security Office to make a report and seek support.

You should also contact 999 or the appropriate emergency services to report a serious incident.

8. Confidentiality

- 8.1 The University aims to manage misconduct allegations confidentially. It will be necessary for a limited number of people to know the details of the allegation for it to be investigated. Depending on the stage of the Student Misconduct and Disciplinary Procedure, these people will include staff who administer and manage the allegation, who undertake the investigation, are named in the allegation, are witnesses to the matters it raises, are part of a panel that considers the allegation or who are asked to review an appeal against a misconduct outcome.
- 8.2 Where an allegation of misconduct is concluded the reporting student will be notified and, if the responding student's behaviour is found to have had an adverse impact on the reporting student the University will offer a remedy for that impact. It is not always possible to advise the reporting student of all the outcome details, however where a non-contact or similar agreement is put in place, or where the student against whom the allegation has been upheld has been excluded from the University this will be communicated to the reporting student.

9. Dignity and Respect

- 9.1 All students and staff engaging in the Student Misconduct and Disciplinary Procedure must behave with dignity and respect for each other and in accordance with the Equality Act 2010. The process may be halted where unreasonable behaviours occur. The University may make further use of the Student Misconduct and Disciplinary Policy where behaviours constitute misconduct.

10. Student Misconduct and Disciplinary Procedure

- 10.1 This Procedure will be used to investigate and respond to any reports of misconduct, noting that there is a separate policy for reports of sexual misconduct and harassment.
- 10.2 If you plan to submit an allegation of misconduct, or if an allegation of misconduct has been made against you, please read the Student Misconduct and Disciplinary Policy and this Procedure so that you understand the process.
- 10.3 The DMU Students' Union is available to provide students with independent advice. Mental Health support is available from the Wellbeing Team.
- 10.4 If you decide to make an allegation of student misconduct, we ask that you do so normally within three months of the incident occurring, unless there are exceptional circumstances so that we can engage with the matter swiftly. Reports of sexual misconduct and harassment are not time limited.
- 10.5 This Procedure sets out the expected timescales for each stage of the process. We will always let you know if we are unable to meet the published timescale and the reason why.
- 10.6 The reporting student will not be disadvantaged in their studies or in any other way if you make an allegation of misconduct. The only exception to this position is where you make an allegation on malicious grounds and where we may take disciplinary action against you. The responding student will not be disadvantaged if the case is not proven.
- 10.7 Staff involved in the management of responding to a report of alleged misconduct, including the investigation, hearing and appeal stages, will have appropriate experience and/or training. Measures will also be put in place by the University to ensure that any member of staff involved in the process does not

have any conflict of interest.

- 10.8 The responding student's fitness to study will be considered if there is evidence to suggest that they are potentially not fit to engage with their programme at this time. The Student Misconduct and Disciplinary Procedure will normally be suspended temporarily if the University decides that fitness to study needs to be addressed first through the **Students of Concern Policy** [Chapter 2 Students of Concern 2024-2025 \(dmu.ac.uk\)](#) The University may still put in place Temporary Precautionary Measures.
- 10.9 The responding student's Fitness to Practise will be considered through the **Fitness to Practise Policy** [2020 HLS Fitness to Practice Procedure \(dmu.ac.uk\)](#) if they are studying on a programme for which there are fitness to practise requirements and if the nature of the alleged misconduct suggests they may not be fit to practice. The University may still put in place Temporary Precautionary Measures.

Consequences of Non-compliance

- 10.10 Failure to act in accordance with this policy or to comply with any arrangements put in place to receive, investigate, monitor and respond to a report of alleged student misconduct will be considered a serious matter, and shall be dealt with under the relevant Disciplinary Procedure for students and staff.
- 10.11 If a student has any concerns about a potential breach of this policy a report of their concerns should be submitted initially and without delay to the Director, Registry who will allocate it to an appropriate member of staff to investigate. their line manager or Dean or Director.

11. Reporting misconduct

- 11.1 Reports of alleged misconduct may be made to any staff member who will then remit it urgently to the Student Casework Services Team or the Security team when outside of normal working hours. The staff member will need your name, name/s of the student/s you are reporting and general information about the alleged misconduct. If you have been the victim of behaviour which may constitute a criminal offence, you are strongly advised to report it to the police as soon as possible.

12. Initial assessment of the misconduct report

- 12.1 On receipt of a report of alleged misconduct the Student Conduct Services team or the Security officer in receipt of the report will assess whether the alleged misconduct is major or minor and determine the process to be adopted. The case may be considered under a different policy, for example Fitness to Practise, Staff Disciplinary or Sexual Misconduct and Harassment Policy, if appropriate.
- 12.2 Where a case is considered to be serious misconduct a risk assessment will be completed and reviewed within 2 working days of the full details of the alleged misconduct being received (refer to section 16 part 1, below for more details).
- 12.3 All cases of alleged misconduct case will be considered on the balance of probability and standard of proof. This means that for the University to uphold an allegation of misconduct, we need to show sufficient evidence that either the misconduct occurred or is more than likely to have occurred. The balance of probability and standard of proof is the process required of us by the Office of the Independent Adjudicator for Higher Education ([Office of the Independent Adjudicator for Higher Education - OIAHE](#)), the body that sets out expectations of all higher education institutions.

13. Acknowledgment of the misconduct report

- 13.1 Within 5 university working days of the University receiving a report of alleged misconduct, we will:
- Provide a written acknowledgement to the person making that report.
 - Notify the student/s about whom the alleged misconduct report has been made.
 - This will include what the allegation is,
 - Explain how the allegation will be considered under the Student Misconduct and Disciplinary Procedure or other relevant procedure,
 - Consider the seriousness of allegation and any Police involvement,
 - Provide all parties with information about support that is available through Registry Services,
 - Provide all parties with information about support that is available through DMU Students' Union,
 - Confirm the need for confidentiality to enable a fair process, and
 - Allocate an investigator appropriate to the allegation and the students involved.

14. Investigating alleged minor misconduct

- 14.1 Following the acknowledgement process, a minor misconduct case will be investigated by a member of staff who is either:
- From your Faculty and authorised by the Dean to investigate the case (an Authorised Officer)
 - The Director of Library and Student Services (or their nominee) for cases relating to the library or student services
 - The Head of Sport for cases relating to non-Students' Union sports activities
 - The Halls Manager for incidents which occur in University accommodation.
 - The Security Manager for incidents which occur on University premises.
- 14.2 The member of staff will investigate the alleged misconduct and will gather any supporting evidence. The process will normally include meeting with the reporting student and any witnesses and reviewing any relevant evidence.
- 14.3 As part of the process, the responding student will then be invited to attend a meeting to discuss the allegations and to provide their response, including any mitigation. The responding student may be accompanied to this meeting by a Student Companion. They will be given 5 university days' notice of the meeting which may be held in person or online via one of the University's approved on-line platforms. They will also be provided with any supporting evidence that has been collected by the member of staff relating to the allegation as set out below.
- 14.4 We strongly advise the responding student to attend the meeting. However, they may choose (i) not to attend the meeting and/or (ii) to make written representations, including any mitigation they consider relevant. If they choose not to attend, the consideration of their case will go ahead in their absence and a conclusion reached.
- 14.5 The Authorised Officer investigating the alleged misconduct may be accompanied to the meeting by another member of staff with whom they will form a judgement on the case after meeting or having considered any representations they make.
- 14.6 Within 10 university working days of that meeting, the outcome will be confirmed in writing. The outcome of the meeting will be one of the following:
- There is insufficient evidence to show on the balance of probabilities that misconduct occurred
 - The responding student admits misconduct

- There is sufficient evidence to show that on the balance of probabilities that misconduct occurred.
- Exceptionally, and in response to matters raised in the meeting with the responding student by the University, further investigation is required, and a follow-up meeting will be held once that investigation has concluded. This follow-up process will normally conclude within 5 working days and the responding student will receive a further written outcome.
- The case will be referred to a Disciplinary Committee because there is now new evidence to suggest that the alleged misconduct is major.

14.7 Where the responding student admits minor misconduct or where there is sufficient evidence to show that on the balance of probabilities it occurred, a penalty will normally be given. The penalty will depend upon the nature and impact of the misconduct. A reason for the chosen penalty will be provided and will take account of any mitigating circumstances that the responding student put forward that are relevant to the case.

15. The right to appeal against a penalty imposed by an Authorised Officer

15.1 If the responding student disagrees with the outcome or penalty imposed by an Authorised Officer, they may appeal the decision on the following grounds:

- The procedure has not been followed appropriately, or;
- The decision is unreasonable and/or a disproportionate penalty has been imposed; or
- There is new information/evidence that was not reasonably available before.

15.2 An appeal should normally be submitted to the Director of Registry Services within 10 university working days of receiving the original outcome in writing. The appeal will be considered by the Director of Registry Services or nominee unless they have previously been involved in the case, in which case it will be referred to the Registrar, Academic Services.

15.3 In cases where the responding student is registered on a programme leading directly to a professional qualification or the right to practise a particular profession or calling, an external member of the relevant practise area or profession will be consulted by the Director, Registry Services or nominee to consider an appeal against a Fitness to Practise decision or outcome.

15.4 An acknowledgement of receipt of the appeal will be sent within 5 university working days and this will be followed by a review outcome within 10 university

working days of the date of the acknowledgment being sent.

- 15.5 The Student Casework Services team will retain records of upheld cases of misconduct.

16. Investigating alleged major misconduct

- 16.1 Following the acknowledgment of the report as set out in paragraph 13, cases of alleged major misconduct will be managed in two parts (i) Risk Assessment and (ii) Investigation and Disciplinary Committee.

Part 1: Risk Assessment

- 16.2. Within 2 university working days of receiving a report of alleged major misconduct the University will undertake a risk assessment to consider if any immediate actions additional to investigation need to be put in place. A Risk Assessment Panel will be set up to consider these matters which will be chaired by The Registrar, Academic or the Director of Registry Services (or their nominee) with representation from a Senior Academic in the relevant faculty, The Director of Library and Student Services (or their nominee), Head of Security (or nominee) and any other members of staff as required (including a member of staff from the Digital and Technology Team) depending on the nature of the alleged misconduct. If that risk assessment panel concludes that there is no need for additional actions to be put in place, the case will proceed to Part 2: Investigation and Disciplinary Committee.
- 16.3. There are four possible actions in addition to investigation that may arise from a risk assessment that the University will consider depending on the nature of the alleged misconduct:
- Temporary Precautionary Measures
 - Fitness to Study
 - Fitness to Practise
 - Engagement with a police or court process.
- 16.4. The Risk Assessment Panel will oversee the coordination of actions and communications if more than action is required.
- 16.5. **Temporary Precautionary Measures** will be put in place if the University considers there is an actual or potential risk to any individuals in the University community (including the responding student) arising from the alleged

misconduct. These measures may also be put in place where there is a potential or immediate risk to University premises or facilities or to the overall reputation of DMU. As their name suggests, the actions are a neutral act. They do not pre-determine the outcomes of the investigation and Disciplinary Committee. Measures the University may take can include but are not limited to:

- Suspending the responding student from their programme;
- Excluding the responding student from all or part of university premises, Halls of Residence, or use of facilities (including Students' Union activities, facilities, and premises).
- Authorisation to exclude any parties from Student Union Activity rests with the CEO of the Students Union.
- Establishing a non-contact agreement with another member of the University which may include putting additional measures in place to ensure the safety of members of staff.
- In the case of an allegation against a university employee, the employee may be suspended on a precautionary basis where appropriate and in accordance with the relevant staff disciplinary procedure.

- 16.6. The University will inform the affected parties in writing if any of these measures will be put in place. The measures will be reviewed every four weeks, or sooner and the student will be provided with an update. Where non-contact agreements are put in place, the University will inform the student(s) concerned.
- 16.7. As part of the risk assessment, the university will also consider if the temporary precautionary measures applied will impact on the responding student's studies:
- 16.8. Where it is determined that the responding student will have full access to relevant learning resources, the University will permit the student to continue with their studies.
- 16.9. Where it is determined that the responding student has partial access to relevant learning resources, the University will consider whether it is academically possible and appropriate to put in place a special scheme of study that enables them to continue their studies in a different way. The feasibility of this option is dependent on the nature of the programme of study.
- 16.10. Where it is determined that the responding student does not have sufficient access to relevant learning resources, the University will normally suspend their registration until the temporary precautionary measures have been lifted and/or the outcome of the investigation has concluded. The purpose of this action is not to penalise the responding student, but to ensure that they are not academically disadvantaged by not having sufficient access to resources. If the temporary precautionary measures are lifted and/or if outcome of the misconduct hearing allows them to continue with their studies, the University will consider whether it is academically possible and/or necessary to put in

place a special scheme of study to best support their continuation. The feasibility of this option is dependent on the nature of the programme of study.

- 16.11. If a student is suspended from the University for more than an entire block of study, the Student Casework Services Team will be contacted and offered the opportunity to take a Leave of Absence, or to withdraw entirely from their studies.
- 16.12. If a student is suspended for more than 12 calendar months or one entire academic year, the University reserves the right to deregister the student from their programme of study. Notice of deregistration will be given to the student, and they will have the opportunity to respond if they do not wish to be deregistered.
- 16.13. The judgement about the academic feasibility of these options will be led by the faculty representative of the Risk Assessment Panel.
- 16.14. The responding student's fitness to study will be considered if there is evidence to suggest that they are potentially not fit to engage with their programme of study at this time. The Student Misconduct and Disciplinary Procedure will normally be suspended temporarily if the University decides that fitness to study needs to be addressed first through the **Students of Concern Policy** [Chapter 2 Students of Concern 2024-2025 \(dmu.ac.uk\)](#). The University may still put in place Temporary Precautionary Measures.
- 16.15. The responding student's **Fitness to Practise** will be considered through the Fitness to Practise Policy [2020 HLS Fitness to Practice Procedure \(dmu.ac.uk\)](#) if they are studying on a programme for which there are fitness to practise requirements and if the nature of the alleged misconduct suggests they may not be fit to practice. The University may still put in place Temporary Precautionary Measures.
- 16.16. Any breach of Temporary Cautionary Measures will be considered a breach of the Student Misconduct and Disciplinary Policy and, as such the process as set out within that policy will be followed.
- 16.17. Our **engagement with the police or court** process will occur where:
- The responding student's alleged misconduct is a criminal offence against the University and where we decide to report this matter or
 - The University receives a report that the reported student has allegedly committed a criminal offence off University premises
 - We are requested to provide information about the reported student in accordance with the Data Protection Act

- 16.18. Depending on the nature and impact of alleged misconduct the University may apply Temporary Precautionary Measures as set out above and will normally suspend the Student Misconduct and Disciplinary Process while criminal proceedings are in progress. Where the responding student is acquitted of a criminal offence, we may subsequently progress the Student Misconduct and Disciplinary Procedure if there is evidence that the alleged misconduct was in breach of our Student Misconduct and Disciplinary Policy.
- 16.19. If the alleged misconduct is a criminal offence against another individual (e.g. student, staff), it will normally be that individual's decision as to whether they report the matter to the police. The University will provide information to any student reporting alleged misconduct that may also be a criminal offence of the options and support available to them.

Part 2: Investigation and the Disciplinary Committee Hearing

- 16.20. Major misconduct reports will be investigated by a suitably trained Investigating Officer or their nominee. The Investigating Officer (IO) will endeavour to complete the investigation in a timely manner, however there may be circumstances outside the University's control, e.g., availability of witnesses that delays the process. The investigation process will include the following sequence of actions:
- 16.21. Within 5 university working days of the University receiving a report of alleged sexual misconduct or harassment, the Investigating Officer will:
- Provide a written acknowledgement to the person making that report and explain what happens next.
 - Notify the student/s about whom the report has been made which will include what the allegation is and how the allegation will be considered under the Student Misconduct and Disciplinary Procedure.
 - Provide both parties with information about support that is available through the University, DMU Students Union and any external agencies,
 - Confirm the need for confidentiality to enable a fair process.
- 16.22. Within 10 university working days of the report being received, the IO will arrange to meet with all relevant parties to take an account of the events.
- 16.23. Once all parties have been met with, the IO will draft a report of their findings and will make a recommendation as to the next steps. This may include seeking additional evidence, advice from external agencies including the police or referral to a Disciplinary Committee Meeting. All parties will be kept informed on a regular basis of the action being taken by the University and any adjustments needed to the timescales (and the reasons for that).

- 16.24. Where a responding student admits in writing an offence which would normally be put to a Disciplinary Committee, the Chair of the Disciplinary Committee will undertake a review of the written submission. The Chair alone may decide what penalty, if any, is to be imposed, taking into account any written statement of mitigation provided by the responding student. If the Chair believes the case to be sufficiently serious as to require a hearing, they may decide that a hearing should be convened. The Chair may consult the designated senior member of staff in reaching their decision on penalty or other matters. The responding student has the usual right of appeal to the Disciplinary Appeals Committee.
- 16.25. If the responding student denies the offence, or if the Chair of the Disciplinary Committee believes that a hearing should be convened in the case where the offence is admitted, the Clerk to the Disciplinary Committee shall arrange a hearing of the Disciplinary Committee.
- 16.26. If the case is to be referred to a Disciplinary Committee Meeting, a date will be scheduled and notified to all parties giving at least 10 working days' notice.
- 16.27. The case file will be provided to the responding student and the panel at least 5 working days before the panel is due to meet.
- 16.28. The role of the Disciplinary Committee is to:
- Review the investigation report and any supporting documentation that both the responding student and the panel have received.
 - Hear from the Investigating Officer who will present the case.
 - Hear the responding student's response to the findings and any mitigating circumstances they wish to present
 - Hear from witnesses that may be called by the responding student or by the University
 - Ask questions of those present
 - Determine the outcome and notify the responding student of any penalty
 - Determine the outcome and notify the responding student of any penalty in their absence.
- 16.29. The Disciplinary Committee will comprise the following people who must not have had any prior involvement with any of the parties involved in the case:
- A member of the University Leadership Board who will chair the committee.
 - A member of the Students' Union Executive Committee (who does not also have a role or involvement in supporting any student involved in the case)
 - A member of staff who has been trained in the misconduct process or who has experience of such cases.
 - The Director of Registry Services or their nominee.

- 14.30. In cases where a responding student is registered on a programme leading directly to a professional qualification or the right to practise a particular profession or calling the Disciplinary Committee Panel will include a registered member of the relevant profession in order to determine if the matter should be referred to the faculty for consideration under the Fitness to Practise procedure.
- 14.31. If the responding student is studying on a programme that leads to a qualification that includes the right to practice in a particular profession (e.g., nursing), the Student Misconduct and Disciplinary Procedure will normally be suspended temporarily if the University decides that fitness to practise needs to be addressed first through the Fitness to Practise Policy. This is because if a case of alleged misconduct against a responding student is upheld, they may also lose the right to practice in that profession.
- 14.32. The responding student is entitled to be accompanied to the Disciplinary Committee meeting by a Student's Companion as defined in the glossary to these regulations
- 14.33. If a responding student admits misconduct and/or does not dispute the investigation findings, the responding student may choose to waive their right to attend a Disciplinary Committee to present their case.
- 14.34. There are other circumstances in which the responding student may choose not to attend the Committee meeting. These include where:
- They choose to submit written evidence rather than attend in person
 - Their health or wellbeing means that it is not possible for them to do so
 - They choose not to engage with the process.
- 14.35. If the responding student chooses not to or does not attend, the Committee will normally go ahead in their absence and will base its decision on the information that is available.
- 14.36. The outcome from a Disciplinary Committee will be that either the case is not upheld, and no further action will take place, or that the case is upheld, and a penalty will be imposed. Where a penalty is imposed, the responding student will be provided with the reason as to why that penalty has been given.
- 14.37. The responding student will normally be notified of the outcome of the Panel within 5 university working days of the hearing.

17. The right to appeal against a penalty imposed by a Disciplinary Committee

17.1. An appeal against the Disciplinary Committee decision can be submitted within 10 university working days of the responding student being notified of the outcome. An appeal can only be submitted on the following grounds:

- The University has failed to follow its procedure adequately
- A disproportionate penalty has been imposed
- The responding student has new information/evidence that was not available previously for good reason.

17.2. The responding student's appeal submission will be considered by the Director of Registry Services. In cases where the responding student is registered on a programme leading directly to a professional qualification or the right to practise a particular profession or calling, a member of the relevant practise area or profession will be consulted as part of the appeal. The outcome of a disciplinary appeal will either be:

- Dismiss the appeal
- Uphold the appeal and either (i) refer the matter to a new Disciplinary Committee or (ii) impose an alternative penalty.

In relation to Fitness to Practise appeals, the only outcomes will either be:

- Dismiss the appeal
- Confirm the panel's findings, (if it is found that there were no breaches in the panels processes and/or agrees that the penalty imposed was proportionate)
- Refer the case back to a fresh and independent Fitness to Practise Panel.

17.3. The responding student(s) request to appeal will be acknowledged in writing and they will be notified of the outcome within 10 university working days of it being received. This decision will be final, and the responding student will be provided with a Completion of Procedures' letter which concludes the process. That letter will provide information about the right to approach the Office of the Independent Adjudicator for Higher Education (www.oiahe.org.uk) to seek an external independent review of the University's decision, should the student remain dissatisfied with the University's final decision.

18. Monitoring and review

- 18.1 This policy will be reviewed and monitored and kept up to date by Registry Services in consultation with relevant stakeholders.

19. Equality, Diversity and Inclusion

- 19.1 This policy is underpinned by DMU's commitment to fostering a respectful, inclusive, and equitable environment where all individuals are valued, treated with dignity, and feel safe and supported to be able to study and work to their full potential. It aims to protect students from unacceptable behaviour by other students.
- 19.2 In particular the policy will help students study in an environment free from harassment, intimidation or abuses of power.

20. Related policies

The following policies should be read in conjunction to this policy as many relate to student and staff conduct.

- 20.1. [The General Regulations and Procedures Affecting Students](#) contains all general rules and regulations that apply to all DMU students.
- 20.2. The [Glossary](#) sets out definitions of terms used in DMU policies and regulations.
- 20.3. The [Sexual Misconduct and Harassment Policy](#) explains what action will be taken when reports of alleged sexual misconduct are received by the University.
- 20.4. The [Dignity and Respect Policy](#) sets out expectations for students behaviours.
- 20.5. The [No Space for Hate Policy](#) aims to ensure students and visitors are able to challenge behaviour which does not respect the rights and dignity of others and to raise genuine complaints about hate, harassment or bullying without fear of victimisation.
- 20.6. The [Unacceptable Behaviour Policy](#) explains DMU's commitment to providing a fair, consistent and accessible service and explains what action will be taken when unacceptable behaviours are demonstrated.

- 20.7. The [Staff to Student Relationship Policy](#) explains that DMU prohibits members of staff from entering into any intimate relationship with a student where the relations was not pre-existing.
- 20.8. The [Fitness to Practise Procedure](#) sets out the University's framework for dealing with student welfare and discipline when students are enrolled on programmes leading directly to a professional qualification or the right to practice a particular profession or calling.
- 20.9. The [Student Complaints Procedure](#) set out the procedures to be followed when a student is dissatisfied about something the University has or has not done.
- 20.10. The [Academic Integrity and Misconduct Policy](#) sets out the procedure to be followed when alleged academic misconduct has occurred.

21. Document and version control information:

Version control information heading	Details
Policy number	PRAB04
Owner	Director, Registry Services
Author	Lottie Cairns, Interim Head, Student Casework Services
Approved by	Academic Board
Date of approval of this version	23 June 2025
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Applicable statutory, legal, or national best practice requirements	Statutory
Data protection impact assessment completion date	In progress

All Student facing policies can be found here: [Student regulations and policies \(dmu.ac.uk\)](https://www.dmu.ac.uk/student-regulations-and-policies)

Feedback on this policy is welcome and can be sent to SCS@dmu.ac.uk