

## Chapter 2 Student discipline<sup>1</sup>

Students subject to this procedure may ask the Office of the Independent Adjudicator for Higher Education (OIA) to review their case but only after the University's procedure has been exhausted. Information on the OIA scheme can be found at <http://www.oiahe.org.uk>.

### Part A: Introduction, Definitions and General Principles

#### 1. Introduction

- 1.1 The University's disciplinary rules and procedures as set out in this Chapter 2 of the University's General Regulations (referred to hereafter as the Disciplinary Procedure) apply to all registered Students of the University. In addition, Students attending De Montfort University programmes in franchise, or associate colleges or undertaking placement(s) with approved providers as part of their programme will be subject to codes of conduct and disciplinary regulations in force in the college or placement provider in accordance with paragraph 1.8 of this Chapter 2.
- 1.2 If the Disciplinary Procedure is instigated when a Student is registered, but the process is not completed by the time of the final assessment board, the University reserves the right to consider the evidence and reach an outcome which may impact on a Student's attendance at graduation. The Student may attend the hearing as de-registered and has a right to respond.
- 1.3 The use of the Disciplinary Procedure against a Student is a serious matter. Any Student subject to the Disciplinary Procedure is strongly advised to seek assistance from the Students' Union.
- 1.4 The Vice-Chancellor may delegate to a Designated Senior Member of Staff their powers under the Disciplinary Procedure, generally or in respect of a particular case.
- 1.5 A Student will be deemed to have been notified of any actions arising from the operation of the Disciplinary Procedure within 2 University working days of a letter of notification having been sent together with any supporting information to the Student's De Montfort University Student email account and any personal email addresses they have provided, via a secure emailing service.

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<sup>1</sup> Advice on the implementation of all aspects of Student discipline may be obtained from Student and Academic Services

- 1.6 Penalties should be appropriate to the offence committed and decided only in accordance with the Disciplinary Procedure. All decisions made under the Disciplinary Procedure shall be made only by those persons with authority to do so. No negotiations or discussions between the University and the Student shall take place outside the processes set out in the Disciplinary Procedure.
- 1.7 In circumstances where a Student demonstrates concerning behaviour for which it would be inappropriate to take disciplinary action under the Disciplinary Procedure, the procedure set out in Chapter 3 of these Regulations may be followed.
- 1.8 For Students registered with the University studying as apprentices, at partner institutions or private providers, or undertaking placement with approved providers as part of their programme the following shall apply:
  - 1.8.1 Any academic disciplinary procedures affecting Student performance or progression shall be dealt with under De Montfort University's General Regulations and Procedures Affecting Students in force at the time.
  - 1.8.2 The University's General Regulations and Procedures Affecting Students shall apply in all cases apart from minor matters concerning the use of the provider premises or facilities, in which case local partner regulations shall take precedence.
  - 1.8.3 Expulsion or suspension of a Student can only be invoked through the University's General Regulations and Procedures Affecting Students in force at the time.
  - 1.8.4 In disciplinary cases considered under provider regulations findings against Students shall be reported by the Head of the partner institution to the appropriate Authorised Officer (for minor offences) or the Clerk to the Disciplinary Committee (for major offences) who shall then inform the appropriate Dean of Faculty.
  - 1.8.5 Major offences committed at partner institutions overseas, or parts of the University based overseas, will be dealt with under the procedure set out in Annex 3.
  - 1.8.6 Where a Student is registered on a programme leading directly to a professional qualification or the right to practise a particular profession, for example Nursing, any breach of the Disciplinary

Code which might render that Student a person not fit to be admitted to and/or practise that profession or calling, may also

be considered under the Faculty Fitness to Practise Procedure: [HLS Fitness to Practice Procedure \(dmu.ac.uk\)](https://www.dmu.ac.uk/hls/fitness-to-practise-procedure)

## **2. Definitions**

2.1 The Disciplinary Procedure shall apply on campus and off campus whilst a registered Student of the University, and subject to paragraph 1.8 of this Chapter 2, shall cover De Montfort University Students and apprentices at partner institutions.

2.2 Definitions and some examples of minor and major offences are given in Paragraphs 7 and 13 below.

2.3 For the purposes of the Disciplinary Procedure criminal convictions shall include convictions in court, police cautions and restorative cautions justice outcomes, fixed penalty notices, out of Court Disposals by the Police such as Community Resolutions, or any other criminal justice outcome, including but not exclusive to, any offence involving violence, antisocial behaviour, drunkenness, dishonesty or drugs, and contravention of government health and safety guidelines.

## **3. General principles**

3.1 Whenever the Disciplinary Procedure is used the following general principles shall apply.

3.1.1 Disciplinary incidents may be identified by Staff, Students, placement providers, or members of the public. Any person who has reason to believe that a Student has breached the Disciplinary Code set out in Part C of this Chapter 2 should notify the Head of Security (or nominees) (Email: [security@dmu.ac.uk](mailto:security@dmu.ac.uk)).

3.1.2 Each case should be addressed as promptly and efficiently as possible and at the level appropriate to the nature of the offence.

3.1.3 There should be consistency of approach across the University in relation to major and minor disciplinary cases.

3.1.4 Each case should be handled fairly and equitably with due regard to the individual circumstances of each case.

- 3.1.5 It is accepted that in addressing cases of Student discipline, issues relating to the pastoral care and welfare of the Student may arise and that these shall be handled with sensitivity.
- 3.1.6 PVC/Deans of Faculties will be fully informed of all disciplinary matters affecting Students within their respective areas of responsibility and will keep a record of Students who have been found to have committed disciplinary offences, for the duration of that Student's registration with the University.
- 3.1.7 For the purpose of the Disciplinary Code, standard of proof is the balance of probabilities.

## **Part B: Criminal offences**

### **4. Criminal offences**

- 4.1 Where it comes to the University's attention that a Student has been convicted of<sup>2</sup> or is being investigated by other authorities for a criminal offence or has been formally charged with a criminal offence or has received a criminal justice outcome which took place prior to any period of registration with the University and was not disclosed to the University, such a Student may be subject to disciplinary action under these regulations. This would be the case when the offence is of such a nature that the University reasonably believes that the presence of the Student in the University is likely to put the safety or wellbeing of other members of the University at risk or that the offence, if proven, renders the Student unfit to be admitted to and practise any particular profession or calling to which that Student's programme directly leads.
- 4.2 Such Students may also be subject to the provisions of Chapter 1, paragraph 2.5 of these Regulations. Students registered on programmes leading directly to a professional qualification or the right to practise a particular profession or calling, may also be subject to the Faculty Fitness to Practise Procedure. (see Annex 8 of this chapter)
- 4.3 Where the Head of Security (or nominees) suspects that a Student may have committed a criminal offence, the Head of Security (or nominees), after consultation with the designated senior member of Staff, will normally report the matter to the police. In reaching that decision, the University will take into account the opinions of those who might be directly affected but it will not be bound to accede to the wishes of any other person.

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<sup>2</sup> See definition at Chapter 2, paragraph 2.3 of these Regulations

- 4.4 Whether or not a Student suspected of committing a criminal offence has been reported to the police (or other relevant authority), the University may deal with any offence against the Disciplinary Code arising out of the same allegations in accordance with the Disciplinary Procedure.
- 4.5 The fact that the Police, Crown Prosecution Service or other relevant authority is unable or unwilling to proceed does not preclude the University from taking its own disciplinary action.
- 4.6 Where a Student is charged with a criminal offence, has received a criminal justice outcome, or has been dealt with by the Police as set out in paragraph 2.3 above, they are required to report the matter formally and immediately to the Head of Security (or nominees). The matter will then be dealt with in accordance with the Disciplinary Procedure.
- 4.7 In serious cases and in cases where the Student concerned has been suspended from the University under the Disciplinary Procedure the Head of Security (or nominees) will discuss with the Police, the Crown Prosecution Service or other relevant authority whether in their opinion it would be appropriate for the University to conduct an investigation prior to the completion of criminal proceedings in the Courts.
- 4.8 The decision to proceed with or suspend an investigation shall be made by the Head of Security (or nominated Deputy) after consultation with the Designated Senior Member of Staff.
- 4.9 Notwithstanding the University's right to deal with any offence against the Disciplinary Code, the University may defer action under the Disciplinary Procedure if to proceed might in any way hinder a criminal investigation or prejudice the fair trial of the Student concerned. The decision to defer an investigation shall be made by the Head of Security (or nominees) after consultation with the relevant external authorities. The University recognises that any offence which may attract a community penalty or custodial sentence should normally be dealt with initially by the courts.
- 4.10 Following a criminal conviction<sup>3</sup>, if it has not already done so, the University may then continue with its own hearing. The court's verdict or the circumstances in which the caution was issued shall be taken into account in so far as they are relevant. The disciplinary hearing shall not become a re-run of a trial. There is no impediment to the imposition of a penalty by the University following a criminal conviction; however, the

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<sup>3</sup> See definition at Chapter 2, paragraph 2.3 of these Regulations.

penalty imposed by the Court or police shall be taken into consideration by the University in deciding its own penalty.

4.11 Where the University becomes aware that a Student has been convicted of a criminal offence which is not already subject to a disciplinary investigation, for example an offence which took place off campus which has been reported in the press, the University will take action as follows.

4.11.1 Where the Courts have imposed a custodial sentence, including suspended sentences, the Student shall be immediately suspended by the designated senior member of Staff pending a review by the Chair of the Disciplinary Committee of written submissions. The Chair will decide what penalty, if any, is to be imposed, taking into account any written statements in mitigation. Expulsion would be the normal penalty in cases where the Chair believes the offence has rendered the Student unfit to be a member of the University community (see paragraph 5.4). Expulsion will be automatically imposed if the Student fails to make written representations within 10 University working days unless the Chair is satisfied that there are exceptional circumstances why the Student could not respond within the timescales. Exceptionally, in cases where the nature of the offence poses significant risk to members of the University community, the Chair will decide on penalty, without mitigation from the Student.

4.11.2 Where a non-custodial sentence has been imposed following a criminal conviction, the Head of Security (or nominees) will provide a case report to the Designated Senior Member of Staff. They will decide whether the case should be referred to the relevant Authorised Officer (who would normally give the Student a written warning as to future conduct), or to the Disciplinary Committee, in which case they will consider whether a suspension should also be imposed. For Students who are registered on programmes leading directly to a professional qualification or the right to practise a particular profession or calling, The Head of Security should inform the relevant Head of School and Faculty Fitness to Practise Lead.

4.11.3 Such Students have the usual right of appeal to the Disciplinary Appeals Committee.

## Part C: The Disciplinary Code

### 5. The Disciplinary Code

- 5.1 Breaches of the disciplinary code set out in this Part C (the Disciplinary Code) will be dealt with under the appropriate section of the Disciplinary Procedure depending on whether the University determines them to be of a minor or major nature.
- 5.2 The Disciplinary Code applies when Students are away from the University premises, including (but not limited to) in the following circumstances:
- taking part in University activities related to a course of study e.g. DMUGlobal trips, field trips, placements, study visits;
  - representing the University, e.g. at sporting or cultural events;
  - being involved with University and Student Union sports and social groups activities, such as meetings, socials and events;
  - taking part in voluntary activities recognised by the University e.g. DMULocal;
  - using the University's services remotely, e.g. University IT services;
  - using social media (please refer to the [Student Social Media Policy](#));
  - in the community, if misconduct may harm the University community or damage the University's reputation, e.g. antisocial behaviour towards neighbours or in public;
  - whilst on placement.
- 5.3 The standard of proof used by the University will be that adopted by Civil law proceedings known as the Balance of Probabilities. To prove an offence, evidence must be used to demonstrate that the alleged actions are more likely to have occurred than not. An offence is deemed to have been proved if on the balance of probabilities the facts of the alleged breach, are successfully demonstrated, i.e. that on the basis of the evidence available, then it is more likely that the alleged breach occurred than not. The following shall constitute misconduct under the Disciplinary Code:
- 5.3.1 Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere as detailed in point 5;
- 5.3.2 Behaviour and /or communication that causes to harm to another or, harms their reputation, or causes them to feel harassed, alarmed or distressed;

- 5.3.3 Behaviour and/or communications online that causes harm to another or, harms their reputation, or causes them to feel harassed, alarmed or distressed. For example through social media, or the Universities Virtual Learning Environment (VLE);
- 5.3.4 Falsifying or sharing misinformation with third parties or online, including on social media, regarding the University which may bring the University into disrepute. (please refer to the [Student Social Media Policy](#));
- 5.3.5 Obstruction of, or improper interference with, the functions, duties or activities of any Student, employee of the University or any authorised visitor to the University;
- 5.3.6 Uses verbal, physical or written behaviour toward any Student, person working for or on behalf of the University or Students' Union, a visitor, or member of the local community, which is Abusive, Threatening, Coercive, Manipulative, Violent, Indecent, Disorderly or Offensive. This includes but is not limited to: writing or publishing material on social media or websites. This offence is aggravated further if the behaviour relates to a real or alleged protective characteristic of the victim as set out in 5.3.11.
- 5.3.7 Sexual misconduct which includes, but is not limited to: engaging, or attempting to engage in a sexual assault, a sexual act with another individual without consent, showing body parts to another person either in person or electronically in a sexually inappropriate way, recording, retaining or sharing sexual images / recordings of another person without their consent, inappropriate and unwanted sexual comments or behaviour. For further examples please see the University's No Space for Hate policy: [No Space for Hate \(dmu.ac.uk\)](#) and the Sexual Misconduct Policy: [Sexual Misconduct Policy 2022 \(dmu.ac.uk\)](#)
- 5.3.8 Fraud, deceit, deception or dishonesty in relation to the University or its Staff or in connection with holding any office in the University or in relation to being a Student of the University, or that cause harm to Students, Staff, visitors or to the University through loss of money, opportunity or reputation;
- 5.3.9 Action likely to cause injury or impair safety;
- 5.3.10 Behaviour which in the reasonable opinion of the designated senior member of Staff or relevant Authorised Officer is likely to be regarded as discrimination, harassment or victimisation



including racial or sexual harassment and harassment on the grounds of disability of any Student, employee of the University or the De Montfort Students' Union or any authorised visitor to the University. In this context harassment means any behaviour or action, spoken or written words, directed at a specific person, or group of people, which is offensive or perceived as offensive. For further examples please see the University's [No Space for Hate policy](#).

5.3.11 Behaviour which is motivated by hostility or prejudice based on protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnerships
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Occurrences in relation to section 5.3.11 will be recorded and investigated as a hate incident;

5.3.12 Behaviour which can be considered as bullying. Bullying is offensive, abusive, intimidating, malicious or insulting behavior, or an abuse or misuse of power, which undermines, humiliates, denigrates or injures the recipient;

5.3.13 Damage to, or defacement of, University property or the property of other members of the University community, or the local community caused intentionally or recklessly and misappropriation of such property;

5.3.14 Misuse or unauthorised use of University premises or items of property (including computer misuse);

5.3.15 Misuse or unauthorised use of the University's intellectual property (including the sale of essays or unauthorised sale of

other work produced by a Student as part of their programme with the University<sup>4</sup>);

5.3.16 Conduct which constitutes a criminal offence (including conviction for, or being formally charged with, an offence<sup>5</sup>) where that conduct or the offence is such, in the reasonable opinion of the University, as to render the Student unfit to continue as a member of the University community;

5.4 The following are examples of factors which might be taken into account when considering whether conduct covered under 5.3 has rendered a Student unfit to continue in the University:

5.4.1 if the offence took place on University premises

5.4.2 If the offence took place online or in a public space

5.4.3 if the offence affected or concerned other members of the University community

5.4.4 if the offence damaged the good name of the University

5.4.5 if the offence in itself constitutes misconduct within the terms of this Code

5.4.6 if it is an offence of dishonesty, where the Student holds an office of responsibility in the University

5.4.7 if the Student presents an ongoing risk to the University community

5.5 Behaviour which could bring the University into disrepute; this may include the misuse or consumption of alcohol, “legal highs” or other psychoactive substances. This includes but is not limited to, any misbehaviour that may occur whilst Students are undertaking overseas travel as part of the #DMUglobal programme of events;

5.6 Possession, supply and/or production (or any attempt to do so) of illegal drugs and/or “legal highs” or other psychoactive substances;

5.7 Initiation Ceremonies, and the attributed behaviours, of any kind are forbidden at De Montfort University. In this context, initiations are any activity expected of someone joining or participating in a group that humiliates, degrades, abuses or endangers them, regardless of a person’s willingness to participate; for the purpose of gaining formal

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<sup>4</sup> See Chapter 13, paragraphs 1 and 2 of these Regulations. See also Chapter 4 of these Regulations. Such misuse may also be regarded as an academic offence if there is any evidence of collusion, plagiarism or other inappropriate use.

<sup>5</sup> See definition at Chapter 2, paragraph 2.3 of these Regulations.

membership or access to any kind of sports clubs, societies or Students groups; for gaining the award of an emblem or other status with a sports club, society or Student group, or gaining any other status, honour, prestige or notoriety within the sports club, society or Student group. Any Student who is proved to be involved in initiation behaviours, and/or the planning and preparation of an initiation ceremony or who participates in the improper coercion or manipulation of Students, during an initiation ceremony, will be found to be in breach of the University Disciplinary Code, whether under the influence or not of any intoxicating liquids and/or substances;

- 5.8 Failure by the Student to disclose their name or other relevant details, including providing, false details, or failing to provide their Student registration card, to any Staff member of the University in circumstances when it is reasonable to require that information be given<sup>6</sup>;
- 5.9 Knowingly allowing the misuse or unauthorised use of a Student ID card or Student log in by another Student or another person; this may include (but is not limited to) unauthorised entry into the Library, attendance at online sessions or any other University facilities;
- 5.10 The card must be produced and surrendered to any member of University Staff and/or a member of security Staff requesting it. Failing to hand over the Student ID card when requested is a disciplinary offence;
- 5.11 All Students (and visitors) must comply with a reasonable request to leave an area, room or building upon the request of a member of University Staff;
- 5.12 Failure by the Student under investigation to co-operate with the University, its officers or employees in the investigation of an alleged breach of the Disciplinary Code, and in any subsequent disciplinary proceedings. Any Student who assists, aids or abets the commission of a discipline offence by another or, assists another to avoid or escape detection following the commission of an offence, will be treated as if they have committed the substantive disciplinary offence;
- 5.13 Failure to comply with University instructions, regulations and codes of practice for the use of all University equipment, services, property and facilities such IT systems, lifts, telephones, car parks, displays and exhibitions;

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<sup>6</sup> See Chapter 1, paragraph 2.3 of these Regulations.

- 5.14 Failure to comply with all instructions, regulations and codes of practice in operation at any organisation where the Student may be placed as part of their programme of study;
- 5.15 Failure to comply with terms and conditions set out in a contract for University-managed or nominated accommodation;
- 5.16 Failure to immediately notify the Head of Security (or nominees) of either a criminal conviction<sup>7</sup> which has not been spent under the Rehabilitation of Offenders Act 1974 or any investigation which might lead to a criminal conviction<sup>8</sup>, including being formally charged with such an offence by the police;
- 5.17 Failure to comply with any additional rules, regulations and codes of practice of the University made by the Vice-Chancellor and approved by the Board of Governors, including, but not restricted to, in relation to the following:
- Fitness to Practise
  - Ethical approval for research projects
  - Freedom of Speech
  - Faculties and Departments
  - University owned or managed Student Accommodation
  - Fire and emergencies
  - Health and safety
  - Libraries and learning spaces
  - Licensed bars on University premises
  - Smoking
  - Computer and other information technology
  - Placements
  - Illegal drugs or “legal highs”
  - Weapons
  - Students whose behaviour causes concern
  - No Space for Hate
  - Social Media
  - Sexual misconduct
- 5.18 Failure to comply with a penalty previously imposed under the Disciplinary Code by an Authorised Officer or the Disciplinary Committee. Should a matter arise which the Student considers to justify non-compliance or delay in compliance they should immediately inform the Authorised Officer (who will inform the Clerk to the Disciplinary

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<sup>7</sup> See definition at Chapter 2, paragraph 2.3 of these Regulations.

<sup>8</sup> See also Chapter 1, paragraph 2.5 of these Regulations.

Committee) or the Clerk to the Disciplinary Committee who will report the matter to the Chair of the Disciplinary Committee. The Chair will then decide whether the Student's reasons are justified. If the Chair decides that the Student's reasons are not justified they may decide to impose a further penalty or to require the Student to appear in person before the Disciplinary Committee. Deliberate non-compliance with a penalty imposed under the Disciplinary Code renders a Student liable to expulsion from the University;

- 5.19 Any Student who assists, aids or abets the commission of a discipline offence by another or, assists another to avoid or escape detection following the commission of an offence, will be treated as if they have committed the substantive disciplinary offence;
- 5.20 Where a Student is registered on a programme leading directly to a professional qualification or the right to practise a particular profession or calling, any major breach of the Disciplinary Code which might render that Student a person not fit to be admitted to and/or practise that profession or calling. For such breaches a Student shall be considered under the appropriate Fitness to Practise processes. The Disciplinary Panel will be made aware of the Faculties decision on this matter and should take this into consideration. (see annex 8 of this chapter)
- 5.21 Programme handbooks will provide further information about the standards of behaviour expected of Students training for a particular profession or calling. The University expects such Students to demonstrate high standards of behaviour in their professional and Student lives. It is the Student's responsibility to familiarise themselves with the provision and requirements of professional bodies.
- 5.22 Members of the Students' Union must comply with the following disciplinary rules made by the Students' Union and approved by the Board of Governors. The Students' Union may exercise discipline over its members under such rules as may be made under its Constitution.
- 5.23 Members of the Students' Union must:
  - 5.23.1 comply with the Union Regulations for conduct of elections and meetings.
  - 5.23.2 comply with the Union Financial Regulations and with any decision on the use of Union funds made by a properly constituted body of the Union.

- 5.23.3 respect the property and services of the Union and comply with the regulations for areas of the University administered by the Students' Union.

## **Part D: Investigation of Offences**

### **6. Investigation Aims**

- 6.1 The University has a responsibility to approach disciplinary offences fairly, following processes that are easy to understand whilst retaining the right to make decisions on the merits of an individual case.
- 6.2 The procedure should give Students and Staff clear information about the process, and how to access advice and support.
- 6.3 The procedure allows the Students to be accompanied by a companion (whose role is set out the Glossary to these Regulations) if required.
- 6.4 The procedure should be clear and accessible, with access via the website or through programme handbooks.
- 6.5 The procedure should be easy to understand, with clear definitions and timelines.
- 6.6 The procedure should be proportionate with three stages:
- 6.6.1 Stage one: all allegations will be investigated proportionately and evidence found will be preserved to support the procedure.
- 6.6.2 Stage two: referral to an Authorised Officer or Disciplinary Committee Hearing. (For Students on some professional programmes the Fitness to Practise lead will be informed and a decision will be made as to whether FtP procedures may be invoked following the disciplinary outcome – please see annex 8 of this Chapter). This stage will comprise of a referral to, and invitation to an Authorised Officer meeting or Disciplinary Committee Hearing, a decision will be made and an outcome issued.
- 6.6.3 Stage three: is the Student's right of appeal.
- 6.7 The procedure should be managed in a timely manner wherever practical. (with recognition that Fitness to Practise procedures need to be accommodated for in a timely manner with reference to any time limits imposed by Professional Statutory and Regulatory Bodies).

- 6.8 The procedure should be fair, ensuring that each party has an opportunity to present their case. Staff should be properly trained; this can include but is not exclusive to experience and training undertaken at another educational institution.
- 6.9 The procedure should be independent; free of any conflicts of interest.
- 6.10 The procedure should be conducted in line with the University's duties under the UK GDPR and Data Protection Act 2018.
- 6.11 At any stage during disciplinary investigations, if deemed appropriate, the Student(s) involved may be asked to sign a '**Non-contact agreement**', which outlines a number of precautionary measures intended to facilitate a full and unhindered investigation, as well as protect the health and wellbeing for all parties involved. The decision to proceed with a Non-contact agreement shall be made by the Head of Security or nominated Deputy.
- 6.12 In some cases a non-contact agreement may be offered to both parties where no further investigation is warranted. Both parties must accept this solution and the non-contact agreement will be deemed the outcome of the case.

## 7. **Authorised Officers and the Committee of Authorised Officers**

- 7.1 An Authorised Officer is a member of Staff having responsibility for dealing with minor disciplinary cases. Each Faculty shall have at least one Authorised Officer appointed by the Dean. The Director of Library and Learning Services (or an appointed nominee) shall act as Authorised Officer for minor cases within the University's libraries. The Head of Sport will also act as Authorised Officer for minor cases associated with sports teams and events. Authorised Officers or an appointed nominee -will deal with minor cases within the University's managed or nominated Student housing.
- 7.2 The Head of Security (or nominees), may act as Authorised Officers in cases that are clearly minor offences and, where an admission of guilt has been forthcoming from the alleged offender. The sanction imposed in such cases, will only be a verbal or written caution concerning the behaviour. Such sanctions will be disclosed at any future additional disciplinary hearing.
- 7.3 There shall be a Committee of Authorised Officers, chaired by the Designated Senior Member of Staff, and its membership shall be drawn

from the Authorised Officers, Deans of Faculty, Students' Union and other appropriate senior Staff of the University.

- 7.4 The Committee is responsible for:
- 7.4.1 co-ordinating the processes associated with Student discipline within the University for the purpose of ensuring consistency of approach to disciplinary matters.
  - 7.4.2 considering and recommending to the Academic Board and the Board of Governors, changes to disciplinary regulations and procedures.
  - 7.4.3 reviewing the level of authority/powers delegated to individual Authorised Officers (eg the maximum level of sanction which could be applied in cases where there are no specific existing regulations).

## **8. Authorised Officer Procedures**

- 8.1 Breaches of Student discipline may be investigated by the designated Authorised Officer, or the Head of Security (or nominees), or by a senior member of University Staff such as a Director or Dean in consultation with the Head of Security and the Clerk to the Disciplinary Committee.
- 8.2 The investigating officer (or their nominated representatives) shall carry out a full investigation into the allegation; this may include taking statements from the complainant, the accused Student and any witnesses and discussing the investigation with the accused Student.

## **9. Informal Investigation**

- 9.1 Where the Authorised Officer considers it appropriate, and before any formal procedure has been invoked, an Authorised Officer may invite a Student alleged to have committed a very minor offence to meet with them to discuss the matter informally. The Student may be accompanied to such a meeting by a Student's companion (whose role is set out as defined in the Glossary to these Regulations). If the Student admits the offence the Authorised Officer will seek to resolve the matter on an informal basis with the Student's agreement by, for example, asking the Student to make an apology or by the Student giving an undertaking to be of good conduct in future. The Authorised Officer may not recommend a formal penalty as an outcome from such a meeting.



- 9.2 If the Student refuses to attend an informal meeting or does not admit the offence or a resolution cannot be agreed, the Authorised Officer will invoke formal procedures as set out in paragraphs 10 to 11 below. Any attempt at informal resolution will not prejudice the outcome of more formal procedures.

## **10. Formal Investigation**

- 10.1 Following investigation of an alleged offence the Authorised Officer shall arrange to meet with the Student to discuss the allegations. The Authorised Officer shall give 5 University working days' notice of the date, time and location of the meeting in writing. The Authorised Officer shall inform the Student in writing of the details of the alleged offence and invite the Student to say whether they admit the offence and whether they wish to offer any comments, including any mitigating circumstances. The Student may choose to offer such comments either in writing or verbally at the meeting with the Authorised Officer.
- 10.2 If the Student fails, without reasonable excuse, to attend the meeting convened by the Authorised Officer, the Authorised Officer may deal with the case in their absence. The Authorised Officer will then advise the Student in writing within 5 University working days of their decision with regard to the allegations and of any penalty.
- 10.3 The Authorised Officer shall determine the procedure to be adopted in the meeting, depending on the circumstances of the case. The procedure shall accord with common fairness and shall provide for the following:
- 10.3.1 The accused Student has the right to be accompanied by a Student's Companion (whose role is set out in the Glossary to these Regulations). If the Student intends to be accompanied by a Student's companion, they shall inform the Authorised Officer in writing of the name and status of their representative in advance of the meeting.
- 10.3.2 The Authorised Officer shall advise the Student of the evidence relating to the alleged offence and shall ask whether the Student admits or denies the charge.
- 10.3.3 If the Student admits the offence the Authorised Officer shall determine what penalty, if any, to impose, taking account of any statement the Student makes in mitigation.

- 10.3.4 If the Student denies the allegations they have the right to present a defence. They may call witnesses. The Authorised Officer and/or the investigating officer may ask questions of the Student or of any witness for the clarification of matters of fact.
- 10.3.5 The Authorised Officer and/or the investigating officer may call witnesses to present evidence. The Student has the right to ask questions of the Authorised Officer and/or the investigating officer or of any witness for the clarification of matters of fact.
- 10.3.6 The Authorised Officer may temporarily adjourn the hearing in order to seek further information, evidence or advice. Where possible, at the time of adjournment, the Authorised Officer and the Student shall agree a mutually convenient time for the hearing to be re-convened. Where it is not possible at the time of adjournment to set a time when the hearing shall be reconvened then the hearing shall be re-convened in accordance with section 10.1 above. The Authorised Officer will share any further information, evidence or advice they have obtained with the investigator and the Student at the re-convened hearing and give both an opportunity to question any further information, evidence or advice for the clarification of matters of fact.
- 10.3.7 Having considered the evidence, the Authorised Officer shall advise the Student at the end of the hearing whether the charge is found to be proven or not proven.
- 10.3.8 If the Authorised Officer finds the case proven they may determine what penalty, if any, to impose, taking account of any statement the Student makes in mitigation.
- 10.3.9 However, if the Authorised Officer believes that their powers to deal with the offence under this provision and/or to impose a penalty are not sufficient or the Authorised Officer believes that the offence deserves a penalty other than one of those available to them then they shall refer the case to the Disciplinary Committee. The Authorised Officer may indicate the penalty they believe might be appropriate.
- 10.3.10 The Authorised Officer shall inform the Student of their decision and any penalty they decide to impose at the hearing.
- 10.3.11 Where a Student is enrolled on a programme leading directly to a professional qualification or the right to practise a particular

profession or calling the Authorised Officer shall inform the Faculty Fitness to Practise lead of the outcome of the meeting.

- 10.4 A record of both the incident and the penalty shall be recorded within designated secure Sharepoint site owned by Academic Support Office. The Authorised Officer will formally notify the Student, the Dean of Faculty, the Head of the Academic Support Office and the Head of Security in writing of the outcome of the hearing.
- 10.5 In cases where the charge is not proven, the Authorised Officer shall ensure that documentation in the Faculty relating to the matter is destroyed.
- 10.6 If, in the course of the investigation and the Authorised Officer's hearing, a matter related to the Student's welfare is recognised, then the Authorised Officer may, in lieu of setting a penalty, require a Student to comply with conditions designed to address positively or to resolve the welfare matter. This does not prejudice the Student's right of appeal.
- 10.7 In circumstances where paragraph 10.6 applies, the Authorised Officer may, upon a Student giving a firm undertaking to fulfil a condition or conditions, withhold the imposition of a penalty for so long as the Student fulfils the condition or conditions. Alternatively, the Authorised Officer may waive imposing a penalty upon a Student giving a firm undertaking to fulfil a condition or conditions. This will allow the Authorised Officer 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 Student and Academic Services Staff who may then refer the Student to appropriate assistance.
- 10.8 Any failure by the Student to fulfil conditions or comply with a penalty imposed by the Authorised Officer shall be treated as a major offence and referred to the Disciplinary Committee.

## **11. Concluding Investigation**

- 11.1 Once the investigation has been concluded, the Authorised Officer shall review the documentation and, taking account of advice from the Clerk to the Disciplinary Committee, shall submit a report with recommended course of action to the Executive Director Student and Academic Services.

11.2 The Executive Director Student and Academic Services, will determine whether the offence is minor or major; and the following relevant procedures will commence:

- Part E for Minor offences
- Part F for Major offences

## **Part E: Minor offences procedures**

### **12. Minor offences**

12.1 Minor offences against the regulations relating to the operation of the Students' Union are dealt with by a standing committee of the Union.

12.2 Minor offences covered by other regulations (such as the University accommodation, Libraries, etc) are dealt with under their local rules, which may allow designated members of Staff to initiate immediate disciplinary action for minor, straightforward cases. Appeals against disciplinary findings and/or penalties under the Disciplinary Code are dealt with in the same way as appeals against Authorised Officers' decisions.

12.3 Disputed cases and more serious offences may be referred to the Head of Security or Authorised Officer who will then follow the steps set out in paragraph 10.3.9 above.

12.4 All other minor offences are dealt with under the Authorised Officers' Procedures as set out in paragraph 8 of these Disciplinary Procedures.

12.5 Minor offences are divided into two categories:

- minor anti-social behaviour (including drunken behaviour), minor damage, minor offensiveness to Staff, disruptive behaviour during programme sessions;
- any repetition of behaviour already identified to the Student as a minor offence not covered by the Disciplinary Code.

12.6 Where the investigation of an apparent minor offence under any University regulations leads to a determination that the offence was a major offence, the matter shall be dealt with under the procedure for major offences under the jurisdiction of the Disciplinary Committee.

12.7 Any attempt by a Student to interfere with, harass or otherwise influence in any way any complainant or witness in a minor disciplinary case shall be considered a major disciplinary offence and grounds for immediate

transfer of the case to the Disciplinary Committee. Under these circumstances the Authorised Officer shall write formally to the Clerk to the Disciplinary Committee requesting that a hearing of the Disciplinary Committee be convened.

### **13. Minor Offences Penalties**

13.1 An Authorised Officer may impose one or more of the penalties set out below:

13.1.1 A verbal warning as an informal resolution.

13.1.2 That the Student is prevented from undertaking certain University activities (including the DMU Global programme of events). This penalty will only be imposed after consultation with the Clerk to the Disciplinary Committee and/or Head of Security.

13.1.3 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 accused 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.

13.1.4 A written warning which will be kept on the Authorised Officer's file and the Students' University record for a period of three full terms.

13.1.5 A requirement that the Student makes an apology to any person or persons named (usually the complainant). This may either be made in writing or verbally, depending on the circumstances of the case, wording to be approved by the Authorised Officer.

13.2 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.

### **14. Appeal against a minor offence decision**

14.1 A Student has the right of appeal against the decision of an Authorised Officer on certain specific grounds only. The grounds for appeal and the appeal process are explained in Part G below.

## **Part F: Major offences and the Disciplinary Committee**

### **15. Major offences**

- 15.1 Major offences include for example (but not limited to):
  - 15.1.1 repetition or systematic repetition of minor offences.
  - 15.1.2 offences other than academic offences in connection with University assessments.
  - 15.1.3 actions and/or omissions in breach of the University's Code of Practice on Freedom of Speech.
  - 15.1.4 inciting hatred or discrimination.
  - 15.1.5 attempts to influence complainants and/or witnesses in minor or major disciplinary cases.
  - 15.1.6 other serious offences e.g. possession of class A drugs, damage to or on University premises, theft, assault.
  - 15.1.7 obstructing or harming the operations, safety and discipline of the University.
  - 15.1.8 encouraging violence or self-harm.
  - 15.1.9 attempts to access or breach computer systems, or deliberate breaches of data protection for personal data.
- 15.2 All major offences are dealt with by the Disciplinary Committee other than those offences committed in connection with University assessments which are dealt with by the Academic Offences Panel or the appropriate Assessment Board. Appeals against a decision of the Disciplinary Committee are dealt with by the Disciplinary Appeals Committee.
- 15.3 The Student's disciplinary record of cases found proven by a Disciplinary Committee may be referred to in any confidential reference which is provided by a member of University Staff. The decision to do so will be proportionate to the need and level of risk.

## 16. Suspension<sup>9</sup>

- 16.1 The University reserves the right to Suspend a Student who is the subject of a disciplinary investigation arising from an allegation that they have committed a major offence or who is the subject of an investigation carried out under Faculty Fitness to Practise procedures. In addition, the University may Suspend a Student in other extraordinary situations where suspension is deemed appropriate and necessary by the Designated Senior Member of Staff. In such cases the Board of Governors will be notified of the decision at an appropriate meeting.
- 16.2 Suspension is not to be seen as a determination of guilt, but an opportunity for the Student and the University to allow time for the investigation to progress, whilst mitigating any risks identified. It may be used to protect all involved parties.
- 16.3 The University reserves the right to issue a full Suspension or a Partial Suspension with particular caveats. A Partial Suspension may still allow academic engagement, however a Full Suspension fully revokes a Student's registered status. Only the Designated Senior Member of Staff has the power to immediately suspend a Student from the University or to exclude the Student from particular facilities or activities or to require that the Student have no contact with a named person or persons if there is good and sufficient cause, the details of which will be included in the suspension letter sent to the Student and copied to the faculty. This may include Students against whom criminal charges are pending or who are the subject of police investigation. The decision of the Designated Senior Member of Staff shall normally be taken following receipt of a report from the Head of Security (or nominees) or, in matters relating to Fitness to Practise, from the Head of the relevant School.
- 16.4 When a Student has a Full Suspension, a Leave of Absence will be applied which will stop Student Finance England funding. A student will not have access to University support provision and they may no longer be entitled to specialist support provided through the Disabled Student Allowance. Suspended Student's may still receive support and guidance via the DSU.
- 16.5 In particular, the Designated Senior Member of Staff has the authority to Suspend any Student where, in their reasonable view, the Student's continued presence as a member of the University community:

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<sup>9</sup> Please refer to the Glossary for definition.

- 16.5.1 represents a threat to the safety or well-being of Students, Staff or visitors to the University, or to colleagues and/or clients where the Student is in practice placement, or
- 16.5.2 represents a potential hazard in accordance with the University's policies on health and safety, or
- 16.5.3 would be prejudicial to the Student's best interests, safety or well-being, or
- 16.5.4 would jeopardise a full and proper investigation being carried out by either the police or a university investigator, or
- 16.5.5 would disrupt or interfere with the academic, administrative or other activities of the University, or
- 16.5.6 is liable to bring the University into disrepute.
- 16.6 The Suspension shall be reviewed every 4 weeks (or earlier if new evidence becomes available) by the Designated Senior Member of Staff who may confirm, revoke or vary the suspension in the light of any developments or of any representations made by the Student or anyone on their behalf.
- 16.7 If the Suspension is for more than 14 University working days' duration, after this time, the Suspended Student has the right of appeal, through written representation, to the Vice-Chancellor.
- 16.8 Any further appeals to the Vice-Chancellor will only be considered if new supporting evidence becomes available and is provided by the Student.

## **17. The Disciplinary Committee**

- 17.1 The Disciplinary Committee consists of:
- the Deputy Vice-Chancellor,
  - or a member of the University Leadership Board, or a Dean or a Deputy Dean or their nominee (who shall act as the Chair); and
  - an Authorised Officer; and
  - a Fair Outcome Champion; and
  - a member of the Students' Union Executive Committee.
- 17.2 In cases where the Student is registered on a programme leading directly to a professional qualification or the right to practise a particular profession or calling, please see annex 8 of this chapter.
- 17.3 All members of the Disciplinary Committee shall be present at a hearing.



## **18. The Disciplinary Committee hearing**

- 18.1 The Head of Security or other investigating officer<sup>10</sup> shall lodge a formal written complaint with the Clerk to the Disciplinary Committee immediately on completion of a disciplinary investigation in cases where the Student might be required to appear before the Disciplinary Committee.
- 18.2 Where a Student admits, in writing, an offence which would normally be put to the Disciplinary Committee, the Chair of the Disciplinary Committee will undertake a review of written submissions. The Chair alone may decide what penalty, if any, is to be imposed, taking into account any written statements in mitigation provided by the 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 Student has the usual right of appeal to the Disciplinary Appeals Committee.
- 18.3 If the Student denies the offence, or if the Chair of the Disciplinary Committee believes that a hearing should be convened in the case of a Student who admits the offence, the Clerk to the Disciplinary Committee shall arrange a hearing of the Disciplinary Committee. The accused Student and the University's representative for the complainant (usually the Head of Security or nominees) will be given notice in writing of the hearing date, the charge and statements and the members of the Disciplinary Committee who will attend the hearing. Due notice of the hearing date will be deemed to have been given 2 University working days from the date when a letter of notification was sent to the Student's last recorded address, or from the date notification was sent securely using an encrypted and password protected document to the Student's University email and any personal email addresses provided by the Student. The Student will be given not less than 10 University working days' notice of the date of the hearing.
- 18.4 If the date of the hearing is too soon to allow a Student's companion to attend, the Student may request a new suitable date to be set.
- 18.5 If the Student fails, without reasonable excuse, to attend the hearing, the Disciplinary Committee will deal with the case in their absence.
- 18.6 In the case of a complaint concerning a Student's conduct in relation to their suitability for admission to and/or to practise a profession or calling, the Clerk to the Disciplinary Committee will seek, through the Fitness to

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<sup>10</sup> See Chapter 2, paragraph 6.1 of these Regulations.

Practise Lead, the FtP Triage decision relating to the student. The Triage decision confirming whether fitness to practise procedures will need to be invoked shall be presented to the accused Student before any disciplinary hearing takes place. The Disciplinary Committee will take any potential FtP action into account when imposing any penalty. Please see Annex 8 of this Chapter.

- 18.7 If the Student wishes to object to any member of the Disciplinary Committee, the Student shall submit their objections in writing including the grounds for the objection, to be received by the Clerk to the Disciplinary Committee at least 5 University working days before the hearing. If the grounds are upheld, an alternative member of the Disciplinary Committee will be identified.
- 18.8 The procedure adopted by the Disciplinary Committee shall provide for the following:
- 18.8.1 The accused Student has the right to appear, be heard, to obtain witness evidence and to question the complainant for the clarification of matters of fact. Such questioning should be addressed through the Committee Chair.
- 18.8.2 The Student has the right to be accompanied by a Student's companion (whose role is set out the Glossary to these Regulations). If the Student wishes to exercise the right to have a Student's companion present, then they shall inform the Clerk to the Disciplinary Committee in writing at least 5 University working days before the hearing.
- 18.8.3 If the Student wishes to rely on witness evidence, it is their responsibility to obtain witness statements in readiness for the hearing in the first instance. Only in limited circumstances will witnesses be called to provide evidence in person, in which case the Student must inform the Clerk to the Disciplinary Committee in writing of the names of witnesses they will be calling at least 5 University working days before the hearing.
- 18.8.4 The University's representative for the complainant (usually the Head of Security or nominees) has the right to appear, be heard, to call witnesses and to question the Student for the clarification of matters of fact. Such questioning should be addressed through the Committee Chair. The complainant will be given the opportunity to submit an impact statement or other evidence, but is not required to appear in person, the statement will be read out by the University's representative for the complainant.

- 18.8.5 The Disciplinary Committee has the right to question the University's representative for the complainant (usually the Head of Security or nominees), the accused Student and their respective witnesses and representatives.
- 18.8.6 The Disciplinary Committee has the discretion to limit the number of witnesses, and control and limit questioning to matters which are strictly relevant or to adjourn the hearing.
- 18.8.7 The Committee will retire to decide, on the balance of probability, whether the charge is or is not proven and any penalty and will reconvene on the same day and inform the Student, giving their reasons. No later than 5 University working days after the hearing, the Clerk to the Disciplinary Committee will confirm to the Student in writing the outcome and the reasons for the Committee's decision.
- 18.9 Subject to the Student's right of appeal, the Clerk to the Disciplinary Committee will inform the appropriate members of Senior Staff of the Committee's decision. If a Student is to be expelled from the University the Clerk to the Disciplinary Committee will issue the notification of Expulsion. Copies of the notification shall be sent to the appropriate Dean of Faculty, the Executive Director of Student and Academic Services and other relevant senior members of Staff.

## 19. Penalties

- 19.1 The Disciplinary Committee will impose, as it in its absolute discretion thinks fit, an appropriate penalty or penalties on a Student found to have committed a disciplinary offence by the Disciplinary Committee.
- 19.2 Some **examples** of penalties are:
- 19.2.1 Expulsion from the University; Student will not be eligible for readmission to the University at any time in the future. A student may receive a formal record of credits achieved if expelled, and the Disciplinary Panel will make the decision on the merits of each case and on a case-by-case basis.
- 19.2.2 Suspension for up to a year<sup>11</sup>.
- 19.2.3 Exclusion from University-managed accommodation.

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<sup>11</sup> 11 Please refer to the Glossary for definition.

- 19.2.4 Exclusion from particular University facilities, premises, services or activities.
- 19.2.5 A severe reprimand to remain on the Student's record until the completion of their studies at the University. Any further minor or major breaches of the University's Disciplinary Code must be dealt with by the Disciplinary Committee and if proven will normally result in Expulsion from the University.
- 19.2.6 A reprimand to remain on the Student's record until the completion of their studies at the University. Any further minor or major breaches of the University's Disciplinary Code must be dealt with by the Disciplinary Committee which may impose an appropriate penalty, which, depending on the merits of the case, may be Expulsion.
- 19.2.7 Compulsory attendance at a DMU workshop or training/coaching session.
- 19.3 Notwithstanding any penalty imposed by the Disciplinary Committee, it may also order a Student found to have committed a disciplinary offence to:
- Reimburse the University for any costs incurred in hearing a case, for example, costs of obtaining a memorandum of conviction;
  - Reimburse the University for any costs reasonably incurred by the University in carrying out any necessary repairs or replacements arising from any damage caused by the Student or for which the Student is responsible;
  - make an apology to any named person or persons, either in writing or verbally depending on the circumstances of the case, wording to be approved by the Chair of the Disciplinary Committee;
  - Make amends, for example by deleting social media posts and/or offensive content.
- 19.4 Any sum ordered to be paid under this provision shall be a debt owed to the University and therefore subject to the University's normal debt collection procedures unless quashed on appeal.
- 19.5 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 Student and Academic 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.

- 19.6 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.
- 19.7 In cases where the penalty imposed by the Disciplinary Committee is not Expulsion from the University, the Student will be permitted to transfer to another programme within the University provided that:
- 19.7.1 the Student's conduct would not render them unfit for admission to and/or to practise a profession or calling to which the new programme directly leads (For those students who may be subject to Fitness to Practise procedures, please see annex 8 of this chapter);
  - 19.7.2 the Student meets the normal entry requirements for the new programme and/or meets any other appropriate academic requirements for entry to the new programme;
  - 19.7.3 there is a place available on the new programme; and
  - 19.7.4 the Student is accepted as a suitable candidate by the Faculty for the new programme.
- 19.8 Where such a case is found not proven or, for an exceptional reason the Disciplinary Committee believes the Student should be allowed to continue on their programme, the University will normally make reasonable endeavours to find a suitable practice or professional placement to enable the Student to complete their qualification where satisfactory completion of a placement is a requirement. (For those students who may be subject to Fitness to Practise procedures, please see annex 8 of this chapter)
- 19.9 However, it should be noted that the University cannot compel practice or placement providers to take Students who they believe are not suitable. If the University acting reasonably cannot find a suitable placement the Student will not be able to continue on their programme.

The Student will therefore be permitted to transfer to another programme within the University provided the conditions in 19.6 to 19.9 are met.

19.10 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.

## **20. Appeal against a decision of the Disciplinary Committee**

20.1 A Student has the right of appeal against the decision of the Disciplinary Committee on certain grounds only. The grounds for appeal and the appeal process are explained in Part G below.

20.2 An appeal panel will review the original outcome and penalty(ies) imposed to ensure process was followed and the outcome appropriate to the case. They will not re-hear a case.

## **Part G: Appeals against a disciplinary decision**

### **21. A Student's right of appeal**

21.1 Subject to paragraph 23 a Student has the right of appeal to the Disciplinary Appeals Committee against:

- an Authorised Officer's decision;
- the decision of the Disciplinary Committee; or
- the decision to terminate their registration on a programme leading directly to a professional qualification or a licence to practise a particular profession following faculty fitness to practise procedures.

### **22. The Disciplinary Appeals Committee**

22.1 The Disciplinary Appeals Committee consists of:

22.1.1 a member of the Board of Governors (or nominee) who shall be the Chair;

22.1.2 another external Governor or recently retired Governor (or nominee); and

22.1.3 a Designated Senior Member of Staff (or nominee).

All three members of the Disciplinary Appeals Committee shall be present at a hearing.

- 22.2 In cases where the Student is registered on a programme leading directly to a professional qualification or the right to practice a particular profession or calling, a member of the relevant practice area or profession will act as an additional member of the Disciplinary Appeals Committee. Where this is not possible due to lack of opportunity or availability (for example for Trainee Nurse Associates) a senior registered practitioner from the same Professional Regulator will attend.
- 22.3 No person who has been previously consulted or involved in the particular case shall act as a member of the Disciplinary Appeals Committee.

### **23. Grounds for appeal**

- 23.1 A Student has the right of appeal only on the following grounds:
- 23.1.1 There is new and relevant evidence which the Student was demonstrably and for exceptional reasons unable to present at the Disciplinary Hearing or Authorised Officer's Hearing or during a Faculty fitness to practise investigation. This may include evidence in mitigation. Such new evidence must be submitted with the Student's written notice of appeal or, if it is not possible to include the evidence at the time the notice is submitted, the notice must be accompanied by a note explaining the evidence the Student wishes to submit.
- 23.1.2 The Disciplinary Committee, Authorised Officer or Faculty fitness to practise process was in breach of their stated procedures.
- 23.1.3 The penalty made was too severe or was inappropriate or disproportionate to the breach of the Disciplinary Code or fitness to practise standards.

### **24. The Disciplinary Appeals Committee's procedures**

- 24.1 Any Student wishing to appeal against a decision of an Authorised Officer or the Disciplinary Committee or Faculty fitness to practise investigation shall give notice of the appeal in writing, stating clearly the specific grounds on which the appeal is based as listed in paragraph 23 above, and providing appropriate documentary evidence. This notice of appeal (in writing) should reach the Clerk to the Disciplinary Appeals Committee within 10 University working days of the formal notification of the decision.
- 24.2 In the event of an appeal, the decision of the Disciplinary Committee (or Authorised Officer or Faculty fitness to practise investigation) will not be

carried out until the appeals process is concluded. In cases where the Student receives the penalty of expulsion and was not suspended prior to the date of the hearing, a mandatory suspension may be applied for the duration of the appeal period.

- 24.3 The Chair of the Disciplinary Appeals Committee may dismiss an appeal without holding a hearing on consideration of the appeal papers if in their reasonable opinion it appears that the grounds of appeal are so lacking in substance that further consideration would not be justified. The decision of the Chair is final and not subject to review by any other University panel.
- 24.4 If the Chair directs that an appeal should be heard, the Clerk to the Disciplinary Appeals Committee shall arrange a hearing of the Committee.
- 24.5 The appellant Student and the University's representative for the complainant (usually the Head of Security or nominees) will be given notice in writing of the hearing and the members of the Disciplinary Appeals Committee. Due notice of the hearing date will be deemed to have been given 2 University working days from the date when a letter of notification was sent to the Student's last recorded address. The appellant Student will be given, not less than 10 University working days' notice of the date of the hearing.
- 24.6 If the appellant Student fails, without reasonable excuse, to attend the hearing, the appeal shall be dismissed.
- 24.7 If the appellant Student wishes to object to any member of the Disciplinary Appeals Committee, the Student shall submit their objections in writing including the grounds for the objection to be received by the Clerk to the Disciplinary Appeals Committee at least 5 University working days before the hearing. If the grounds are upheld, an alternative member of the Disciplinary Appeals Committee will be identified.
- 24.8 The procedure adopted by the Disciplinary Appeals Committee shall provide for the following:
- 24.8.1 The appellant has the right to appear and be heard and to be accompanied by a Student's companion (whose role is set out in the Glossary to these Regulations).
- 24.8.2 The University's representative for the complainant (usually the Head of Security or nominees) has the right to appear and be



heard and to be accompanied by a Student's companion (whose role is set out the Glossary to these Regulations).

24.8.3 The Disciplinary Appeals Committee has the right to call witnesses, examine any documentation it considers necessary and question the complainant and appellant.

24.8.4 The Disciplinary Appeals Committee may set aside, vary or confirm the Disciplinary Committee's (or Authorised Officer's or Panel's) findings and/or may set aside, vary (including increasing) or confirm the penalty imposed.

24.8.4.1. In relation to Fitness to Practise Panels the only outcomes of an appeal will be to confirm the panel's findings (if it is found there were no breaches in the panels processes), or to refer the case back to a fresh and independent Fitness to Practise Panel (please see annex 8 of this chapter)

24.8.5 The Disciplinary Appeals Committee shall inform the appropriate members of Senior Staff and the Chair of the Disciplinary Committee of its decision.

24.9 The Disciplinary Appeals Committee may suspend any penalty for a given period of time and may set terms for the suspension of the penalty.

24.10 The decision of the Disciplinary Appeals Committee is final and not subject to review by any other University panel.

24.11 The outcome of the Disciplinary Appeals Committee will be communicated to the appellant Student through a Completion of Procedures Letter no later than 25 University working days from the date of the offence, subject to change as a result of events outside of the University's control.