

## 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 of the University's General Regulations apply to all registered students of the University. In addition, students attending De Montfort University programmes in partner colleges or undertaking placement 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.
- 1.2 The use of this Disciplinary Procedure against a student is a serious matter. Any student subject to this Procedure is strongly advised to seek assistance from the Students' Union.
- 1.3 The Vice-Chancellor may delegate to a designated senior member of staff his powers under these procedures, generally or in respect of a particular case.
- 1.4 A student shall be considered to have been notified of any actions arising from the operation of these disciplinary procedures and to have received any supporting information by dispatch of letter sent to his/her last known address and his/her De Montfort University student email account. Each student is responsible for ensuring that the University is notified promptly of any change of address<sup>2</sup>.
- 1.5 Plea-bargaining is not permitted. Penalties should be appropriate to the offence committed and decided only in accordance with these Disciplinary Procedures.

All decisions with regard to these Disciplinary Procedures and outcomes 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 these Procedures.

- 1.6 The University acknowledges that students may demonstrate behavioural problems where it would be inappropriate to take disciplinary action. Provisions for students who demonstrate such problems are contained in Chapter 3 of these Regulations.
- 1.7 For students registered with De Montfort University studying in franchise or associate colleges the following regulations apply:
  - 1.7.1 Any academic disciplinary procedures affecting student performance or progression shall be dealt with under De Montfort University regulations.

---

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

<sup>2</sup> See Chapter 1, paragraph 2.10 of these Regulations.

- 1.7.2 De Montfort University General Regulations and Procedures Affecting Students shall apply in all cases apart from minor matters concerning the use of the college premises or facilities, in which case local college regulations shall take precedence.
- 1.7.3 Expulsion or suspension of a student can only be invoked through De Montfort University General Regulations and Procedures Affecting Students.
- 1.7.4 In disciplinary cases considered under college regulations findings against students shall be reported by the Head of the College to the appropriate Provost (for minor offences) or the Clerk to the Disciplinary Committee (for major offences) who shall then inform the appropriate Dean of Faculty.
- 1.7.5 Major offences committed at associate or franchise colleges overseas, or parts of the University based overseas, will be dealt with under the procedure set out in Annex 3.

## **2 Definitions**

- 2.1 These Regulations shall apply to all locations and premises of the University and cover De Montfort University students at associate and franchise colleges
- 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 these Regulations criminal convictions shall include convictions in court, and police cautions, and fixed penalty notice for any offence involving violence, antisocial behaviour, drunkenness, dishonesty or drugs and restorative justice.

## **3 General principles**

Whenever these disciplinary procedures are used the following general principles shall apply.

- 3.1 Disciplinary incidents may be identified by staff, students or members of the public. Any person who has reason to believe that a student has breached the Disciplinary Code should notify the relevant Provost or the Head of Security.
- 3.2 Each case should be addressed as promptly and efficiently as possible and at the level appropriate to the nature of the offence.
- 3.3 There should be consistency of approach across the University in relation to major and minor disciplinary cases.
- 3.4 Each case should be handled fairly and equitably with due regard to the individual circumstances of each case.
- 3.5 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.

- 3.6 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 are proved to have committed disciplinary offences for the duration of that student's registration with the University.

## **Part B: Criminal offences**

### **4 Criminal offences**

- 4.1 Where it comes to the University's attention that a registered student has been convicted of<sup>3</sup> or is being investigated by other authorities for a criminal offence or has been formally charged with a criminal offence which took place prior to any period of registration with the University, such a student may be subject to disciplinary action under these regulations where 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.

Such students may also be subject to the provisions of Chapter 1, paragraph 2.5 of these Regulations.

- 4.2 Where it is suspected that a student may have committed a criminal offence, regardless of whether or not the incident took place on University property, the Head of Security, 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.
- 4.3 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 these Disciplinary Procedures.
- 4.4 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.
- 4.5 Where a student is charged with a criminal offence, or has been dealt with by the Police as set out in paragraph 2.3 above, s/he is required to report the matter formally and immediately to the Head of Security. The matter will then be dealt with in accordance with these Disciplinary Procedures.
- 4.6 In serious cases and in cases where the student concerned has been suspended from the University under these Regulations<sup>4</sup> the Head of Security 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.

The decision to proceed with or suspend an investigation shall be made by the Head of Security after consultation with the designated senior member of staff.

---

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

<sup>4</sup> See Chapter 2, paragraph 14 of these Regulations.

- 4.7 Notwithstanding the University's right to deal with any offence against the Disciplinary Code, the University may defer action under these Disciplinary Procedures 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 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.
- 4.8 Following a criminal conviction<sup>5</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 accepted 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 penalty imposed by the court or police shall be taken into consideration by the University in deciding its own penalty.
- 4.9 Where the University becomes aware that a registered 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.
- 4.9.1 Where the Courts have imposed a custodial sentence the student is 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. Exclusion 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. Exclusion would be automatically imposed if the student failed to make written representations within a set timescale unless there were good reasons, accepted by the Chair, why the student could not do so.
- 4.9.2 Where a non-custodial sentence has been imposed following a criminal conviction, the Head of Security will provide a case report to the designated senior member of staff. S/he will decide whether the case should be referred to the relevant Provost (who would normally give the student a written warning as to future conduct), or to the Disciplinary Committee, in which case s/he will consider whether a suspension should also be imposed.

Such students would retain the usual right of appeal to the Disciplinary Appeals Committee.

---

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

## Part C: The Disciplinary Code

### 5 The Disciplinary Code

Breaches of this Code may be determined by the University to be of a minor or major nature and will be dealt with under the appropriate section of these Regulations

The following shall constitute misconduct under disciplinary rules made by the Board of Governors:

- 5.1 Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere;
- 5.2 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 Violent, indecent, disorderly, threatening, abusive or offensive behavior to any student, employee of the University or the De Montfort Students' Union or any visitor to the University or any member of the local community or any behaviour which in the reasonable opinion of the designated senior member of staff or relevant Provost is likely to be regarded as constituting such misconduct;
- 5.4 Abusive, threatening or offensive language (verbal or written – including social media websites) to any student, employee of the University or the De Montfort Students' Union or any visitor to the University or any member of the local community;
- 5.5 Sexual misconduct which includes (but is not limited to) assault, sharing sexual images and making inappropriate and unwanted sexual comments;
- 5.6 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;
- 5.7 Action likely to cause injury or impair safety on University premises;
- 5.8 Harassment, 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 or any behaviour which in the reasonable opinion of the designated senior member of staff or relevant Provost is likely to be regarded as harassment ;  
  
In this context harassment means any behaviour or action, spoken or written words, usually repeated or persistent, directed at a specific person, which annoys, alarms or causes substantial emotional distress to that person without any reasonable grounds;
- 5.9 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;
- 5.10 Misuse or unauthorised use of University premises or items of property (including computer misuse);

- 5.11 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>6</sup>);
- 5.12 Conduct which constitutes a criminal offence (including conviction for, or being formally charged with, an offence<sup>7</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.

The following are examples of factors which might be taken into account when considering whether such an offence has rendered a student unfit to continue in the University.

The University might consider whether the offence

- took place on University premises
- affected or concerned other members of the University community
- damaged the good name of the University
- itself constitutes misconduct within the terms of this Code
- is an offence of dishonesty, where the student holds an office of responsibility in the University
- is such as to render the student unfit to practice any particular profession or calling to which that student's programme directly leads.

- 5.13 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 any misbehaviour that may occur whilst students are undertaking overseas travel as part of the DMU Global programme of events;
- 5.14 Possession, supply and production (or any attempt to do so) of illegal drugs and or "legal highs" or other psychoactive substances;
- 5.15 Failure to disclose name or other relevant details, or to surrender a student registration card, to an officer, or employee of the University in circumstances when it is reasonable to require that information be given<sup>8</sup>;
- 5.16 Knowingly allowing the misuse or unauthorised use of a student ID card by another student or another person; this may include (but is not limited to) unauthorised entry in to the library or other University facilities;
- 5.17 Failure 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;
- 5.18 Failure to comply with University instructions, regulations and codes of practice for the use of all University equipment, services, property and facilities such as lifts, telephones, car parks, displays and exhibitions etc;
- 5.19 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 his/her programme of study;

---

<sup>6</sup> See Chapter 12, 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>7</sup> See definition at Chapter 2, paragraph 2.3 of these Regulations.

<sup>8</sup> See Chapter 1, paragraph 2.3 of these Regulations.

- 5.20 Failure to comply with terms and conditions set out in a contract for University managed or nominated accommodation;
- 5.21 Failure to immediately notify the Head of Security of either a criminal conviction<sup>9</sup> which has not been spent under the *Rehabilitation of Offenders Act 1974* or any investigation which might lead to a criminal conviction<sup>10</sup>, including being formally charged with such an offence by the police;
- 5.22 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, the following:
- Fitness to Practice
  - Ethical Approval for research projects
  - Freedom of Speech
  - Faculties and Departments
  - University Student Housing
  - Fire and emergencies
  - Health and safety
  - Libraries
  - Licensed bars on University premises
  - Smoking
  - Computer and other information technology
  - Placements
  - Illegal drugs or “legal highs”
  - Weapons
  - Students whose behaviour causes concern.
- 5.23 Failure to comply with a penalty previously imposed under the Disciplinary Code by a Provost or the Disciplinary Committee. Should a matter arise which the student considers to justify non-compliance or delay in compliance s/he should immediately inform the Provost (who will inform the Clerk to the Disciplinary 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 s/he 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.
- 5.24 Where a student is enrolled 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 of these regulations a student is referred directly for consideration by the University’s Disciplinary Committee which will have as a member a representative of the relevant practice area or profession to assist the Committee to consider issues of fitness to practise. The constitution and

---

<sup>9</sup> See definition at Chapter 2, paragraph 2.3 of these Regulations.

<sup>10</sup> See also Chapter 1, paragraph 3.5 of these Regulations.

procedures of the Disciplinary Committee in such circumstances are explained at Chapter 2, paragraphs 15 and 16.4 of these Regulations<sup>11</sup>.

The University expects such students to demonstrate high standards of behaviour in their professional and student lives. Programme handbooks will provide further information about the standards of behaviour expected of students training for a particular profession or calling. It is the student's responsibility to familiarise him/herself with the provision and requirements of professional bodies.

- 5.25 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.

Members of the Students' Union must:

- 5.25.1 Comply with the Union Regulations for conduct of elections and meetings.
- 5.25.2 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.
- 5.25.3 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 of Offences**

- 6.1 Breaches of student discipline may be investigated by the designated Provost, or the Head of Security (or his nominee), 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.
- 6.2 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.
- 6.3 Once the investigation has been concluded, the investigating officer shall review the documentation and, taking account of advice from the Clerk to the Disciplinary Committee, shall determine whether to refer the matter to be dealt with by the Provost's procedures (as a minor offence) or by the Disciplinary Committee (as a major offence).

## **Part E: Minor offences and Provosts' procedures**

### **7 Minor offences**

---

<sup>11</sup> Minor breaches of the disciplinary code and other matters of concern for fitness to practice are dealt with under local Faculty procedures and in accordance with the procedure set out in Chapter 2, Annex 6 of these Regulations.

- 7.1 Minor offences against the regulations relating to the operation of the Students' Union are dealt with by a standing committee of the Union.
- 7.2 Minor offences covered by other regulations (such as the Halls of Residence, 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 these regulations are dealt with in the same way as appeals against Provosts' decisions.
- Disputed cases and more serious offences may be referred to the Head of Security or Provost who will then follow the steps set out in paragraph 6 above.
- 7.3 All other minor offences are dealt with under the Provosts' Procedures as set out in Section 9 of these Disciplinary Procedures.
- 7.4 Minor offences are divided into two categories:
- minor anti-social behaviour (including drunken behaviour), minor damage, minor offensiveness to staff;
  - any repetition of behaviour already identified to the student as a minor offence not covered by the Disciplinary Code.
- 7.5 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.
- 7.6 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 Provost shall write formally to the Clerk to the Disciplinary Committee requesting that a hearing of the Disciplinary Committee be convened.

## **8 Provosts and the Committee of Provosts**

- 8.1 A Provost is a member of staff having responsibility for dealing with minor disciplinary cases. Each Faculty shall have at least one Provost appointed by the Dean. The Director of Library & Learning Services (or an appointed nominee) shall act as Provost for minor cases within the University's libraries. At least one further Provost shall be appointed by the designated senior member of staff to deal with minor cases within the University's managed or nominated student housing.
- 8.2 There shall be a Committee of Provosts, chaired by the designated senior member of staff, and its membership shall be drawn from the Provosts, Deans of Faculty, Students' Union and other appropriate senior staff of the University.
- 8.3 Subject to regulations determined by the Board of Governors, the Committee is responsible for:

- 8.3.1 Co-ordinating the processes associated with student discipline within the University for the purpose of ensuring consistency of approach to disciplinary matters.
- 8.3.2 Considering and recommending to the Academic Board and the Board of Governors, changes to disciplinary regulations and procedures.
- 8.3.3 Reviewing the level of authority/powers delegated to individual Provosts (eg the maximum level of fine or sanction which could be applied in cases where there are no specific existing regulations).

## **9 Provosts' procedures (minor offences – informal resolution)**

Where the Provost considers it appropriate, and before any formal procedure has been invoked, a Provost may invite a student alleged to have committed a very minor offence to meet with him/her to discuss the matter informally. The student may be accompanied to such a meeting by a representative (as defined in the Glossary to these Regulations). If the student admits the offence the Provost 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 Provost may not impose a formal penalty as an outcome from such a meeting.

If the student refuses to attend an informal meeting or does not admit the offence or a resolution cannot be agreed, the Provost will invoke formal procedures as set out in paragraphs 10 to 12 below. Any attempt at informal resolution will not prejudice the outcome of more formal procedures.

## **10 Provosts' procedures (minor offences – formal procedure)**

- 10.1 Following investigation of an alleged offence the Provost shall arrange to meet with the student to discuss the allegations. The Provost shall give 7 days' notice of the date, time and location of the meeting in writing. The Provost shall inform the student in writing of the details of the alleged offence and invite the student to say whether s/he admits the offence and whether s/he wishes 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 Provost.
- 10.2 If the student fails, without reasonable excuse, to attend the meeting convened by the Provost, the Provost may deal with the case in his/her absence. The Provost will then advise the student in writing within 7 days of his/her decision with regard to the allegations and of any penalty.
- 10.3 The Provost 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 representative (as defined in the Glossary to these Regulations), who may speak on the student's behalf. If the student intends to be accompanied by a representative, s/he shall inform the Provost in writing of the name and status of their representative in advance of the meeting.

- 10.3.2 The Provost 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 Provost 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 s/he has the right to present a defence. S/he may call witnesses. The Provost 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 Provost and/or the investigating officer may call witnesses to present evidence. The student has the right to ask questions of the Provost and/or the investigating officer or of any witness for the clarification of matters of fact.
- 10.3.6 The Provost may temporarily adjourn the hearing in order to seek further information, evidence or advice. Where possible, at the time of adjournment, the Provost 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 re-convened then the hearing shall be re-convened in accordance with section 10.1 above. The Provost will share any further information, evidence or advice s/he has 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 Provost 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 Provost finds the case proven s/he may determine what penalty, if any, to impose, taking account of any statement the student makes in mitigation.
- However, if the Provost believes that his/her powers to deal with the offence under this provision and/or to impose a penalty are not sufficient or the Provost believes that the offence deserves a penalty more appropriate than one of those available to him/her then s/he shall refer the case to the Disciplinary Committee. The Provost may indicate the penalty s/he believes might be appropriate.
- 10.3.9 The Provost shall inform the student of his/her decision and any penalty s/he decides to impose at the hearing.
- 10.3.10 Where a student is enrolled on a programme leading directly to a professional qualification or the right to practice a particular profession or calling the Provost shall inform the Faculty Fitness to Practice Lead of the outcome of the meeting.

- 10.4 A record of both the incident and the penalty shall be retained by the Provost. The Provost will formally notify the student, the Dean of Faculty and the Head of Security in writing of the outcome of the hearing.
- 10.5 In cases where the charge is not proven, the Provost shall ensure that documentation in the Faculty relating to the matter is destroyed.
- 10.6 If, in the course of the investigation and the Provost's hearing, a matter related to the student's welfare is recognised, then the Provost 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 The Provost 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 Provost may waive setting a penalty upon a student giving a firm undertaking to fulfil a condition or conditions. This will allow the Provost 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 & 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 Provost shall be treated as a major offence and referred to the Disciplinary Committee.

## **11 Provosts' penalties (minor offences)**

A Provost may impose one or more of the penalties set out below. Penalties shall be just and fitting to the offence for which they are imposed.

On occasion, and if appropriate, the Provost may recommend that the student is prevented from undertaking certain university activities (including the DMU Global programme of events) after consultation with the Clerk to the Disciplinary Committee and/or Head of Security.

Any financial penalty imposed shall be a debt owed to the University and therefore subject to the University's normal debt collection procedures unless quashed on appeal.

- 11.1 A formal reprimand (oral warning), confirmed in the form of a written note, which will be kept on the Provost'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.
- 11.2 A written warning which will be kept on the Provost's file for a period of three full terms.
- 11.3 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 Provost.

11.4 A fine not exceeding £100.

Notwithstanding any penalty imposed by the Provost, the Provost 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.

## **12 Appeal against a Provost's decision**

A student has the right of appeal against the decision of a Provost 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**

### **13 Major offences**

- 13.1 Some examples of offences which would be defined as major offences include repetition or systematic repetition of minor offences, offences other than academic offences in connection with University assessments, actions and/or omissions in breach of the University's Code of Practice on Freedom of Speech, attempts to influence complainants and/or witnesses in minor or major disciplinary cases, other serious offences eg possession of class A drugs, damage to or on University premises, theft, assault etc obstructing or harming the operations, safety and discipline of the University.
- 13.2 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.
- 13.3 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.

### **14 Suspension<sup>12</sup>**

- 14.1 The University reserves the right to suspend a student who is the subject of a disciplinary investigation arising from an allegation that s/he has committed a major offence or who is the subject of an investigation carried out under Faculty fitness to practice 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.
- 14.2 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. This may include students against whom criminal charges are pending or who are the

---

<sup>12</sup> Please refer to the Glossary for definition.

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, in matters relating to fitness to practise, from the Head of the relevant School.

- 14.3 In particular, the designated senior member of staff has the authority to suspend any student where, in his/her reasonable view, the student's continued presence as a member of the University community:
- 14.3.1 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
  - 14.3.2 Represents a potential hazard to sustaining the University's policies on health and safety, or
  - 14.3.3 Would be prejudicial to the student's best interests, safety or well-being, or
  - 14.3.4 Would jeopardise a full and proper investigation being carried out by either the police or a university investigator, or
  - 14.3.5 Would disrupt or interfere with the academic, administrative or other activities of the University, or
  - 14.3.6 Is liable to bring the University into disrepute.
- 14.4 The suspension/exclusion 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/exclusion in the light of any developments or of any representations made by the student or anyone on his/her behalf.
- 14.5 If the suspension/exclusion is for more than 14 days duration, the suspended/excluded student has the right of appeal, through written representation, to the Vice-Chancellor.

## **15 The Disciplinary Committee**

The Disciplinary Committee consists of the Deputy Vice-Chancellor or a Pro Vice-Chancellor/Dean, who is the Chair, a Provost, and the President of the De Montfort Students' Union or his/her nominee who shall be a member of the Students' Union Executive team.

In cases where the student is enrolled 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 Committee and provide an opinion on the accused student's suitability for admission to and/or to practice the profession or calling to which the student's programme directly leads in light of the evidence presented to the Committee.

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

## 16 The Disciplinary Committee hearing

- 16.1 The Head of Security or other investigating officer<sup>13</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.
- 16.2 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 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 s/he may decide that a hearing should be convened but this would be the exception. The Chair may consult the designated senior member of staff in reaching his/her decision on penalty or other matters. The student retains the usual right of appeal to the Disciplinary Appeals Committee.
- 16.3 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 complainant will be given notice in writing of the hearing, the charge and statements and the members of the Disciplinary Committee who will attend the hearing. Due notice will be considered to have been given on posting the notice to the student's last recorded address, not less than 16 days before the date of the hearing.
- If the date of the hearing is too soon to allow a student who has been granted legal representation to arrange such representation, the student may request that a new date be set.
- If the student fails, without reasonable excuse, to attend the hearing, the Disciplinary Committee will deal with the case in his/her absence.
- 16.4 In the case of a complaint concerning a student's conduct in relation to his or her suitability for admission to and/or to practise a profession or calling, the Clerk to the Disciplinary Committee may seek, through the Dean of Faculty, a written opinion on the severity of the alleged offence from a relevant external practice area or professional body, before the hearing. Such written opinion shall be presented to the accused student before any disciplinary hearing and taken into account by the Disciplinary Committee in deciding whether the charge is or is not proven and imposing any penalty.
- 16.5 If the student, on good grounds, wishes to object to any member of the Disciplinary Committee, the student shall submit his/her objections in writing to be received by the Clerk to the Disciplinary Committee at least 7 days before the hearing. If the grounds are upheld, an alternative member of the Disciplinary Committee will be identified with due care to ensure that there are no good grounds for the accused student to object to the substitute member.
- 16.6 The procedure adopted by the Disciplinary Committee shall be determined by the Committee and shall provide for the following:

---

<sup>13</sup> See Chapter 2, paragraph 6.1 of these Regulations.

- 16.6.1 The accused student has the right to appear, be heard, to call witnesses and to question the complainant for the clarification of matters of fact. Such questioning should be addressed through the Committee Chair.

The student has the right to be accompanied by a representative (as defined in the Glossary to these Regulations) who may speak on the student's behalf, although it is normally in the student's interests and assists the Committee if the student speaks for themselves. If the student wishes to exercise the right to have a representative present, then s/he shall inform the Clerk to the Disciplinary Committee in writing at least seven days before the hearing.

If the student wishes to call witnesses it is his/her responsibility to make arrangements for their attendance at the hearing. The student must inform the Clerk to the Disciplinary Committee in writing of the names of witnesses he/she will be calling at least seven days before the hearing. If he/she does not do so, the complainant may request that the hearing is adjourned.

- 16.6.2 The complainant 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 has the right to be accompanied by a representative who may speak on his/her behalf. If the complainant wishes to exercise the right to have a representative present, then s/he shall inform the Clerk to the Disciplinary Committee in writing at least seven days before the hearing.

- 16.6.3 The Disciplinary Committee has the right to question the complainant, the accused student and their witnesses and representatives.

The Disciplinary Committee has the discretion to limit the number of witnesses, control and limit questioning to matters which are strictly relevant or to adjourn the hearing.

The Committee will adjourn to decide, on the balance of probability, whether the charge is or is not proven and any penalty and will inform the student, giving their reasons. 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.

- 16.6.4 The Committee will adjourn to decide, on the balance of probability, whether the charge is or is not proven and any penalty and will inform the student, giving their reasons. 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.

- 16.7 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 then 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 Director of Student & Academic Services and other relevant senior members of staff.

## 17 Penalties

- 17.1 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 Committee.
- 17.2 Some **examples** of penalties are:
- 17.2.1 Expulsion from the University; student will not be eligible for readmission to the University at any time in the future.
  - 17.2.2 Suspension for up to a year<sup>14</sup>.
  - 17.2.3 Expulsion from University managed accommodation.
  - 17.2.4 Exclusion from particular University facilities, premises, services or activities.
  - 17.2.5 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.
  - 17.2.6 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.
  - 17.2.7 Compulsory attendance at a workshop or training/coaching session.
- 17.3 Notwithstanding any penalty imposed by the Disciplinary Committee, the Committee 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.

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.

---

<sup>14</sup> Please refer to the Glossary for definition.

- 17.4 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 Student & 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.
- 17.5 Where it is found proven that a student has acted in such a way as to render them unfit for admission to and/or to practise the profession or calling to which that student's programme directly leads, the student will not normally be permitted to continue on that programme. In such cases the University reserves the right to inform the relevant professional or regulatory body of the outcome and reasons for the Disciplinary Committee's decision.

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.

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:

- 17.5.1 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;
- 17.5.2 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;
- 17.5.3 There is a place available on the new programme;
- 17.5.4 The student is accepted as a suitable candidate by the Faculty for the new programme.
- 17.6 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 make every reasonable effort to ensure that, where satisfactory completion of a professional placement is a requirement, a suitable practice or professional placement can be found to enable the student to complete their qualification.

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's efforts to find a suitable placement are frustrated in this way 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 17.5 are met.

## **18 Appeal against a decision of the Disciplinary Committee**

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.

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

#### **19 A student's right of appeal**

A student has the right of appeal to the Disciplinary Appeals Committee against

- a Provost's decision or
- 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 practice a particular profession following faculty fitness to practice procedures.

#### **20 The Disciplinary Appeals Committee**

The Disciplinary Appeals Committee consists of an external Governor who is the Chair, and another external Governor or recently retired Governor and a designated senior member of staff. All three members of the Disciplinary Appeals Committee shall be present at a hearing.

No person who has been previously consulted or involved in the particular case shall act as a member of the Disciplinary Appeals Committee.

#### **21 Grounds for appeal**

A student has the right of appeal only on the following grounds:

21.1 There is new and relevant evidence which the student was demonstrably and for the most exceptional reasons unable to present at the Disciplinary Hearing or Provost'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.

21.2 The Disciplinary Committee, Provost or Faculty fitness to practise investigation did not comply with its stated procedures.

21.3 The penalty made was too severe or was inappropriate or disproportionate to the breach of the Disciplinary Code or fitness to practice standards.

## **22 The Disciplinary Appeals Committee's procedures**

- 22.1 Any student wishing to appeal against a decision of a Provost 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 section 21 above, and providing appropriate documentary evidence. This notice of appeal (in writing) should reach the Clerk to the Disciplinary Appeals Committee within 10 working days of the formal notification of the decision.
- 22.2 In the event of an appeal, the decision of the Disciplinary Committee (or Provost or Faculty fitness to practise investigation) will not be carried out until the appeals process is concluded.
- 22.3 The Chair of the Disciplinary Appeals Committee may dismiss an appeal at this stage if in his/her absolute opinion it should appear 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 body.
- 22.4 If the Chair directs that an appeal should be heard, the Clerk to the Disciplinary Appeals Committee shall arrange a hearing of the Committee.
- 22.5 The appellant and the complainant will be given notice in writing of the hearing and the members of the Disciplinary Appeals Committee. Due notice of the appeal will be considered to have been given on posting the notice and supporting information to the student's last recorded address, not less than 16 days before the date of the hearing.

If the student fails, without reasonable excuse, to attend the hearing, the appeal shall be considered to have lapsed.

- 22.6 If the student, on good grounds, wishes to object to any member of the Disciplinary Appeals Committee, the student shall submit his/her objections in writing to be received by the Clerk to the Disciplinary Appeals Committee at least 7 days before the hearing.

If the grounds are upheld, an alternative member of the Disciplinary Appeals Committee will be identified with due care to ensure that there are no good grounds for the accused student to object to the substitute member.

- 22.7 The procedure adopted by the Disciplinary Appeals Committee shall be as determined by the Committee and shall provide for the following:
- 22.7.1 The appellant has the right to appear and be heard and to be accompanied by a representative (as defined in the Glossary to these Regulations).
- 22.7.2 The complainant has the right to appear and be heard and to be accompanied by a representative.
- 22.7.3 The Disciplinary Appeals Committee has the right to call witnesses, examine any documentation it considers necessary and question the complainant and appellant.

- 22.7.4 The Disciplinary Appeals Committee may set aside, vary or confirm the Disciplinary Committee's (or Provost's or Panel's) findings and/or may set aside, vary (including increasing) or confirm the penalty imposed.
- 22.7.5 The Disciplinary Appeals Committee shall inform the appropriate members of Senior Staff and the Chair of the Disciplinary Committee of its decision.
- 22.8 The Disciplinary Appeals Committee may suspend any penalty for a given period of time and may set terms for the suspension of the penalty.
- 22.9 The decision of the Disciplinary Appeals Committee is final and not subject to review by any other University body.