

STUDENT DISCIPLINE PROCEDURE

Introduction

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

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website. On enrolment, all students are required to confirm that they accept the policies, procedures and regulations of the University, which include the General Regulations, the Student Charter, Dignity at Study, Online Safety, Acceptable Use of IT, and this Student Discipline Procedure.

Purpose

3. The purpose of the Student Discipline Procedure is to ensure the fair and consistent treatment of students by providing a clear and impartial process for dealing with allegations of misconduct or unacceptable behaviour within a reasonable timeframe and with due regard to the spirit of natural justice. Accordingly, it sets out the rights and duties of all those concerned in considering allegations of misconduct and the range of penalties that could be applied for breaches of acceptable standards of behaviour (see appendices 1 and 2).

4. This Procedure operates in accordance with the Office of the Independent Adjudicator (OIA) Good Practice Framework: Disciplinary procedures issued in October 2018.

Scope

5. The Student Discipline Procedure applies to all students enrolled on a course at the University of Suffolk, including those at partner institutions. It applies to the behaviour and conduct R I V W X G H Q W V Z K L O V W R Q W K H 8 Q L Y H U ~~and within the University (for~~ V R U S U ~~example off-site teaching venues and student accommodation).~~ It also applies to behaviour and

Expectations

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

28. Students are strongly advised to consult either the 6 W X G HOWARD Advice Service or the Student Services team via the Infozone as soon as they learn that an allegation of misconduct has been made.

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

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

Definition of misconduct

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

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

PROCEDURE FOR DEALING WITH MISCONDUCT

34. There are three stages for disciplinary proceedings: the informal stage for early intervention and informal resolution; the formal stage, with one process for minor misconduct and admitted major misconduct (considered by a Disciplinary Officer) and another process for major misconduct that has not been admitted (considered by a Disciplinary Panel); and the review stage. Initially, allegations of misconduct may be dealt with either at the informal or the formal stage. The process for each of the stages is set out in paragraphs 52 to 93.

35. Additional information regarding the procedure for dealing with alle Tf1 0 0 1 381..280 G[)]TtID 11/La

stage or is of sufficient concern that formal stage proceedings should be instigated. In potentially

equivalent) or their authorised representatives have delegated authority to suspend a student. Any suspension of a University of Suffolk student registered at one of the partner colleges must be notified immediately in writing by the relevant Principal (or equivalent) or their authorised representative to the Vice-Chancellor and Academic Registrar.

45. The period of suspension is at the discretion of the Vice-Chancellor/Principal (or equivalent) or their authorised representative.

46. The terms of the precautionary action and the reason for it will be notified to the student in writing by the Vice-Chancellor/Principal (or equivalent) or their authorised representative.

47. A student may appeal the decision to suspend them from their studies and/or practice. An appeal and any supporting evidence should be submitted to the Office of Student Complaints and Conduct (OSACC) via email within five working days of the decision of suspension. In consultation with the Academic Registrar, the Vice-Chancellor/Principal will review and consider the appeal and an outcome will be issued to the student via email within five working days of the receipt of the appeal.

48. The Vice-Chancellor/Principal or authorised representative may take action as follows:

- Determine no change to the original decision and terms to suspend/restrict the student;
- Determine no change to the original decision to suspend but reduce or restrict the terms of the suspension e.g. permit the student to access the building for example;
- Overturn the original decision and remove the suspension/restriction.

49. Where a suspension remains, it will be reviewed every twenty working days (four weeks) until the conclusion of the case or at any stage if there is a material change in the circumstances of the case. The Office of Student Complaints and Conduct (OSACC) will invite the student to

62. The Investigating Officer will discuss their report and findings with the Dean of School and/or Academic Registrar who will decide, based on the balance of probabilities, one of the following outcomes:

- a) there is no case to answer and no further action should be taken;
- b) there is a case to answer, but it should be pursued under another procedure (for example Fitness to Study or Fitness to Practise);
- c) the allegation should be considered under the formal proceedings by a Disciplinary Officer (see paragraphs 64 to 69);
- d) the allegation should be considered under the formal proceedings by a Disciplinary Panel (see paragraphs 70 to 80);
- e) the allegation is frivolous, malicious or vexatious, in which case there is no case to answer but action may be taken against the individual who made the allegation.

63. The student will be notified by OSACC of the outcome of the preliminary investigation, normally within five working days of the decision. In

statements as they deem necessary in order to reach an informed decision.

68. At the disciplinary meeting, the Disciplinary Officer will discuss the misconduct with the student and give the student the opportunity to respond. At the end of the meeting, having considered the written evidence and the discussions with the student, the Disciplinary Officer will decide, on the balance of probabilities, if the student is guilty of the misconduct. If a student is found guilty of misconduct, the Disciplinary Officer may impose one or more of the penalties set out in Appendix 2. The penalties are further defined in paragraphs 81 to 92.

69. A representative from OSACC will be present at the disciplinary meeting to record

the outcome will be determined by the Chair.

Penalties following formal stage proceedings

81. If a student is found guilty of misconduct, one or more of the penalties outlined in Appendix 2 may be imposed.

82. In determining the penalty to be imposed, consideration should be given to:

- the seriousness of the misconduct;
- whether the student admitted the misconduct;
- any mitigating factors.

83. The student will be informed in writing by OSACC of the penalty and any conditions attached, along with the rationale for the decision. The student will also be informed of their right to appeal the decision (see paragraph 94).

84. If the decision of the Disciplinary Officer or Panel is that the student is excluded or expelled, OSACC will inform the Academic Registrar who will make a recommendation to the Vice-Chancellor for the appropriate action to be taken.

Cautions and conditional discharges

85. A student who is given a caution or conditional discharge will be required to remain on that caution or conditional discharge throughout the period in which the caution and/or conditions are in force only to lapse soon after the end of the period. The student's record will be taken into account in deciding the time limit for any new cautions and the penalty for further proven offences.

Written warnings

86. Any written warnings will remain on the student's record and will be taken into consideration if a further proven case of misconduct occurs. Written warnings should make it clear to the student what the warning is for and the potential consequence of any subsequent actions that constitute misconduct.

Fines and compensation

87. A student may be required to pay a fine to the University for acts of misconduct. For minor misconduct, the maximum fine is £50 and for major misconduct the maximum fine is £100.

88. A student may be required to pay compensation to the University or to the victim to make good, in whole or in part, any loss or damage to property or premises, or to reimburse any additional costs incurred by the University or victim as a result of the misconduct.

89. The student will be given a deadline by which to pay the fine or compensation, and will be informed whether it is possible to pay in instalments. OSACC will be notified when payment has been made. Failure to pay the fine or compensation by the deadline without good reason may result in the debt being referred to an external debt collection agency.

Exclusion

90. Only the Vice-Chancellor or their nominee at the University of Suffolk can exclude a student. A student who is excluded from the University may have restricted rights to enter the

100. Membership of the Disciplinary Appeals Panel will be determined by the Academic Registrar. No member of the Panel shall have had any prior involvement in the case being considered.

101. The Disciplinary Appeals Panel shall carry out a paper-based review of the documentary evidence considered by the Disciplinary Officer or Disciplinary Panel and the report/minutes detailing their decision, together with the written statement submitted by the student setting out the grounds for the appeal. The Panel shall not proceed by way of a re-hearing but has the power to require the presentation of such further evidence as it deems necessary to reach an informed decision.

102. The student will be informed when the Disciplinary Appeals Panel will meet but will not normally be present. In exceptional cases, for example where reasonable adjustments are required

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- Misuse or deliberate interference with computerised information

APPENDIX 2: PENALTIES

APPENDIX 3: PROCEDURE FOR ALLEGED MISCONDUCT WHICH MAY CONSTITUTE A CRIMINAL OFFENCE

1. In all instances where an alleged misconduct may constitute a criminal offence, the criminal process will take priority. Therefore, where a particular matter is being dealt with under the criminal process, then other than taking any necessary precautionary measures (see paragraphs 39 to 51), any University disciplinary processes will normally be suspended until the criminal process is completed. If the matter is not being dealt with under the criminal processes or where the criminal process is complete, then the University will consider the matter as set out in the Student Discipline Procedure.

2. All parties involved in dealing with alleged student misconduct which may constitute a criminal offence should be aware that any notes that are made or documents that are created could be requested by the police as part of a criminal investigation and individuals could be called to give evidence. It is therefore essential that clear, accurate and appropriate records are kept of all actions taken and decisions made by the University from the moment that the alleged incident is reported until the criminal and/or disciplinary proceedings are completed. A central record will be maintained on the student disciplinary file held by OSACC.

3. Where the allegation of misconduct has been made by one student against another student, the University will ensure that both the reporting student and the accused student are treated fairly and no presumptions are made about either party. The person to whom the alleged misconduct is

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

6. Where the victim is not the University, the University will normally allow the victim to decide whether to report the matter to the police, the University will support them to do so. If they do not wish to make a report to the police, then the University will comply with that decision.

7. Where the alleged misconduct may constitute a criminal offence but is not reported to the police and is instead dealt with through the Student Discipline Procedure, consideration will be given to whether any adjustments need to be made to the disciplinary proceedings to address any actual and/or perceived imbalances between the reporting student (or alleged victim) and the accused student (alleged perpetrator). For example, should the case be considered by a Disciplinary Panel, the reporting student may be allowed to provide evidence from a different room via Skype or conference call and questioning could be through the Chair so that the reporting student and accused student do not have to communicate directly with each other and to ensure that no inappropriate questions can be put to either student.

8. For matters dealt with under the Student Discipline Procedure instead of through criminal proceedings, no criminal offences should be referred to in the findings.

9. Where the police investigation results in a criminal conviction, charge or caution, the Dean of School and Academic Registrar may determine that the matter is instead considered under the Safeguarding Policy.

10. Where a student has been found guilty and sentenced by a criminal court for the alleged misconduct, the penalty imposed by the criminal court will be taken into account in deciding the disciplinary proceedings.

11. Where criminal proceedings (including bail conditions, period of time on remand and/or period of time served in custody following conviction) result in a student being absent from their

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

1. At the start of the meeting, the Disciplinary Panel will have a preliminary discussion in private. The Secretary shall then invite into the room:
 - the Investigating Officer presenting the case
 - the student who is the subject of the case
 - any accompanying friend as permitted by the Procedure

2. If the student fails to appear, the Disciplinary Panel will consider whether or not to proceed with the case immediately and may do so provided it is satisfied that the student has been properly informed of the time and place of the meeting.

3. Any witnesses whom the Disciplinary Panel has invited to attend shall remain outside the room in which the Panel is sitting until called to give evidence.

4. The Chair shall state briefly why the Disciplinary Panel is sitting.

5. The proceedings at the Disciplinary Panel will usually follow the pattern described below:
 - all written evidence will be taken as read;
 - the Investigating Officer will present their case;
 - the student will present their case;
 - the Investigating Officer and the student may question each other and may each be questioned by the Panel upon their statements or evidence, both written and oral;
 - witnesses are called one at a time and are questioned first by the Panel then by the person who nominated them and finally by the other party;
 - following the withdrawal of any witnesses who have been called, the Panel may ask any further questions of the student or the Investigating Officer;
 - the Investigating Officer may make a closing statement if wished (and may leave the room for a few minutes to prepare this);
 - the student may make a closing statement if they wish (and may leave the room for a

