



University of  
Chester

# Student Disciplinary Procedure

Approved June 2007  
Amended August 2016



This document is available in alternative formats upon request. Please contact the Proctors Office on 01244 51 1559 or email [universityproctor@chester.ac.uk](mailto:universityproctor@chester.ac.uk)

University of Chester

### **Student Disciplinary Procedure**

Approved by Senate June 2007

Revised – 4<sup>th</sup> July 2012

Revisions Formally Approved by Senate – 19<sup>th</sup> September 2012

Published – 1<sup>st</sup> August 2012

Revisions Implemented with effect from – 1<sup>st</sup> August 2013

Minor Revisions – August 2015

Minor Revisions – August 2016

Author: Rob Dawson Institutional Compliance Officer

Any queries or comments please contact either the author or:

The Proctor's Office  
University of Chester  
Parkgate Road  
Chester  
Cheshire  
CH1 4BJ

Phone: 01244 51 1559

Email: [universityproctor@chester.ac.uk](mailto:universityproctor@chester.ac.uk)

This document is available in alternative formats upon request. Please allow a minimum of 3 working days notice for the completion of your request.

# Student Disciplinary Procedure

## Contents

PART 1 - SUBSTANTIVE .....	4
I. Introduction .....	4
II. Scope of the Rules.....	5
III. Objectives of the Procedures.....	5
IV. Potential Exclusions from Disciplinary Procedures.....	6
V. Definition of Misconduct .....	6
VI. Misconduct involving Alcohol .....	7
VII. Diversity and Equality .....	8
VIII. Delegation by and Definition of Named Post Holders.....	8
IX. Timeliness.....	9
PART 2 – PROCEDURE FOR DEALING WITH DISCIPLINARY MATTERS .....	10
X. Allegations and Investigation.....	10
XI. Informal Procedure .....	11
XII. Formal Procedure.....	11
XIII. Review .....	14
XIV. Office of the Independent Adjudicator for Higher Education .....	15
XV. Conduct which may also be a Criminal Offence .....	16
XVI. Suspension and Exclusion Pending a Hearing.....	17
Appendix A - Illustrative Examples of Misconduct.....	19
Appendix Bi - Suggested Format for Hearings Under the Formal Stage.....	21
Appendix Bii - Suggested Format for Hearings Under the Review Stage .....	22
Appendix C – Flowchart of Procedure.....	23
Appendix D - Completion of Procedures Letter Template.....	24

# Student Disciplinary Procedure

## PART 1 - SUBSTANTIVE

### I. Introduction

1. Under Article 3.2.7 of the Articles of Government of the University of Chester, (hereinafter referred to as the University), the Vice-Chancellor is responsible 'for the maintenance of student discipline and, within the rules and procedures provided for within these Articles, for suspension or expulsion of students on disciplinary grounds and for implementing decisions to expel students for academic reasons.' Article 10.2 of the Articles of Government states that 'the University Council, after consultation with the Senate and representatives of the students, shall make rules with respect to the students, including procedures for suspension and expulsion.' The Student Disciplinary Rules and Procedures that the Council have made after consultation are set out below.
2. These procedures are not related to a student's academic performance. Responsibility for procedures governing a student's academic progression is exercised by the Senate (Article 3.3 of the Articles of Government).
3. These procedures do not relate to students registered on programmes of study that lead to provisional or full registration with an appropriate Professional Body or which confer a professional qualification or entitlement to practise a particular profession or calling. The University Professional Suitability Procedures must be instigated for misconduct or disciplinary matters relating to students registered as such.
4. Disciplinary procedures are not appropriate for dealing with conduct arising from mental illness and in such circumstances the University's Mental Health Policy or Professional Suitability Procedure should be implemented as appropriate.
5. The University is a community whose members work and, often, live together, and expects certain standards of behaviour. The University owes a duty of care and responsibility to members of the public within the local community. The University is entitled to protect and defend its name and reputation. It is not the University wish to control all aspects of student life. Therefore, these Rules and Procedures are limited to matters of student conduct whilst on University premises, or student conduct whilst engaged in University business, or conduct that reflects on the University and may bring the University's name into disrepute as indicated below.
6. The underlying principle is to provide an impartial process for dealing with problems of student discipline. The rules and procedures do not seek to reflect the criminal justice system or the criminal standard of proof. It is therefore only necessary for misconduct to be proved on the 'balance of probabilities' (often expressed as 'more likely than not'), rather than 'beyond reasonable doubt'.
7. The existence of the Student Disciplinary Procedure, including the definition of misconduct, will be brought to the attention of every student on first registering as a student.
8. Where the operation of this procedure causes substantial disadvantage to students with disabilities in comparison to those who are not disabled the University will make adjustments to the procedure which are reasonable if they may ameliorate the disadvantage.

# Student Disciplinary Procedure

## II. Scope of the Rules

9. The University is a community, which relates to the City of Chester, the Borough of Warrington, the town of Shrewsbury and environs. The University recognises that it has a significant part to play in this wider community. It is therefore intended that these rules and procedures should both promote a high level of responsibility within the student body and further the development of good relationships between the University, the wider community and beyond.
10. This procedure is accordingly applicable to students at all University of Chester sites. The University reserves the right to apply it also, if appropriate, to students registered on programmes of study of the University of Chester delivered by other organisations, irrespective of location, campus or site.
11. The University has a legitimate interest in student conduct which;
  - a. is related to the academic or other work of the University;
  - b. occurs on the campus or other University property or on field trips, work placements or visits elsewhere;
  - c. involves other students or staff of the University;
  - d. results in complaints concerning noise or other inconsiderate behaviour from local residents or others;
  - e. jeopardizes the good name and reputation of the University;
  - f. raises questions about whether the student should remain a member of the University because he/she poses, or may in the future pose a danger to other members of the University community or its good order; or
  - g. raises any other concern about a student's conduct.
12. In the above circumstances the University has the right to take disciplinary measures against any student studying or registered with the University, if he/she is found guilty of misconduct, as defined below. The Dean of Students may also take any appropriate action to seek to address complaints about student conduct, including advising complainants to contact their local environmental health officer regarding noise or the police regarding criminal offences, or advising students how to resolve matters amicably with neighbours.

## III. Objectives of the Procedures

13. The objectives of these Procedures are to:
  - 13.1 promote a high standard of student conduct and responsibility;
  - 13.2 protect and defend the reputation of, and public confidence in, the University;
  - 13.3 develop good relationships between the University, partner organisations and satellite sites, the wider community and beyond;
  - 13.4 provide an impartial process for dealing swiftly and fairly with misconduct.

# Student Disciplinary Procedure

## IV. Potential Exclusions from Disciplinary Procedures

14. These Procedures do not apply to:
  - 14.1 any decision made as part of, or which results from, the Occupational Health Assessment or Disclosure and Barring Service Enhanced Check for Regulated Activity undertaken as part of the suitability assessment for entry to a programme irrespective of when these checks are undertaken, for which separate procedures apply; or
  - 14.2 the entry requirements for a programme of study or the admission of students for entry to a programme of study; or
  - 14.3 any aspect of a student's academic progression including academic performance, capability and/or practical competence either in theory sessions or whilst on placement, unless concerns come to light about a student's conduct at the appropriate meeting of the examiners or in some other appropriate forum. In that event, these procedures may be initiated in respect of such concerns; or
  - 14.4 matters relating to Academic Malpractice where a student has gained, or sought to gain, advantage in assessment contrary to the established conditions under which students' knowledge, abilities or skills are assessed for progression towards, or the conferment of, an award. These matters should normally be dealt with under the 'Requirements Governing the Occurrence of Academic Malpractice by Students in the Course of Assessment' as outlined in the Handbook to Section F of the 'University Quality and Standards Manual'. However, allegations of Academic Malpractice arising by virtue of falsification of the signature of a tutor, mentor or other person may be dealt with under these procedures.
    - a. Where in the course of the Academic Malpractice proceedings it becomes apparent that the student has engaged in behaviour that would normally be dealt with under these procedures, the Academic Malpractice Panel may refer the matter to a Student Disciplinary Panel for determination of an appropriate measure notwithstanding any penalty already imposed by the Awards Assessment Board in the matter of Academic Malpractice.

## V. Definition of Misconduct

15. Subject to paragraph 11 above, a student renders herself/himself subject to disciplinary action on the grounds of misconduct if she/he improperly interferes, in the broadest sense, with the proper functioning or activities of the University, or with the lives of those who work or study at the University, or undertakes any action which may otherwise damage the University.
16. Examples of misconduct are attached as Appendix A - Illustrative Examples of Misconduct. The examples listed are illustrative only and are neither comprehensive nor exhaustive. These examples may be added to or amended as necessary by the Vice-Chancellor.
17. The conduct covered by Paragraph 15 shall constitute misconduct:

## Student Disciplinary Procedure

- a. If it took place on University, property or premises, or elsewhere, if the student was involved in a University activity, was representing the University, or was present at that place by virtue of his or her status as a student of the University.
  - b. In the case of a student registered on a programme leading to Professional qualification, if the conduct contravenes the Code of Practice for the relevant professional body, e.g. NMC, Health and Care Professions Council, Church of England, National College for Teaching and Leadership etc.
18. Codes of Practice published by professional bodies are designed to promote and safeguard appropriate standards of professional behaviour.
19. Misconduct as defined by section b shall be dealt with under the University Professional Suitability Procedure.
20. The University shall take no account of misconduct prior to enrolling as a student, which has subsequently been revealed, or is still in the process of being dealt with by other authorities unless:
  - a. The conduct is of such a serious kind and character, that it calls into question the fitness of the student to remain a member of the University, e.g. having regards to the safety of other students and staff, OR
  - b. The conduct calls into question the fitness of the student to remain on a programme leading directly to a professional qualification, or to be admitted to and practice that profession; in which case the matter will be investigated under the University Professional Suitability Procedure.

### **VI. Misconduct involving Alcohol**

21. The University has a duty to provide a safe and supportive learning environment and this includes a responsibility to address the risks posed by alcohol misuse. Students who are under the influence of alcohol are more likely to be involved in an offence either as a victim or perpetrator. The University maintains a policy on Alcohol and Drug misuse which is available on the University intranet.
22. Whilst the University regards a student's dependency on alcohol as a health matter, this is distinct from the presence or influence of alcohol in misconduct, which will be regarded as an aggravating factor in the determination of the allegation and subsequent penalty, and no allowance will be made for it.

# Student Disciplinary Procedure

## VII. Diversity and Equality

23. The University will comply with its obligations under the Equality Act 2010 to avoid discrimination because of any of the following:
  - a. age
  - b. disability
  - c. gender reassignment
  - d. marriage and civil partnership
  - e. pregnancy and maternity
  - f. race
  - g. religion or belief
  - h. sex
  - i. sexual orientation
24. Less favourable treatment of a disabled person may be justified if it is necessary in order to maintain one or more competence standards, i.e. an academic, medical or other standard applied by or on behalf of the University for the purpose of determining whether or not a person has a particular level of competence or ability. The University will keep its competence standards under review with a view to ensuring that they remain justifiable as competence standards and are both material to the circumstances of the case and substantial.

## VIII. Delegation by and Definition of Named Post Holders

25. The Vice-Chancellor, Deputy-Vice-Chancellor, Pro-Vice-Chancellor or other named post holders, including the Dean of Students, may delegate powers and responsibilities, as identified under these Rules and Procedures, to a designated alternate (Nominee) either generally or in respect of a particular case or in relation to any area of her/his responsibility under this Procedure unless otherwise stated.
  - 25.1. Further to the above throughout these Rules and Procedures the expression "Vice-Chancellor" may be interpreted as meaning the Vice-Chancellor of the University, Deputy-Vice-Chancellor of the University, a Pro-Vice-Chancellor of the University or their nominee; unless otherwise stated.
26. For the purposes of Section XII Formal Procedure the term *nominated staff* shall be regarded as any of the following University staff:
  - a. A Dean;
  - b. A Director;
  - c. A Vice, Associate or Deputy Dean;
  - d. A Vice, Associate or Deputy Director;
  - e. A Deputy Provost
  - f. A Head of Department
  - g. A member of staff equivalent or senior to any of the above.



# Student Disciplinary Procedure

27. The Dean of Students and senior staff from the same Faculty/Department as an individual student against whom an allegation has been made are excluded from Chairing the relevant Panel.

## **IX. Timeliness**

28. The University will endeavour to conclude the formal procedure within ninety (90) calendar days.
  - 28.1. Notwithstanding the above, it may be necessary for the University to alter or extend any timescale or deadline detailed in the procedure. Where this is the case the Dean of Students, the Invoking Officer or Chair of the relevant panel will, on behalf of the University, inform and explain the circumstances requiring the alteration to the student concerned.
29. If individual students against whom an allegation has been made need to request an alteration to the timescales or deadlines detailed in the procedure due to factors beyond their control, the University will consider any reasonable request made in good faith to alter the relevant timescale or extend a relevant deadline as necessary.
  - 29.1. The University reserves the right not to comply with any request made by an individual student (or their 'Friend') to alter or amend any aspect of the procedure (including timescales or deadlines) unless the Dean of Students, the Invoking Officer or Chair of the relevant panel reasonably considers it necessary to do so.
  - 29.2. Where the Dean of Students, the Invoking Officer or Chair of the relevant panel reasonably considers that any request made by a student (or their 'Friend') to alter or amend any aspect of the procedure (including timescales or deadlines) is vexatious, frivolous or intended to frustrate any aspect of the procedure including the investigation, panel hearing or any other function of the University, the request shall be refused and noted for consideration as an aggravating factor by the relevant panel at the hearing.

# Student Disciplinary Procedure

## PART 2 – PROCEDURE FOR DEALING WITH DISCIPLINARY MATTERS

### X. Allegations and Investigation

31. Allegations or complaints regarding student misconduct may be brought to the University's attention by any member of staff or student(s) of the University. In addition, allegations or complaints may be made by bodies or individuals external to the University. All such allegations or complaints should be brought to the attention of the Dean of Students (Student Support and Guidance).
32. Individuals' confidentiality will be maintained as far as is reasonably practicable. Any records should be confidential and be kept in accordance with the requirements of the Disciplinary Procedure and the Data Protection Act 1998. The student(s) concerned may receive copies of any meeting records upon request, although, in certain circumstances information may be withheld, for example to protect a witness, or where otherwise personal data relating to a third party would be disclosed. All letters and correspondence in relation to any disciplinary procedure will be handled and stored in accordance with the Data Protection Act 1998 by those involved in the procedure. Subject to the requirements of confidentiality, the University will maintain and report appropriate statistics on the use of this procedure in order to ensure its effectiveness and incidence in relation to particular equality groups.
33. On receipt of an allegation or complaint of student misconduct, the Dean of Students should not form any immediate judgement, but should instigate a preliminary investigation.
34. The preliminary investigation will normally involve the Dean of Students conducting an interview with the complainant, and any other person who can provide material facts, in order to determine the next course of action.
  - 34.1 An individual student whom the Dean of Students determines should be interviewed or called to a meeting as part of the preliminary investigation shall be entitled to be accompanied by a 'Friend', as defined below, at the interview or meeting.
    - a. A 'Friend' shall normally be a member or officer of the Student's Union, but may not be a fellow student who has had prior involvement in the case or is likely to be interviewed as part of the Dean of Students' preliminary investigation.
    - b. A 'Friend' who is a person from any other body may be permitted at the discretion of the Dean of Students.
    - c. Family members or partners will not normally be permitted to act as a 'Friend'.
    - d. 'Friends' will not be permitted to answer questions on behalf of the student.
35. Once the detailed nature of the allegation or complaint has been determined, the Dean of Students may attempt to resolve the issue by informal means, if possible and appropriate.
36. The Dean of Students may rule that the allegation or complaint does not fall within the above definitions of misconduct, in which case, it should not be the subject of further

# Student Disciplinary Procedure

action under these rules and procedures. However, this does not preclude further action being instigated under a different procedure where appropriate.

## **XI. Informal Procedure**

37. If, following the preliminary disciplinary investigation, a student is found to be guilty of, or admits, misconduct or anti-social behaviour the Dean of Students may impose one or more of the following:
- a. A warning and/or advice about future conduct.
  - b. A requirement upon the student to give an undertaking as to his/her future conduct within the University.
  - c. A requirement to undertake or participate in a form of 'restorative justice' as determined by the Dean of Students.
  - d. A requirement to undertake one or more specific tasks within the University as determined by the Dean of Students.
  - e. A fine of up to £150.
  - f. A requirement upon the student to pay for any damage to property, he/she may have caused, or to recompense the University for any loss it may have suffered arising from the students conduct.
  - g. A requirement for the matter to be referred to a Formal Discipline Panel.
38. Sanctions 37.a to 37.f above can be used for less serious breaches of the disciplinary rules where referral to the formal procedure is deemed inappropriate. The outcome under the informal procedure will be confirmed to the student's University email address.
39. Students who fail to undertake any imposed sanctions or who wish to request a Review against the imposition of the sanctions, as outlined above, will be referred to the second, formal phase of the disciplinary procedure and a decision at that stage will be final.
- 39.1. Where a student wishes to request a Review against the imposition of sanctions, as detailed in paragraph 37 above, the student must request the review in writing to the Dean of Students within five (5) working days of being informed of imposed sanctions by the Dean of Students.
- 39.2. Upon receipt of such a request the Dean of Students will confirm receipt of the request in writing and proceed to the formal stage of the procedure.

## **XII. Formal Procedure**

40. If, following preliminary investigation by the Dean of Students the allegation or complaint of student misconduct cannot be resolved by informal means or it is deemed inappropriate to deal with the allegation or complaint by informal means, the Dean of Students may refer the matter to be dealt with under the formal procedure.
41. Under the formal procedure, the allegation or complaint will be considered by a Formal Disciplinary Panel consisting of a minimum of three persons, namely:
- the Chair, selected from a list of nominated staff, as defined in paragraph 26 above (excluding the Dean of Students and senior staff from the same Faculty/Department as the student concerned);

## Student Disciplinary Procedure

- one member of the University staff, who in the case of 'Academic Staff', must not be from the same department(s) of study but maybe from the same Faculty as the student subject to these procedures; and
  - one member of the student body, or a designated officer of the student body.
- 41.1. If the alleged misconduct is considered by the Dean of Students to involve another student as a victim of the misconduct, the following restrictions regarding the membership of the panel shall apply in addition to those specified in paragraph 41 above:
- a. The Chair may not be from the same Faculty as the victim; and
  - b. The member of the University Staff may not be from the same programme or department(s) of study as the victim.
- 41.2. No person who has been involved in the preliminary investigation concerning the alleged misconduct may be a member of the Disciplinary Panel. The Invoking Officer shall not be considered a member of the Panel.
- 41.3. The name and status of each member of the Panel shall be recorded in the minutes of the hearing.
42. The invoking officer shall be nominated by the Dean of Students.
43. A student against whom an allegation or complaint has been made shall be entitled to:
- a. be made fully aware of the disciplinary procedure and of the substance of the allegations;
  - b. be provided, at least five (5) working days before any hearing, with a copy of the written evidence to be presented to the hearing. Any written evidence from the student to the Disciplinary Panel should normally be submitted not less than two (2) working days before the hearing;
  - c. be present throughout the hearing and to see and hear all the evidence;
  - d. call witnesses to give evidence on her/his behalf at the hearing and to cross-examine any witnesses; and
  - e. be accompanied, assisted or represented at the hearing by a 'Friend'. Representation by a person from any other body may be permitted at the discretion of the Chair of the Disciplinary Panel if notification has been given to the Chair, in writing, not less than two (2) working days before the hearing. Representation by a family member will not normally be permitted. Representatives will not be permitted to answer questions on behalf of the student.
44. If the student does not appear at the date and time scheduled for the hearing the Disciplinary Panel shall consider the validity of any reasons advanced for non-attendance and:
- a. if members so decide, adjourn the hearing to a later date and/or time; or
  - b. if no, or no valid, reason is advanced for non-attendance, proceed in the student's absence, regarding him or her (subject to any written account or representations) as having admitted none of the allegations.

## Student Disciplinary Procedure

45. The Chair of the Formal Disciplinary Panel shall be advised by the rules of procedures, and will normally conduct the hearing according to the suggested format as specified in Appendix B. The Dean of Students will ensure that all the necessary administrative arrangements are made. The disciplinary procedure shall be completed as expeditiously as possible.
  - 45.1 The Invoking Officer shall not be present prior to the commencement of the hearing, during any initial private meeting of the panel and during any deliberations of the Panel, except where the Panel seek clarification of matters of fact in which case all parties shall attend.
46. If the student has previously been the subject of the Student Disciplinary Procedures and found guilty of Misconduct, either at the informal or formal stages, the Chair of the Disciplinary Panel will be supplied with the relevant information, in a sealed envelope. This envelope will not be opened, nor will any of the information contained in the envelope be disclosed to any member of the Panel, until the members of the Panel have considered the evidence before them and reached a decision. If the case is upheld, the members of the Disciplinary Panel may then have access to the information in the sealed envelope. This information may be taken into account in determining the penalty to be imposed.
  - 46.1. The Invoking Officer and witnesses should not make reference to previous allegations or findings of misconduct during the Panel hearing; any references to previous allegations or findings should be removed, so far as practicable, from evidence including transcripts of interviews.
47. The Panel may either dismiss the case, or uphold the allegation. If the allegation is upheld, the Panel may decide that no further action is necessary; or that one or more of the following penalties be imposed. The following list is not exhaustive:
  - a. Expulsion of the student.
  - b. Suspension of the student from attendance at the University for a maximum of two weeks.
  - c. Exclusion of the student by selective restriction to certain parts of the campus for a specified period.
  - d. Restriction on the holding of any office or committee membership in the University, or the SU, the exact details to be specified.
  - e. A recommendation to the Vice-Chancellor or Domestic Bursar to terminate the student's accommodation contract for University accommodation or Head Tenancy and possession of the accommodation in accordance with the published terms and conditions of residence.
  - f. A written warning issued.
  - g. Referral of the student to Student Support and Guidance for advice, guidance and support.
  - h. The imposition of a fine up to a maximum of £500, this figure to reflect the seriousness of the allegations.
  - i. Any of the penalties stipulated in the informal part of this procedure.
  - j. That no further action is necessary.

# Student Disciplinary Procedure

- k. Any other penalty deemed appropriate by the Panel.
48. The Panel will communicate its decision in writing within five (5) working days of the Hearing, detailing the outcome.

## **XIII. Review**

49. Where a student does not exercise their right to request a Review, in effect timing out the procedure, the matter will be considered completed with no further recourse through the University procedure by the student(s). Where the procedure is completed in this manner a Completion of Procedures Letter will not normally be sent to the student(s) unless requested.
- 49.1. Where a student requests a Completion of Procedure Letter this will be issued by the Dean of Students, and will indicate in the letter that the student was out of time under the procedure.
50. A student may request a review against the decision of the Panel. A Review shall not take the form of a re-hearing of the case and may only be made on one or more of the grounds listed below.
- a. The emergence of significant additional evidence not available at the time of the disciplinary panel hearing which could reasonably have affected the Panel's decision if disclosed at the panel hearing.
  - b. The emergence of evidence to show that there has been mal-administration in the conduct of the disciplinary proceedings.
  - c. The emergence of evidence, which demonstrates that the penalties imposed are too severe, or they can be shown to be inconsistent with those imposed for comparable incidents.
51. The student must give notice of intention to request a review in writing to the Dean of Students within ten working days of being informed of the decision of the Panel, stating clearly which of the above grounds will form the basis for the Review.
52. Within a further five (5) working days a written statement of the grounds upon which a Review is sought must be submitted to the Dean of Students, setting out a full response to the Panel's decision, together with all additional evidence relied upon to establish the grounds for Review.
- 52.1. A request for a Review or the presentation of further documents and evidence, received after this time with cause shown for its late submission, may in exceptional circumstances be granted at the discretion of the Chair of the Disciplinary Review Committee.
53. Any student who has failed to avail themselves of the opportunity of attending a Formal Discipline Panel hearing shall be entitled to Review, only by special permission of the Chair of the Disciplinary Review Committee.
54. The Dean of Students must submit all documents pertaining to the Review upon receipt to the University Secretary who will, in turn, nominate a Chair of the Review Committee in accordance with paragraph 56 below.

## Student Disciplinary Procedure

55. The nominated Chair of the Review Committee will, based upon the documents received, consider whether or not the student has identified possible grounds for a Review and, if possible grounds for a Review have been identified, that a Review Committee should further consider the case.
  - 55.1. The sole arbiter of the validity of grounds for Review is the nominated Chair of the Disciplinary Review Committee; who may not delegate this responsibility.
56. The nominated Chair of the Review Committee shall be an individual selected from the list of nominated staff (as defined in 26 above), or a Provost, a Pro-Vice-Chancellor or the Deputy-Vice-Chancellor.
  - 56.1. The Review Committee will meet as soon as practicably possible and normally within twenty working days following receipt of the full submission from the student.
  - 56.2. The Review Committee shall be no larger than the hearing panel.
57. The Review Committee may seek to deal with the case on the basis of documentary evidence and may, at its discretion, call a meeting to which the student is invited to attend to present his/her Review in person. If the student is invited to attend in person, he/she may be accompanied by a fellow student, Students' Union representative or member of staff at the University, who may speak on his/her behalf. The name of the representative must be notified in advance to the Chair of the Review Committee no later than two days before the date of the meeting.
  - 57.1. Where a student who has been invited to present his/her review in person does not appear at the date and time scheduled for the hearing the Review Committee shall proceed to deal with case on the basis of documentary evidence.
58. The Review Committee may:
  - a. find that the grounds for a Review have not been established and that the original decision of the Disciplinary Panel should stand; or
  - b. find that the grounds for a Review have been established, in which case the Review Committee will proceed with the review of the case.
  - 58.2. If the Review Committee finds that the grounds for a Review have been established and proceeds with the review of the case, the outcomes of the Review may be to confirm, quash or vary the original findings of the Disciplinary Panel and/or any penalty imposed by the Disciplinary Panel. The Committee may also implement any sanction as specified in paragraphs 37 or 47 above should the Committee believe it to be necessary.
59. The outcome of the Review shall be final and there shall be no further opportunity to make representations to the University Council.
60. On completion of the Review procedure, a Completion of Procedures Letter will be sent to the student(s) involved.

### **XIV. Office of the Independent Adjudicator for Higher Education**

61. At the point where the Student Disciplinary procedure has been exhausted, a Completion of Procedures letter will be issued thus affording a student the right to take

## Student Disciplinary Procedure

the case to the Office of the Independent Adjudicator for Higher Education (OIA). If the student wishes to take his/her complaint to the OIA, s/he must send a Scheme Application Form within twelve months of the date of the Completion of Procedures letter. A Scheme Application Form can be downloaded from the OIA website [www.oiahe.org.uk](http://www.oiahe.org.uk).

62. Where a student has failed to comply with the University's time limits for Review the student has in effect exhausted the internal procedure and no further recourse is available to the student(s). However, in these circumstances there is no need to issue a Completion of Procedures Letter automatically. This is because the student would be able to by-pass the final stage of the University procedure and go directly to the Adjudicator.
63. However, if a student requests a Completion of Procedures Letter then one will be issued by the Dean of Students, but will indicate in the letter that the individual student was out of time under the procedure and therefore excluded from submitting a Review.

### **XV. Conduct which may also be a Criminal Offence**

64. There are occasions when behaviour on the part of a student is not only misconduct under the University's Disciplinary Rules, but may also constitute a criminal offence. Particular care will be taken to ensure that no comments are made to the media on any case that may be the subject of criminal prosecution.
65. The following procedures apply where the alleged misconduct may also constitute an offence under the criminal law, if proved in a Court of Law:
66. If an allegation of misconduct has been reported to the police, the Vice-Chancellor may decide that no action (other than suspension or exclusion pursuant to Section XVI) should be taken under these procedures until a prosecution has been completed or a decision not to prosecute has been taken.
67. If a decision not to prosecute is subsequently taken, the Vice-Chancellor shall decide whether disciplinary action should continue or be initiated under the University Disciplinary Rules and Procedures.
68. If a decision to prosecute is taken and a conviction results, the court's penalty shall be taken into consideration in determining any penalty under these Rules and Procedures.
69. If a decision to prosecute is taken and an acquittal results, the Vice-Chancellor may decide whether disciplinary action should continue or be taken under the University disciplinary rules and procedures.
70. The University has a statutory duty to refer any person who has engaged in relevant conduct and a duty to provide information to the Disclosure and Barring Service upon request. The University must refer information to the Disclosure and Barring Service when they have dismissed an individual, or an individual resigns, because they harmed, or may harm, a child or vulnerable adult; including the possession of pornographic images of children and vulnerable adults, or in the opinion of the University the misconduct may lead the DBS to consider it appropriate to bar the individual. Moreover, any form of misconduct that may be regarded as specified behaviour under the Safeguarding Vulnerable Groups Act that leads to consideration for inclusion on one



# Student Disciplinary Procedure

or both of the barred lists will lead to the individual being referred to the Disclosure and Barring Service for consideration.

## **XVI. Suspension and Exclusion Pending a Hearing**

71. A student who is the subject of a complaint or allegation of misconduct, or against whom a criminal charge is pending, or who is the subject of police investigation may be suspended, or excluded by the Vice-Chancellor or Deputy-Vice-Chancellor pending the disciplinary hearing or the outcome of police investigation.
72. When the Vice-Chancellor has delegated power to a nominee (other than the Deputy-Vice-Chancellor) a full report shall be made to the Vice-Chancellor of any suspension or exclusion by the nominee.
73. Suspension may be a total prohibition of attendance at, and access to University premises, and of participation in University activities or subject to such conditions as the Vice-Chancellor may impose.
74. Exclusion involves selective restriction on attendance at, or access to, the University premises or prohibition of exercising the functions, or duties, of any office or committee membership in the University, or the Students' Union, the exact details to be specified in writing.
75. Suspension should be used only where there are good grounds for deeming exclusion to be inadequate.
76. An order of suspension, or exclusion, may include a requirement that the student should have no contact of any kind with a named person, or persons.
77. Suspension, or exclusion, pending a hearing must not be used as a penalty. The use of the power to suspend, or exclude, under this provision is to protect the members of the University community in general, or a particular member, or members, and the power shall be used only where the Vice-Chancellor is of the opinion that it is urgent and necessary to take such action.

Students subject to a suspension or exclusion will be informed of the decision and the reasons for the decision in writing within five (5) working days of the suspension or exclusion taking place.

78. The Vice Chancellor's power of exclusion shall extend to fieldwork or field course or other organised activity away from University premises and the leader of such organised activity shall have the delegated authority to exclude any student or students. Such an exclusion decision may be in respect of a particular activity or associated residential accommodation, notwithstanding the exclusion necessitates the student leaving the course.
79. Save in respect of exclusions pursuant to Paragraph 78 above no student shall be suspended or excluded unless he, or she, has been offered an opportunity to make representations in person to the Vice-Chancellor.
  - 79.1. In cases of great urgency, the Vice-Chancellor shall be empowered to suspend a student with immediate effect.

## Student Disciplinary Procedure

- 79.2. In respect of organised activities away from the University premises the representation in person to the Vice-Chancellor shall be made as soon as practicable following return to the University.
80. A decision to suspend, or exclude, from academic activities associated with the student's course of study (other than access to the Library), shall be subject to review, where new information becomes available, or at the request of the student and normally every four weeks. The Office of the Dean of Students on behalf of the Vice-Chancellor shall conduct the review which will not involve a hearing or submissions made in person, but the student shall be entitled to submit written representations.

END

## Appendix A - Illustrative Examples of Misconduct

The examples listed below are illustrative only and are neither comprehensive nor exhaustive. These examples may be added to or amended as necessary by the Vice-Chancellor:

- a Disrupts, or improperly interferes with, the academic, administrative, sporting, social, or other activities of the University, whether on University premises or elsewhere.
- b Obstructs, or improperly interferes with, the functions, duties or activities of any student, member of staff or other employee of the University, or any authorised visitor to the University, whether on University premises or elsewhere.
- c Behaviour which brings the University into disrepute.
- d Failure to comply with any aspect of the Health and Safety Procedures, rules or duties of the University or of any other organisation to which a student may be subject. Failure to take reasonable care for the health and safety of oneself or any of any student, member of staff or other employee of the University or any authorised visitor to the University.
- e Breach of the provisions of any rules or regulations of the University or of any other organisation to which a student may be subject.
- f Offences during assessment and examination which do constitute academic malpractice, for which separate rules and procedures apply, and may constitute failure to maintain professional suitability.
- g Damage to, or defacement of, University property or the property of other members of the University community caused intentionally or recklessly, and misappropriation of such property.
- h Unauthorised publication or transmission to any third party of a University activity and/or the unauthorised use of any form of recording equipment during a University activity.
- i Misuse or unauthorised use of University premises or items of property, including computer misuse and the communications network.
- j Failure to disclose your name and other relevant details to an officer or employee of the University of Chester, in circumstances when it is reasonable to require that such Information be given.
- k Failure to comply with a previously-imposed penalty or implemented action under these rules and procedures.
- l Acts of disturbance that threaten the rights and privacy of any member of the University, whilst on University premises or engaged in University activity, or resident in University owned or managed accommodation.
- m Failure to uphold or pursue the standards expected of any relevant professional or vocational bodies, which awards qualifications to students in relation to the care, welfare or education of the public.
- n Violent, indecent, disorderly, threatening, intimidating, offensive behaviour or language (whether expressed orally or in writing, including electronically).

## Student Disciplinary Procedure

- o Conduct that may incite, fund, promote or lead to acts of violent or non-violent extremism.
- p Dishonesty or the supply of false or misleading information in relation to the University or its staff or students in connection with the holding of any office in the University, or in relation to being a student at the University, or in circumstances which the University reasonably considers affect professional suitability.
- q Any act of unlawful discrimination, or any bullying, harassment, intolerance or victimisation of any student, member of staff or other employee of the University or any authorised visitor to the University, which could reasonably be regarded as causing offence or detriment or as having been done because of a protected characteristic referred to in paragraph 23 above .
- r The sending or posting of harmful, cruel or offensive text or images using the Internet or other digital communication devices against any student, member of staff or other employee of the University or any authorised visitor to the University.
- s Possession of an offensive weapon (including replica weapons) and /or ammunition on University premises.
- t Possession of illegal drugs whilst on University premises.
- u Inclusion on one or more of the barred lists maintained under the Safeguarding Vulnerable Groups Act 2006 or any act that would lead to investigation or deregistration by an appropriate professional body.
- v Conduct which constitutes a criminal offence.
- w Failure to respect the rights of others with regards to:
  - i. Freedom of speech and expression
  - ii. Freedom of belief, thought, conscience and religion
  - iii. Confidentiality and Privacy
- x The submission to the University of false data, documents or documents containing false information/data and/or elements, such as signatures, including for the purposes of recording attendance (whether manually or electronically or using Chester-App 'Check-in'), work, assignments, timesheets or other documents including evidence to explain absence, claims for mitigating circumstances or academic appeal etc.
- y The fraudulent production of, and/or the submission to a third party of, any document purporting to be issued by the University containing false or fraudulent information and/or elements; including, but not limited to, grades, marks, confirmation of student status, confirmation of attendance, or signature or any associated matter.
- z Knowingly encouraging, permitting or assisting any individual to engage in any of the above.
- aa Any other behaviour which may reasonably be regarded as constituting misconduct or unprofessional conduct.

## Appendix Bi - Suggested Format for Hearings Under the Formal Stage

Formal hearings held under the Student Disciplinary Procedure will normally be conducted as outlined below. The Chair will be responsible for the conduct of the hearing and will have regard to the suggested format; however the Chair may conduct the hearing as s/he believes to be appropriate so long as the format adopted provides a fair and impartial process and is outlined, so far as possible, to all parties at the beginning of the hearing. Where a student admits the misconduct the panel may dispense with those parts of the suggested format which in the reasonable opinion of the Chair may be superfluous.

- I The Panel will initially meet in private to decide the format or conduct of the hearing and to examine any relevant papers submitted prior to the hearing.
- II The Chair shall invite the Invoking Officer, student and their representative to attend the Hearing.
- III In the presence of all parties the Chair will outline the format or conduct of the hearing to be adopted.
- IV The Chair will repeat to the student the allegations made against the student.
- V The Invoking Officer will present the case in support of the allegations, and may be questioned as follows:
  - a By the student or representative
  - b By the Panel
- VI Witnesses may be called to support the case for the University and will be questioned as follows:
  - a By the Invoking Officer
  - b By the student or representative
  - c By the Panel
  - d By the Invoking Officer in re examination
- VII The student or representative will present the defence and the representative and/or student may be questioned as follows:
  - a By the Invoking Officer
  - b By the Panel
- VIII Witnesses may be called to support the case of the student and will be questioned as follows:
  - a By the student or representative
  - b By the Invoking Officer
  - c By the Panel
  - d By the student or representative in re examination
- IX The Invoking Officer will summarise the case against the student.
- X The student or representative will summarise the case for the defence.
- XI The Chair will call on both parties to withdraw; but may recall either party in the presence of the other for clarification.
- XII The Chair may adjourn the hearing before reaching a decision, if further investigation is warranted.
- XIII The Chair will recall both parties and inform them of the decision, which will be confirmed in writing within 10 working days.

## **Appendix Bii - Suggested Format for Hearings Under the Review Stage**

Review Hearings held under the Student Disciplinary Procedure will normally be conducted as outlined below. The Chair will be responsible for the conduct of the hearing and will have regard to the suggested format; however, the Chair may conduct the hearing as s/he believes to be appropriate so long as the format adopted provides a fair and impartial process and is outlined, so far as possible, to all parties at the beginning of the hearing.

The student should be invited to present their case in person at a Review Hearing unless the Review Committee is reasonably satisfied that the case is an appropriate one to be dealt with on the basis of documentary evidence only.

Review Hearings will not take the form of a re-hearing of the case nor is the student expected to defend their actions or misconduct. Review Hearings are designed to allow a student to present their case as to why they believe that the finding of the Disciplinary Panel should be reconsidered based on one or more of the grounds, identified by the student, as listed below:

- a. The emergence of significant additional evidence not available at the time of the Disciplinary Hearing which could reasonably have affected the Panel's decision if disclosed at the panel hearing.
- b. The emergence of evidence to show that there has been maladministration in the conduct of the proceedings.
- c. The emergence of evidence which demonstrates that the measures implemented are too severe, or can be shown to be inconsistent with those imposed for comparable incidents.

To this end the recommended format of a Review Hearing is as follows:

- I. The Committee meets to consider the evidence including the student's written statement
- II. The student and or representative present their case
- III. The Committee questions the student and or representative
- IV. The Student and representative leave the room
- V. The Committee considers the student's submission on the grounds of the review
- VI. The Chair recalls the student and representative to inform them of the decision which will be confirmed in a Completion of Procedures Letter. Alternatively, the Panel may inform the student of the decision by letter accompanied by a Completion of Procedures Letter. Alternatively, the Panel may inform the student of the decision by letter accompanied by a Completion of Procedures Letter.

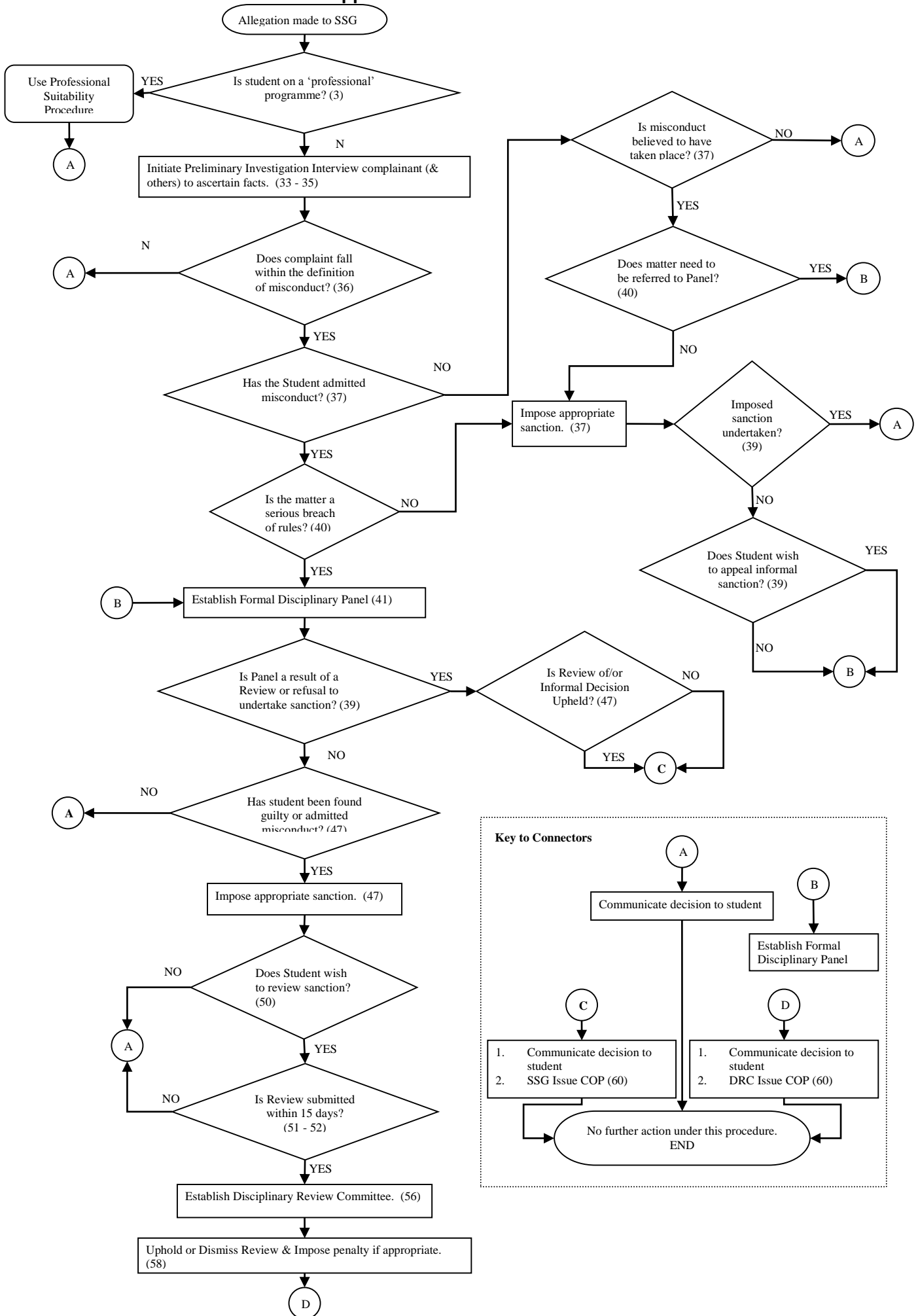
The Review Committee may:

- a. find that the grounds for a review have not been established and that the original decision of the Disciplinary Panel should stand,
- b. find that the grounds for a review have been established, in which case the Review Committee will proceed with the review of the case,

If it finds that the grounds for a review have or have not been established, the Committee may also implement any sanction as specified in paragraph 47 should the Committee believe it to be necessary.

The outcome and rationale for the decision of the Review Committee shall be recorded in the minutes.

**Appendix C – Flowchart of Procedure**



## Appendix D - Completion of Procedures Letter Template

**This template is for complaints closed on or after 9 July 2015.**

**Please note - the format may be adjusted to meet the individual circumstances of a complaint provided that the key points below are included.**

Dear [Name of complainant],

### Completion of Procedures Letter

This letter confirms that the internal procedures of [name of higher education provider] in relation to your *complaint / appeal etc\** regarding [please describe] have been completed.

*However, under the University procedure you failed to request a Review against the decision of the Panel within the required 15 days and therefore the internal procedure has been exhausted by default.<sup>1</sup>*

The issues that you raised in your *complaint / appeal etc\** were [details]

The issue(s) that were considered in relation to your *complaint / appeal etc was / were\**: [brief summary of the complaint etc].

The final decision of [name of higher education provider] is\* [detail] because [reasons].

The procedures / regulations applied were\*: [details and date as supplied to the OIA's electronic Regulations Bank].

[Name of provider] subscribes to the independent scheme for the review of student complaints. If you are dissatisfied with the outcome you may be able to apply for a review of *your complaint / appeal etc\** to the Office of the Independent Adjudicator for Higher Education (OIA) provided that the complaint you take to the OIA is eligible under its Rules.

Should you decide to make a complaint to the OIA, your OIA Complaint Form **must be received by the OIA** within **12 months** of the date of this letter, that is, it must be received by the OIA **on or before** [insert date - e.g. if the *Completion of Procedures Letter is dated 9 July 2015, this date should be 9 July 2016*].

[Include here any factors of which the provider is aware which mean that it is particularly important for the student to bring the complaint promptly.]

You can fill in the OIA's complaint form online or download a copy from the OIA website. <http://oiahe.org.uk/making-a-complaint-to-the-oia/oia-complaint-form.aspx>. The OIA also publishes *An Introduction to the OIA Scheme for Students*, which can be downloaded from [http://oiahe.org.uk/media/42715/oia\\_intro\\_leaflet\\_16pp.pdf](http://oiahe.org.uk/media/42715/oia_intro_leaflet_16pp.pdf). Alternatively, you can telephone or write to the OIA for a form. **You should send a copy of this letter to the OIA with your OIA Complaint Form.**

Guidance on submitting a complaint to the OIA and the OIA Complaint Form can also be found on the OIA's website <http://www.oiahe.org.uk/making-a-complaint-to-the-oia.aspx>. You may also wish to seek advice from the Students' Union about taking your complaint to the OIA.

Please note that the OIA will normally only review issues that have been dealt with through the provider's internal procedures.

Yours sincerely,

[Authorised signatory]

---

<sup>1</sup> This paragraph should only be used where a COP is issued where the appeal times out and following a request by the student.