

UWE Student Conduct Policy (non-academic disciplinary matters)

Students are required to familiarise themselves fully with the contents of the University Student Conduct Policy and Procedure (“the Policy or Procedure”)

1. Introduction

- 1.1. UWE is committed to helping all students get the best out of their time with us. We require our staff to behave appropriately and with respect at all times.
- 1.2. In turn, during your time as a UWE student, both while on University premises and while off campus, we expect you to behave according to the ‘Standard of Conduct’ which is to say:
 - Safely, and with regard for the safety of others;
 - with civility, consideration and respect for others; and
 - In accordance with University policies, rules and regulations, and all applicable laws.
- 1.3. This Procedure sets out how UWE will deal with circumstances where students are alleged to have breached the standard of conduct.

2. Principles

- 2.1. An impartial member of University staff shall determine each stage of this Procedure.
- 2.2. The standard of proof applied at every stage of this Procedure is the balance of probability.
- 2.3. Individuals raising allegations of misconduct will be asked to confirm their allegations in writing and identify themselves and provide contact details. The University will only take action in respect of anonymous allegations of misconduct where it considers it fair and reasonable to do so.
- 2.4. Students who are dealt with under this Policy and Procedure are encouraged to seek advice and representation from the Students Union Advice Centre.
- 2.5. Students who are dealt with under this Policy and Procedure are entitled at any meeting to be accompanied and/or represented by one staff member, friend, relative or representative of the Students Union or its staff. This is in addition to any health professional or support worker who may usually accompany the student.

- 2.6. The University will not act on an allegation which it considers to be vexatious or malicious.
- 2.7. The scale and severity of the alleged misconduct will determine at which level the student is engaged in the Procedure set out below.
- 2.8. The University will consider at each and any stage of this Procedure whether support should be offered to a student and whether a student should be referred directly to Student Support Services.
- 2.9. The penalties of suspension or expulsion of a student as disciplinary penalties will only be used if gross misconduct is judged to have occurred.

3. Scope

- 3.1. This Policy and Procedure applies to all students of the University whether the misconduct takes place on or off campus.

This includes, but is not limited to, misconduct which takes place on placement or in relation to any other activity associated with or organised by the University.

- 3.2. Persons who are not members of the University are not subject to this Policy and Procedure except in that:

- they may make an allegation of student misconduct which will be addressed under this policy; and
- A person who wishes to take up an offer of a place to study at the University may be refused entry on the grounds that their conduct has not been in keeping with the Standard of Student Conduct, as determined by following this policy/procedure.

This Policy and Procedure does not apply to allegations of academic misconduct for example e.g. plagiarism, cheating in examinations, etc. Please refer to the [Academic Regulations and Procedures](#) for further information.

4. Interaction with other legal / regulatory frameworks

- 4.1. If misconduct falls under the scope of a legal or regulatory framework other than this policy/procedure, a decision will be made about whether the misconduct would be best dealt with initially under the other framework.

For example, Students of the UWE Federation are subject to the rules of conduct of the Partner College and allegations of misconduct should usually be taken up with the Partner College in the first instance. However, if the incident occurred on UWE premises then this policy may be the best framework to deal with the allegation.

If a determination is made that the incident would be best dealt with under another legal/regulatory framework then the student should be notified that the disciplinary process has been initiated but put on hold pending the outcome of the other process. Following the outcome a decision will be taken about

whether any further action is needed under this policy/process, and the student notified of this decision.

If the determination is made that the allegation should be dealt with concurrently under both this policy/practice and another one, this will only take place where the University takes the view that there are two distinctly different aspects to the misconduct, which cannot both be investigated under one framework; and where there is a compelling reason why both should be investigated at the same time.

If alleged misconduct is being addressed under the criminal law, then this disciplinary policy will be put on hold pending the outcome of that process.

5. Misconduct

5.1. If the university becomes aware that your behaviour has fallen below the standard expected of a University member, you may be subject to disciplinary action, as set out in this Procedure.

5.2. Examples of misconduct are as follows (this is not an exhaustive list):

- failure to behave according to the 'Standard of Conduct';
- any act which threatens the reputation of the University and/or brings the University's reputation into disrepute;
- bullying, harassment or discrimination against another person;
- disruption of or improper interference with the academic, administrative, sporting, social or other activities of the University;
- failure to follow, or breach of, any of the University's policies and procedures, for example (but not limited to):
 - Health and Safety Policy;
 - Anti-bullying and Harassment Policy;
 - Drugs Policy;
 - Communications/Electronic Media Policy;
 - Equality and Diversity Policy
 - University Car Parking Policy.
- falsification or serious misuse of documents or information, and/or the provision of false or misleading information to the University;
- Incitement of behaviour by another person which would violate the 'Standard of Conduct' (if a member of the University) or any laws (if not);
- misuse of the University's facilities or name;
- obstruction of, or improper interference with the functions, duties or activities of any student or member of staff of the University or any visitor to the University;

- physical abuse against another person;
- reckless allegations against other students, staff or members of the public;
- verbal abuse against another person.

6. Gross misconduct

6.1. Examples of what may constitute gross misconduct are as follows (this is not an exhaustive list):

- Particularly serious examples of misconduct (see 5.2 above)
- Repeated or persistent misconduct;
- Failure to respond to or comply with formal disciplinary sanctions imposed under this Policy and Procedure or the University's alternative policies and procedures;
- Vexatious or malicious allegations against other students, staff or members of the public;
- Possessing, supplying and/or consuming illicit substances;
- Any serious breach of the standard of conduct or behaviour that has, or may have, a serious adverse impact on the University's students, staff or members of the public.

7. Temporary Suspension/Exclusion of Student to Mitigate Risk

7.1. This section refers to the use of a temporary suspension of a student from their studies, or temporary exclusion from University premises.

7.2. This section refers to suspension/exclusion to mitigate risk, not to its use as a disciplinary penalty. Any suspension made under [paragraph 7.3](#) is a neutral act and is not a determination under this Policy and Procedure regarding the allegation of misconduct

7.3. Where the Vice Chancellor, or his nominee, reasonably believes that a student about whom an allegation of misconduct has been raised poses a risk to:

- their own health, safety and/or wellbeing and/or that of others;
- University property; and/or
- the reputation of the University,

and immediate action is required; s/he may:

- suspend the student for a specified period of time and/or
- exclude the student from University premises for a specified period of time

pending steps being taken under this Policy and Procedure.

The student will be notified in writing of the Vice Chancellor's decision normally within 2 working days of the decision.

7.4. Where the Vice Chancellor suspends a student in accordance with **paragraph 7.3**, the student may within 10 working days of the notification of the decision appeal against the decision, on the grounds that:

- The correct procedures were not followed
- Material irregularity took place
- The decision was unreasonable in the circumstances

7.5. Where a student is suspended in accordance with **paragraph 7.3**, the Vice Chancellor will review at regular intervals whether it is reasonable for the suspension to continue or whether it should be revoked or extended.

7.6. For every 10 working days of suspension/exclusion, the student may appeal once against the suspension, on the basis that the disciplinary process has not been concluded with appropriate speed.

7.7. In addition, as part of his/her determination under **paragraph 7.3**, the Vice Chancellor or nominee will consider whether specific arrangements can reasonable be put in place for the student in order to minimise the impact on his/her studies.

For example, arrangements might be put in place to allow the student to undertake study at home or to permit the student to attend, supervised, at the University to sit an examination.

8. Procedure

Stages of this Procedure

8.1. This Procedure has three levels of resolution. These are as follows:

- Level 1 – Informal Resolution:
- Level 2 – Formal Disciplinary Process: Case Work
- Level 3 – Formal Disciplinary Hearing

8.2. The University reserves the right to initiate any level of this procedure without a prior level having been undertaken first.

9. Level 1 – Informal Resolution

9.1. Instances of minor misconduct may be remedied informally at this stage through respectful discussion with the student concerned without the requirement to escalate this matter to the higher levels set out in this Procedure.

9.2. A member of staff, preferably one who knows the student (e.g. Tutor or Student Adviser) will arrange to meet the student to discuss the alleged

misconduct. The student will be made aware of the nature of the allegation(s) and given the right to respond to the allegation(s).

9.3. The member of staff will determine whether minor misconduct has occurred and if so, whether it is appropriate to impose a sanction, set out at paragraph 9.6 below. The student will be notified of the decision in writing, with reasons, within 5 working days of the decision.

9.4. Possible outcomes of the informal process are:

- Dismissal of allegation
- No further action
- Penalty imposed
- Referral of the case to another legal/regulatory framework
- Referral of the case to Level 2

9.5. Sanctions that may be imposed are, but not limited to, as follows:

- Verbal warning (recorded)
- Written warning (recorded)
- Financial compensation of any loss suffered (recorded)
- Fine under £50 (recorded)

9.6. There is no formal appeal at this level, but a student who feels that they have been dealt with unreasonably may request that the matter be escalated to Level 2, so that fuller consideration by a different member of staff may take place.

10. Level 2 – Formal Disciplinary Process: Case Work

10.1. Instances of alleged misconduct which require more formal treatment will be dealt with under level 2. Once the allegation is received by the Director of Student Services, the case will be allocated to a Case Co-ordinator who will be the Head of the Student Advice & Enquiries Service or nominee, who will appoint a Case Worker from the management team of his/her service, who will:

- Gather any reported facts (date/time/witness statements) etc
- Identify any other legal/regulatory frameworks which may apply to the alleged misconduct
- Where possible, speak to those involved

10.2. And make a recommendation to the Director of Student Services within 2 working days about the next action which should be taken by the University.

- 10.3. If the allegation indicates that the case is urgent, for example because there may be risks arising from the misconduct, then the Case Worker should attempt to make their best judgment within the time available.
- 10.4. If those involved are not available to speak to the Case Worker, or will not speak to the Case Worker, then the s/he should attempt to make their best judgment within the information available.
- 10.5. The recommendations which the Case Worker may make are as follows:
- No further action
 - Further investigation
 - Disciplinary Hearing (Director of Student Services or her/his nominee)
 - Refer the allegation to be dealt with under a different legal/regulatory framework (this should usually be done in consultation with the person making the allegation)
- 10.6. The Director of Student Services can ask for further information or make a decision as to next action. This decision should be made within 2 working days of receiving the initial recommendation or further information requested.
- 10.7. The Director of Student Services should:
- inform the student that the Disciplinary Policy/Process has been invoked in response to an allegation of misconduct;
 - provide a copy of or link to the Disciplinary Policy/Process;
 - provide details about the alleged misconduct;
 - indicate what the next action will be (e.g. further investigation, Full Panel Hearing etc.);
- within 1 working day of making the decision.
- 10.8. As part of his/her further investigation, the Case Worker may decide to meet with the student about whom an allegation of misconduct has been made. S/he may obtain statements or meet with other staff or students to obtain relevant information. The Case Worker may invite other members of staff or students or individuals to assist at the meeting arranged with the student about whom an allegation has been made. If so, the student will be notified of the identity of other attendees at the meeting in advance of the meeting.
- 10.9. At the meeting with the Case Worker the student will be given a right to respond to the allegation(s) of misconduct and any evidence in support.
- 10.10. Following the conclusion of the Case Worker's investigation, the Head of the Advice and Enquiry Services will review all the information in relation to allegation(s) of misconduct and investigation. If the Head of the Advice and Enquiry Services considers it appropriate to do so, in consultation with the

Director of Student Services or nominee, and the student agrees, the matter may be dealt with summarily without recourse to a Disciplinary Panel.

10.11. If the Head of the Advice and Enquiry Services decides, in consultation with the Director of Student Services, that the allegation cannot be dealt with summarily, or the student does not agree to the summary procedure being followed, the matter will be referred by the Head of the Advice and Enquiry Services to a Disciplinary Hearing at Level 3 of this Procedure.

11. Summary Procedure

11.1. If the allegation(s) of misconduct is to be dealt with summarily, the Head of the Advice and Enquiry Services may make one of the following decisions:

- The allegation(s) of misconduct is unfounded; or
- The allegation(s) of misconduct is founded and an appropriate sanction should be imposed (see below).

11.2. The sanctions which may be imposed at Level 2 or Level 3 of this Procedure include, but are not limited to, any of the following:

- Verbal/written warning;
- Financial compensation referable to any loss suffered; [Practical and/or financial reparation to an alleged victim or the University];
- University Community Service, such as litter clearing on campus;
- Fixed-term exclusions from designated areas of the University, for example, social spaces, sports facilities. If this sanction is imposed a student will be notified in writing of any restricted rights to enter University premises or participate in University activities;
- Other appropriate disciplinary sanctions developed in line with recognised good practice by the Director of Student Services.

11.3. The student will be advised in writing of the decision Head of the Advice and Enquiry Services and the reasons for the decision within 5 working days of the decision being taken.

11.4. If the student is unhappy with the outcome of the Head of the Advice and Enquiry Services decision s/he may appeal against the decision made and/or any sanction imposed in accordance with the appeal section of this Policy and Procedure set out at sections 14 and 15 below.

12. Level 3 – Formal Disciplinary Hearing

12.1. Where a Level 2 matter cannot be concluded through the Summary Procedure or where there is an allegation of gross misconduct this will be dealt with at level 3 of this Procedure by a Disciplinary Panel at a Disciplinary hearing. The Case Co-Ordinator will present the University's case at the hearing.

- 12.2. In advance of the hearing, the student will be advised of the nature of the allegation(s) of misconduct, and the evidence in support in writing and the student may be invited to a further meeting with the Case Co-Ordinator. The student will be given at least 3 working days' notice of the meeting at Level 3. The student has the right to be accompanied to this meeting as set out at paragraph 2.5 above.
- 12.3. The student will be given a right to respond to the allegation(s) of misconduct and any evidence in support both in writing and/or at the meeting with the Case Co-Ordinator.
- 12.4. The Disciplinary Panel members will be appointed by the Director of Student Services. One of the panel members will be invited to act as a Chair. The panel will have 3 members, and will include senior academic post-holders.
- 12.5. An Advice Team Manager will be appointed to act as clerk to the Disciplinary Panel. The clerk will deal with queries from the student or the panel on the procedure involved. The clerk will also ensure that information is shared and a note of the hearing is taken.
- 12.6. Once the members of the Disciplinary Panel have been appointed, the student will be provided with at least 7 working days' notice of the identify of panel members and the date of the Disciplinary Panel hearing. The student has the right to be accompanied to this meeting as set out at paragraph 2.5 above.
- 12.7. The Advice Team Manager will arrange for a bundle containing the information including, but not limited to, written statements, to be considered by the Disciplinary panel to be provided to the panel members and the student or the student's representative at least 4 working days prior to the hearing.
- 12.8. The evidence presented at the hearing will normally be oral evidence given by witnesses appearing in person. The Disciplinary Panel may accept a witness's written statement where it is fair and reasonable to do so.

The procedure that may be followed at the Disciplinary Panel meeting is set out below in order to give students an idea of how the hearing will be conducted.

- 12.9. At the panel hearing, the Disciplinary Panel will hear representations in the following order:
- The Case Co-Ordinator at Level 3 ("the Presenting Officer") presents the University's case against the Student and may call witnesses;
 - The student or their representative will be given the opportunity to question the Presenting Officer and the witnesses called by the Presenting Officer;
 - The panel will be given the opportunity to question the Presenting Officer and the witnesses called by the Presenting Officer;
 - The student or their representative may present the student's response to the University's case and may call witnesses;

- The Presenting Officer will be given the opportunity to question the student or their representative and the witnesses called by the student or their representative;
- The panel will be given the opportunity to question the student or their representative and the witnesses called by the student or their representative;
- The Presenting Officer may sum up the University's case;
- The student or their representative may sum up the student's response.
- The panel will retire to deliberate in private, save that a clerk may be present to take a note. The clerk will take no part in the deliberations.
- The panel may, if it considers it appropriate, recall the Presenting Officer or the student or any witnesses to provide further information.

12.10. Following its period of deliberation, the panel may decide:

- The allegation(s) of misconduct is unfounded; or
- The allegation(s) of misconduct is founded and an appropriate sanction should be imposed (see above); and/or
- To make a recommendation that a student should be suspended (and whether any conditions should be imposed in relation to this regarding the student's use of University facilities and Support Services) or expelled from the University (and whether any conditions should be imposed should the student apply to return to the University in the future).

12.11. The Chair of the panel will notify the student of the outcome of the Disciplinary Panel with reasons, within 5 workingdays of the Panel meeting.

13. Suspension and Expulsion

13.1. If the Disciplinary Panel recommend that a student should be subject to a suspension or expulsion the matter will be referred to a Deputy Vice Chancellor (DVC), acting under delegated authority from the Vice Chancellor, to suspend or expel the student.

13.2. If the DVC decides to suspend a student, the student will be informed of this together with reasons and any conditions associated with this, in writing. If it is considered appropriate, details of the suspension may be shared with the Executive Dean who will work with the Director of Student Services and the relevant head of an Academic Department to devise and implement a plan to support the student's study.

13.3. If the DVC decides the student should be excluded from the University the student will be informed of this in writing together with reasons and any conditions associated with this, ie restricted rights to enter the University's premises and to take part in University activities.

14. Appeal

14.1. Students may raise a written appeal against the outcome of Levels 2 and 3 of this procedure within 10 working days of the outcome of the Procedure set out above on one or more of the following grounds:

- The University has failed to follow the procedure set out in this Policy and Procedure;
- The decision is unreasonable and/or a disproportionate sanction has been imposed;
- The student has material new information/evidence which was not reasonably available before.

15. Appeal against suspension or exclusion

15.1. If the student seeks to appeal against the DVC's decision to impose a suspension or expulsion, then an impartial DVC (DVC2) or a Pro Vice Chancellor (PVC) will review the written request for appeal. If the DVC2 or PVC considers that a valid ground for appeal has been raised, the DVC2 or PVC will invite the student to submit additional evidence within a specified timeframe for consideration by the Vice Chancellor.

15.2. The Vice Chancellor will consider the evidence provided and will determine an appeal against suspension or expulsion. The Vice Chancellor will make one of the following decisions:

- Dismiss the appeal; or
- Uphold the appeal and:
 - refer the matter back to an earlier level of this Procedure for reconsideration, eg if procedure had not been followed (see 14.1); or
 - refer the matter back to an earlier level of this Procedure for fresh reconsideration, eg if material new information or evidence was made available (see 14.1); or
 - impose an alternative sanction.

15.3. If the student's appeal does not involve an appeal against suspension or exclusion, then an Assistant Vice Chancellor (AVC) will review the written request for an appeal. If the AVC considers that a valid ground for appeal has been raised the AVC, will invite the student to submit additional evidence within a specified timeframe for further consideration by AVC

15.4. The AVC will determine the appeal. The AVC will make one of the following decisions:

- Dismiss the appeal; or
- Uphold the appeal and:
 - refer the matter back to an earlier level of this Procedure for reconsideration eg if procedure had not been followed (see 14.1) ; or

- refer the matter back to an earlier level of this Procedure for fresh reconsideration eg if material new information or evidence was made available (see 14.1); or
- impose an alternative sanction.

15.5. The outcome of the appeal will be notified to the student in writing together with reasons within 7 working days of determination of the appeal by the VC or AVC as appropriate. This decision is final.

16. Completion of the University Student Conduct Policy and Procedure

16.1. Following written notification of the outcome of an appeal, the University will provide to the student a Completion of Procedures letter which confirms that the University's internal procedures have been exhausted. If the student is dissatisfied with the outcome of this Policy and Procedure s/he may be able to raise a complaint before the [Office of the Independent Adjudicator \(OIA\)](#). Complaints should be received by the OIA within three months of the date of the Completion of Procedures Letter; otherwise the OIA may consider the complaint to be out of time.

17. Advice and assistance

17.1. The student may seek support and guidance from the following sources at any stage of this Policy and Procedure:

- a. Student Union Advice Centre
- b. [Student Advisers](#) (via an Information Point).

17.2. In addition [Student Services](#) and in particular, the [Wellbeing Service](#) are able to offer a range of support in relation to health, wellbeing, mental health, immigration issues, financial advice, liaison with your faculty and programme of study.

17.3. [The Disability Service](#) in Student Services will provide practical advice and assistance to students who may require reasonable adjustments to the Procedure outlined above as a result of a disability.

The University will take action under this Policy and Procedures relating to alleged misconduct only where it considers it reasonable to do so and is committed to conducting all levels and stages of the Policy and Procedures fairly and transparently.

1st December 2011