

## Procedure for Summary Disciplinary Panels (“SDP”)<sup>1</sup>

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### 1. Introduction

- 1.1. Sections 6 and 7 of [Regulation XVII \(Conduct and Discipline of Students\)](#) (the “**Regulation**”) permit certain members of the University (Authorised University Officers (“**AUO**”)) and Summary Disciplinary Panels (“**SDPs**”) to consider allegations of less-serious misconduct. This procedure sets out the processes which the University will follow in connection with such allegations. Less serious misconduct is explained in more detail in Appendix Two.
- 1.2. Misconduct is considered by the University to be serious misconduct where: owing to the gravity or nature of the allegation and/or its impact on the University or members of the University’s community or third parties, it merits consideration by and a potential sanction available to a University Disciplinary Panel (“**UDP**”); or it is alleged there has been persistent or repeated incidents of misconduct. Otherwise a case can be considered by an SDP.

### 2. Assessment

- 2.1 As per paragraph 6.1 of the Regulation, when an Authorised University Officer (“**AUO**”) becomes aware of an allegation of misconduct, the AUO will conduct a preliminary assessment to determine what steps should be taken, including whether the allegation should be referred for consideration under this procedure as an allegation of less serious misconduct. The preliminary assessment will be conducted by the AUO with appropriate support where relevant (for example, in relation to information or evidence gathering) or by someone appointed by them.
- 2.2 The preliminary assessment will first review the case to consider (1) if the alleged misconduct links to a definition of misconduct, (2) the indicative level of seriousness and (3) whether a decision on next steps can be made on the basis of existing material or with minimal information gathering.
- 2.3 Where it is decided by the AUO the allegation of misconduct should be referred for consideration under this procedure as an allegation of less-serious misconduct, the AUO may decide that further investigation into the allegation is appropriate and, if so, whether further investigation is required by them (or a delegated nominee).
- 2.4 The nature and scope of an investigation, and the manner in which it will be conducted, shall be determined by the AUO (or the investigator appointed by them) having regard to the particular allegation(s) under consideration. The investigation may involve the collection of existing documentary material, requesting additional information from inside or outside

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<sup>1</sup> Any reference to a named person in this Procedure should also be read as a reference to their delegated nominee.

the University and holding investigation meetings with relevant individuals to try to establish the facts. A member of the University should comply with a reasonable request to participate in an investigation where there may be a legitimate need to consider the information they have access to for the purposes of putting the Regulation into effect. The University will normally give individuals five working days' notice of investigation meetings and attendees will be informed of their right to be accompanied, which for students will be in accordance with paragraph 3.14 of the Regulation.

- 2.5 Ahead of meeting with a Respondent, an AUO may share with them the key details from the report prompting the enquiry which will allow the Respondent to respond appropriately. As a minimum, this will include dates, times, the general areas of concern and the indicative definitions of misconduct which apply. The sharing of other material shall be at the AUO's discretion, balancing the need to maintain fairness, protect the integrity of the case and allow for a reasonable opportunity to respond. The AUO may hold back information that is considered particularly sensitive (e.g. medical information) or that may give a Respondent an unfair advantage in the investigation. If a Respondent is later referred to a disciplinary panel, it would be expected that all relevant information, relied upon and collected, would be shared with a Respondent at that stage.
- 2.6 Upon completion of a preliminary assessment or further investigation, the AUO will determine whether:
  - 2.6.1 no further formal action should be taken under this procedure or the Regulation;
  - 2.6.2 the issues should be referred for consideration under an alternative University student regulation, policy or procedure;
  - 2.6.3 some form of informal resolution is appropriate (such as, attendance at an informal meeting or mediation, participation in restorative justice, highlighting behavioural expectations, a student offering an undertaking for future good conduct etc);
  - 2.6.4 the case is suitable for handling via a fast-track process (see 2.9 below); or
  - 2.6.5 in light of the findings, the allegation(s) should be referred for consideration by a SDP (see section 3 below) or a UDP (see [Procedure for the University Disciplinary Panel](#)).
- 2.7 In some instances, action may be taken under the Regulation in connection with an investigation which has been conducted under another University regulation or procedure and these alternative procedures may set out more detailed and tailored information about handling certain types of cases (for example, the [Student Complaints Procedure](#), [Academic Malpractice Procedure](#), [Sexual Misconduct Procedure](#)). In those circumstances, the AUO need not re-investigate such matters, but should ensure they have obtained the necessary information to enable them to proceed with the disciplinary process.
- 2.8 Investigations under this procedure should normally take no longer than 20 working days. However, where cases raise various and/or complex matters and/or extend to multiple parties, investigations may take longer.

### Fast track

- 2.9 For straightforward and less-serious issues an AUO can use a preliminary assessment and/or subsequent investigation outcome from a case and, where a breach is thought to exist, they can recommend to the student that a penalty be applied.
- 2.10 The following may be relevant considerations in deciding that fast-track is appropriate:

2.10.1 The case, if proven, is likely to only attract a low-impact penalty. Insofar as it is possible to foresee, a penalty should not significantly affect progression, graduation or professional accreditation.

2.10.2 The case relates to a straightforward issue.

2.10.3 The case is unlikely to require much discussion with the student.

2.10.4 Any messages (e.g. learning points) can be adequately communicated in writing.

2.11 The penalties available are a subset of penalties that are open to an SDP (see Appendix One). For academic malpractice this will include penalties 1.1-1.5. For general misconduct this will include penalties 2.1-2.7, 2.11-2.12.

2.12 Before a penalty can be applied, the student will be written to. This notification will outline the proposed decision, reasons for the decision and provide the supporting material. The student will be given a period of five working days to confirm whether they accept the decision and/or penalty. Not responding will be taken as acceptance. Where the outcome is accepted, the original written notification will be the University's final decision on the case. The decision will be recorded and any penalties actioned. For any further challenge to the decision, the student can request a Completion of Procedures letter.

2.13 If within the five working days the student confirms that they do not accept the decision, then the case will proceed to a disciplinary hearing. The subsequent panel is not limited to the original recommendation; the panel will be able to reach its own finding and apply penalties from the full range available to it.

2.14 After a referral has been made, if an AUO receiving the case afresh identifies that a fast-track route may be appropriate, then they may still utilise this as an option for handling the case.

### **3. SDP arrangements**

3.1. Where it is decided by the AUO the allegation(s) of less-serious misconduct should be referred for further consideration by an SDP, an SDP will normally be arranged within 20 working days of the referral being made and convene within 30 working days. Pending an SDP being convened, a student can be informed that a case of suspected misconduct is being referred to the SDP. An SDP will normally consist of the following:

- A Chair. For academic or research malpractice allegations, the Chair will normally be an academic (Senior Lecturer or equivalent), as an academic judgement may be required to determine allegations of this nature. For general misconduct allegations, the Chair may be a member of the Professional Services.
- Another member of staff. For academic or research malpractice allegations, it is good practice for the second member of staff to either be an academic or an experienced member of Professional Services. For general misconduct allegations, the member of staff may be from the Professional Services.

3.2. The SDP shall normally consist of the above two members but the University may appoint additional members where necessary e.g. due to case complexity. The SDP may have additional staff supporting the administration and process of the meeting, such as a Secretary and/or note-taker.

3.3. A student will be sent an invitation to an SDP hearing at least five working days before the date of the hearing. The invitation will include:

3.3.1. details of the alleged breach(s) of misconduct;

- 3.3.2. details of the time, date and place of the hearing;
  - 3.3.3. details of their right to be accompanied to the hearing;
  - 3.3.4. details of their right to call witnesses, to question those or other witnesses and to submit documentary evidence and/or a statement for consideration;
  - 3.3.5. copies of, or access to, the documentation which may be referred to during the hearing; and
  - 3.3.6. a copy of, or access to, this procedure.
- 3.4. The default mode of the hearing will be online via video-conference. However, the responding student may request a face-to-face hearing. The Chair may grant this request providing there are no general restrictions on on-site attendance in force, and a decision is likely to be on the basis of such factors as:
- 3.4.1. The student has support/health needs which would be helped by a face-to-face hearing
  - 3.4.2. The student has IT issues which mean that a remote hearing would be difficult or impossible to achieve
  - 3.4.3. The student wishes to engage with the Panel/witnesses face-to-face
- 3.5. Attendance at a scheduled hearing is compulsory. If a student does not engage with the disciplinary process, or fails to attend, or participate in, the hearing without good reason, the hearing may go ahead in the student's absence on the basis of the information available. In instances where a student is unable to attend an in person hearing for good reason (such as not being resident in the UK), the SDP and/or Secretary will attempt to offer alternative means of participation in the hearing, such as by video or teleconference.
- 3.6. The invitation letter will normally ask students whether they are registered with the Disability Advisory and Support Service ("**DASS**"), and if so, whether they wish to request any reasonable adjustments to the disciplinary process. Any such requests will be considered by the SDP Chair and/or Secretary, in consultation with the DASS as required.
- 3.7. As per paragraph 3.14 of the Regulation, a student may attend the hearing with a person to accompany them for support ("**Supporter**"). The student must inform the Secretary of their proposed Supporter at least two working days before the date of the hearing. The SDP will want to hear from a student in their own words and so the Supporter role does not normally extend to having a right to make statements or ask or answer questions. As SDP hearings relate to less-serious misconduct a Supporter from outside the University will not normally be permitted. Any persons acting in the role of Supporter must respect and adhere to the University's internal disciplinary process.
- 3.8. A student will be offered the opportunity to submit a written response to the allegation. A student should submit with this statement any supporting evidence they consider substantiates their statement. For a statement to be considered by the SDP, it should be sent to the SDP at least two working days before the hearing. Submissions after that date will only be accepted at the discretion of the SDP.
- 3.9. Any reasonable objection to the membership of any person or persons comprising the SDP must be made in writing to the SDP at least two working days before the hearing. If the Chair of the SDP considers a valid objection has been made they can agree to the appointment of an alternative member or members to the SDP. This may lead to the possibility of the SDP hearing being deferred to a later date.
- 3.10. The SDP shall have the power to require the attendance of any member of the University (or representative) who is best placed to present the allegation ("**Case Presenter**") and who can assist the SDP in its inquiry. It is less common for there to be Case Presenters at SDP hearings and so SDP hearings may proceed on the basis of written materials. Where a Case Presenter is invited, it shall be their duty to attend and give

evidence accordingly. The SDP Chair may accept a Case Presenter's written statement in evidence where the student agrees they need not attend, or where the Chair accepts it is impractical for them to attend, or where in the opinion of the SDP Chair it is not appropriate or necessary for them to attend. A written statement may be comprised of any pre-prepared written submission (such as an investigation report) or a written submission newly prepared for the hearing (usually where there has been limited written submissions beforehand). In the case of the latter, where possible, this will be circulated in advance, or tabled at the appropriate section of the hearing.

- 3.11. The University may request the attendance of a witness at a hearing. This could include, but is not limited to, individuals who have made a formal report against another student, individuals who may be able to provide expert guidance or other individuals associated with a case who may be able to substantively assist the SDP in its inquiry. A witness can be anyone from the internal or external University community. The University will not compel a witness to attend and may proceed without their participation at the hearing; more commonly for SDP hearings, they shall not need to involve witnesses and will proceed on the basis of written materials. However, where a witness is invited, they will be given details of the process and measures that can be taken to reduce any concerns, so that they can make an informed decision about participation. Alternative arrangements may be possible to enable them to participate in the hearing (e.g. by video- or tele-conference or with a physical divide in the room). The SDP Chair may accept a witness's written statement in evidence where the student has declined to participate or the SDP Chair agrees they need not attend, accepts it is impractical for them to attend, or where it is not appropriate or necessary for them to attend. A written statement may be comprised of any pre-prepared written submission (such as an interview transcript) or a written submission newly prepared for the hearing (usually where there has been limited written submissions beforehand). In the case of the latter, where possible, this will be circulated in advance, or tabled at the appropriate section of the hearing. Where a witness does attend it is expected that they will have the opportunity to make a verbal statement prior to a finding and there will be an opportunity to ask them questions (overseen by the SDP Chair).
- 3.12. Where a witness is a substantive reporting party in a case against another student they will be advised that they can submit an Impact Statement ahead of a hearing. An Impact Statement will not be shared before a hearing and will only be referred to if the SDP consider a penalty. The SDP Chair shall have discretion about how the Impact Statement is shared during the open part of the hearing, but it is expected that the SDP will be able to view it in full.
- 3.13. A student subject to a hearing may request the attendance of a witness if they believe this individual can assist the SDP in its inquiry around the substantive issue under consideration. The meaning of witness does extend to the attendance of character witnesses; students can supply character statements with their own written submissions. A request from a student to call witnesses should be submitted to the Secretary five working days before the date of the SDP. It shall be at the SDP Chair's discretion as to whether a witness is required for the SDP to conduct its business and the considerations under paragraph 3.11 will apply, notably that it is more common for SDP hearings to not need to involve witnesses and to proceed on the basis of written materials..
- 3.14. Any witnesses who do attend or participate in the hearing will only be provided with the necessary case details and/or materials, in order that they can effectively contribute to the hearing. It is recognised that it will not usually be appropriate to share the full case materials, nor share sensitive information. The Secretary, or person coordinating the case, will coordinate any disclosure, taking into account anything already available to the witness, but if there is a dispute, the Chair will be consulted and will have the discretion (based on their knowledge of the case material and the reason(s) the witness(es) are being called) to determine what information should be shared with witnesses. Witnesses will be instructed to maintain strict confidentiality.

- 3.15. Before a hearing, a student should not approach the SDP members (unless they are coordinating the arrangements for the hearing), Case Presenter or the University's witnesses who have been identified as taking part in the hearing.
- 3.16. The SDP Chair has the power both before, and on the day of the hearing, to postpone or adjourn the hearing to a future date. This may be where there are unexpected issues meaning the hearing cannot go ahead as scheduled e.g. a panel member's ill health, or where it is identified that additional information of significance (i.e. that could make a material difference to the panel's decision) may be required and is practical to seek. In reaching a decision, the SDP Chair may take account of any issues they consider relevant, including (but not limited to) the duration of the case, engagement with individuals before the hearing and any benefit to continuing to reach a conclusion on the case.

#### **4. The SDP hearing**

- 4.1. The SDP shall conduct the hearing in accordance with the Regulation. Findings shall be made on the balance of probabilities (this means an SDP will be satisfied an event occurred if the SDP considers, on the evidence available, that occurrence of the event was more likely than not to have taken place) and decisions will be made on a majority basis. If voting is evenly split, the Chair shall have the casting vote.
- 4.2. Where, in accordance with paragraph 3.6 of the Regulation, the hearing is convened to consider allegations of misconduct against more than one student, appropriate adjustments to the procedure will be set out before or made on the day the hearing.. The SDP will, insofar as practicable, aim to hear such the cases concurrently but may allow for the students concerned to raise sensitive matters (e.g. mitigation) in private.
- 4.3. The SDP hearing will proceed in the same manner whether remote or face-to-face, bar necessary adaptations relative to the mode of hearing. For example, with remote hearings, virtual breakout rooms may be used for different parties, rather than separate physical locations used in a face-to-face hearing. Students are expected to locate themselves in a private space for online hearings, have headphones available should they be required, and they must attend with their video/webcam turned on, if only for the initial stage of the hearing where introductions are made.
- 4.4. A remote hearing may be recorded by the University for the purpose of producing an accurate record of the meeting. The student should be informed of this in advance of the hearing, and the Secretary should ensure that the recording is destroyed once the final draft of the notes has been agreed.
- 4.5. On the day of the hearing, the SDP will first meet in private to discuss any preliminary matters pertaining to the case. This will normally relate to matters of procedure and not to determine the facts of a case. Prior to the hearing, the Chair and/or Secretary may decide on procedural matters arising but the SDP shall be the final authority.
- 4.6. At the commencement of the hearing, the student, any Supporter and Case Presenter will be invited to meet the SDP and an introduction to the hearing will be made by the Chair. The case will then normally proceed based on the steps summarised below. The process may be varied by the SDP if considered necessary to take account of the uniqueness or practicalities of the case or reasonable adjustments.
- 4.6.1. If a Case Presenter is in attendance, the allegation will first be outlined by them followed by an opportunity by both the SDP and the student to ask questions<sup>2</sup>. If a Case

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<sup>2</sup> Where there might be sensitivities to a student, Case Presenter or witness directly questioning the other parties, then questions can be put through the Chair.

Presenter is not in attendance, the SDP Chair will draw attention to the information that forms the allegation against the student.

- 4.6.2. The student is able to present their response to the allegation, after which the SDP and any Case Presenter may ask questions of the student.
- 4.6.3. If a witness has been invited to attend they will usually be brought into the hearing after steps 4.6.1 and 4.6.2 above to make a statement and to be asked questions. The witness will then be asked to leave the room but may be required to wait until the end of the hearing in case further clarification from them is needed.
- 4.6.4. The student will have an opportunity to present mitigation, make any final comments and to confirm whether they accept that a breach of the Regulation has occurred. If necessary, the SDP may discuss in private whether a breach of the Regulation has occurred before determining a penalty.
- 4.6.5. A penalty (see Appendix One) will normally be applied when there has been a finding that the Regulation has been breached. In determining a penalty the SDP will note any known previous offences, mitigation from around the time that the breach occurred and any potential consequences that particular penalties may have on the student's progression.
- 4.6.6. Discussions as to an appropriate penalty to apply are conducted in private. There will normally be an announcement of the outcome to the student and Case Presenter at the end of the hearing.
- 4.6.7. The SDP may adjourn a hearing to another date if additional time is necessary to enable the SDP to reach a conclusion on the case. If the SDP considers it has collected all of the essential oral comments, it may only be necessary for the SDP to reconvene in private (including by electronic means).
- 4.6.8. If during the hearing the SDP determine that the case is serious and may warrant a higher penalty than those it has available, then the SDP may consider referring the case to the University Disciplinary Panel. In such circumstances the SDP should not apply a penalty.
- 4.7. Following the hearing, a written record of the hearing shall be made. A letter that confirms the decision, and reasons for it, shall be sent to the student normally within ten working days of the SDP reaching its final decision. A copy of the letter will be circulated in keeping with the confidentiality provisions of paragraph 3.10 of the Regulation.
- 4.8. If the disciplinary action arose following a formal complaint by another person who has a substantial involvement in the case, the SDP may inform the reporting person of the overall finding against the student but they should not be provided with any sensitive information pertaining to the student.

## **5. Appeals**

- 5.1. Following a finding of less-serious misconduct, the student shall have a right of appeal (against both the finding and any penalty imposed as a consequence) on one or more of the following grounds:
  - 5.1.1. procedural irregularity in the operation of the disciplinary process of such a nature as to cause reasonable doubt as to whether the decision of the SDP might have been different had the irregularity not occurred;
  - 5.1.2. availability of new evidence which could not reasonably have been expected to be presented at an earlier stage;
  - 5.1.3. the disproportionate nature of the penalty.

- 5.2. Appeals must detail the grounds on which the appeal is being made and must be submitted in writing by the student concerned to the Director of Student and Academic Services (“**DSAS**”) within ten working days of the date on which written notification of the SDP decision was sent to the student.
- 5.3. On receipt of the formal appeal, the DSAS will initially consider whether the appeal is made on one or more of the grounds specified in paragraph 5.1 and if it has been submitted in the timeframe specified in paragraph 5.2. If either test fails, the student will be notified within ten working days of the appeal being received that the appeal is not eligible for consideration, with reasons given. There will be no opportunity for the student to appeal against this decision within the University and the student will be issued with a Completion of Procedures letter.
- 5.4. Upon an appeal being accepted for consideration, the DSAS will usually reach a decision within 20 working days of the appeal having been submitted.
- 5.5. The DSAS does not re-hear a case afresh, but considers whether the initial hearing and outcome were fair by reviewing the student’s appeal against the documentary evidence available. The appeal process includes, as appropriate:
  - 5.5.1. reviewing the procedures followed;
  - 5.5.2. establishing whether the appellant has presented any new evidence that could not reasonably have been expected to be presented at an earlier stage and such evidence is material and substantial to the findings;
  - 5.5.3. reviewing the penalty imposed.
- 5.6. The DSAS may submit requests for information to a student or to other areas of the University if such information is necessary to reach a conclusion on the appeal.
- 5.7. The DSAS shall reach a decision on an appeal based on the balance of probabilities. The DSAS has the authority to confirm or set aside the finding, and to confirm, set aside, reduce or increase the penalty. If a procedural irregularity or new evidence that is material and substantial has been found to exist by the DSAS, they may refer the case back for consideration to a newly constituted SDP. The DSAS may also make other recommendations they consider are reasonably necessary to address the issues identified in the appeal.
- 5.8. The student will normally receive a Completion of Procedures letter outlining the final decision and the reasons for it. The decision of the DSAS shall be final and there shall be no further opportunity for appeal against their decision within the University. If, however, the appeal results in a case being referred back to an earlier stage of the procedure for reconsideration, then a Completion of Procedures letter will not be issued, as the case is still ongoing and the student will normally have a further opportunity to appeal after the reconsideration has been concluded.
- 5.9. Students who believe their case has not been dealt with properly by the University or the outcome is unreasonable may be able to complain to the Office of the Independent Adjudicator for Higher Education (OIA) if the complaint is eligible under its rules and once all internal procedures have been concluded. Information about the role of the OIA and the procedure for submitting complaints can be obtained from the Students’ Union Advice Service or from the OIA website: [www.oiahe.org.uk](http://www.oiahe.org.uk).

## 6. Document control

Document control box	
Policy / Procedure title:	Procedure for Summary Disciplinary Panels



Date approved:	November 2023 (in effect 01 January 2024)
Approving body:	Student Conduct and Discipline Committee
Version:	1
Supersedes:	June 2021
Previous review dates:	N/A
Next review date:	2024/25
Related Statutes, Ordinances, General Regulations:	<ul style="list-style-type: none"> <li>Statute XXI (Conduct, discipline and academic progress of students)</li> <li>Regulation XVII (Conduct and Discipline of Students)</li> </ul>
	High / Medium (delete as applicable)
Related policies/procedures/guidance:	<ul style="list-style-type: none"> <li>Academic Malpractice Procedure</li> <li>Procedure for the University Disciplinary Panel</li> <li>Guidance on Applying Student Discipline Penalties</li> </ul>
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#### Amendment history

Version	Date	Reason for change
1.2	May 2021	<p>Changes approved at the April 2021 meeting of SCDC:</p> <p>Penalty 1.8 amended. This previously stated “reference to “existing opportunity for resubmission or re-assessment”, and the word “existing” has been removed.</p> <p>Two new penalties added: 2.9 and 2.10.</p>
1.3	September 2021	<p>Changes approved at the August 2021 meeting of SCDC.</p> <p>Introduces remote hearings as the default format.</p> <p>Includes a change to 3.11 indicating the material that should be shared with witnesses.</p>
1.4	February 2022	Director of Teaching, Learning and Student Development (DTLSD) changed to Head of Student and Academic Services (HSAS) throughout.
1.5	January 2023	<p>Agreed at Dec 2022 meeting of SCDC</p> <p>New penalty added 2.11 – no contact</p> <p>Codification of fast-track process – 2.7 – 2.12</p> <p>Minor amends to links, references and some wording</p>
1.6	January 2024	Change to academic malpractice penalty range – previous penalties 1.6 and 1.7 replaced by expanded range of 1.6-1.9.
1.7	March 2024	Section 2 – updates to material provision and distinguishing assessment from investigation.

		<p>Paragraphs 3.10 – 3.14 – amendments and new insertions to clarify position on written statements and witness participation.</p> <p>Paragraph 3.16 – clarification around postponements and adjournments.</p> <p>Appendix Two – 2(e) example included around registers.</p>
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## **Appendix One**

### **Penalties available to a SDP**

**Note:** for further information about the application of penalties, please see the [Guidance on Applying Student Discipline Penalties](#).

#### **1. Penalties for academic malpractice**

- 1.1. A reprimand and warning about future behaviour.
- 1.2. A requirement upon the student to apologise for the misconduct to those who may have been affected by it.
- 1.3. A requirement for the student to undertake appropriate training related to the misconduct.
- 1.4. For any penalty available to be deferred and only imposed should any future breach of the Regulation occur.
- 1.5. The examining authority will be informed the mark for the piece of work or assessment should be reduced.
- 1.6. A recorded mark of zero for the examination paper or other assessed work in which unfair practice occurred. Should a re-assessment/resubmission opportunity be available or required this will, if passed, be capped at the lowest compensatable fail mark.
- 1.7. A recorded mark of zero for multiple components of assessed work (to be specified by the panel) within the unit where unfair practice occurred. Should a re-assessment/resubmission opportunity be available or required this will, if passed, be capped at the lowest compensatable fail mark.
- 1.8. A recorded mark of zero for the course unit in which the unfair practice occurred, with the allowance for a student to retain credit subject to their compensation limit not being exceeded. Should a re-assessment/resubmission opportunity still be required for programme requirements it will, if passed, be capped at the lowest compensatable fail mark.
- 1.9. A recorded mark of zero for the course unit in which the unfair practice occurred, with the student losing credit. Should a re-assessment/resubmission opportunity be available it will, if passed, be capped at the lowest compensatable fail mark, and the student can regain the lost credit.

(Additional penalties open to all cases considered by Faculty-based SDPs or equivalent e.g. Division of Campus Life, but not School-based SDPs)

- 1.10. In conjunction with any other penalty, for an opportunity for resubmission or re-assessment shall only be permitted for the purpose of obtaining credit.
- 1.11. Not allowing the student an opportunity for re-assessment in, or resubmission for, the piece of work or course unit(s) in which the unfair practice occurred.

#### **2. Penalties for general misconduct**

- 2.1. A reprimand and warning about future behaviour.
- 2.2. A requirement upon the student to give an undertaking as to their future good conduct within the University.

- 2.3. A requirement upon the student to apologise for the misconduct to those who may have been affected by it.
- 2.4. A requirement upon the student to remove any material (either physical or electronic) associated with the misconduct.
- 2.5. A requirement for the student to undertake appropriate training related to the misconduct.
- 2.6. A requirement upon the student to pay for any damage to property they may have caused or to make restitution to the University or another individual for any loss they may have suffered arising from the student's misconduct.
- 2.7. A fine of not more than £500.
- 2.8. A requirement upon the student to undertake specified tasks or services for the benefit of the School or hall of residence or the University community up to a maximum of forty hours.
- 2.9. A temporary suspension (full or partial) of access to a specific on-campus location (for example, a laboratory, or library), facility or participation in a University-related activity (e.g. sports club).
- 2.10. A recommendation to the Head of Accommodation Administration Services to issue the student with a Notice to Terminate their accommodation Licence Agreement in University owned and leased Halls of Residence.
- 2.11. A requirement of no contact (direct or indirect) from the student to any individuals identified by the panel.
- 2.12. For any penalty available to be deferred and only imposed should any future breach of the Regulation occur.

## Appendix Two

### Assessing whether an Allegation of Misconduct should be referred to a SDP

- 1) Allegations of misconduct should first be brought to the attention of a member of staff's Authorised University Officer ("AUO"), who can then review the information available to determine whether the case can be handled by a SDP or may warrant referral to the University Disciplinary Panel ("UDP").
  
- 2) The AUO will make their decision based on:
  - The nature of the misconduct and its impact;
  - The examples of offences listed in the Regulation and the examples given below;
  - The level of penalty that might be warranted;
  - The evidence of the alleged misconduct;
  - Any statement of the student and/or any mitigation known to be present in the case; and/or
  - Whether the student has committed an offence or offences in the past.
  
- 3) The following list of offences is indicative (but not exhaustive) of misconduct that may warrant consideration by the SDP:

<b>Offences</b> (with reference to the paragraphs under the Regulation)	<b>Examples of unacceptable behaviour</b>
Operational obstruction (2a and b)	<ul style="list-style-type: none"> <li>• Minor disruption in a room being used for academic purposes.</li> <li>• Causing the cancellation of a sporting match.</li> <li>• Stopping a member of staff from performing their role due to unnecessary behaviour on the part of a student.</li> </ul>
Disorderly behaviour (2c)	<ul style="list-style-type: none"> <li>• Shouting and swearing.</li> <li>• Inappropriate content and/or tone of communications with others.</li> <li>• Minor physical altercations, such as pushing or shoving.</li> <li>• Creating excessive noise in halls of residence during exam periods.</li> </ul>
Material distribution or publication (2d, k and l)	<ul style="list-style-type: none"> <li>• Releasing material that has had, but was not intended to have, a negative effect on others.</li> <li>• Material that has been, or has the potential to be, seen by a limited audience.</li> <li>• Material which is known to be inaccurate and has no factual basis and which has a minor effect on others.</li> </ul>
Fraud and dishonesty (2e)	<ul style="list-style-type: none"> <li>• Submission of informal documentation with minor inaccuracies.</li> <li>• Dishonest behaviour that was committed without due care and attention and which has limited impact on the University or others.</li> <li>• Signing a class attendance register on someone's behalf or getting someone else to do so.</li> </ul>

Health and safety concerns (2f)	<ul style="list-style-type: none"> <li>• One-off, minor and/or unintentional acts that may cause limited health and safety concerns e.g. smoking outside of designated areas, storing prohibited items.</li> </ul>
Property concerns (2g)	<ul style="list-style-type: none"> <li>• Reckless minor damage to low value and/or non-essential property e.g. breaking a chair.</li> <li>• Removing low-value or non-essential items from a designated area of the University e.g. taking a laptop without permission and failing to return it.</li> </ul>
Reputational damage (2h)	<ul style="list-style-type: none"> <li>• The negative report of an incident in the media.</li> <li>• The generation of minor third party complaints.</li> <li>• The affected community is not in particularly close proximity to, or have a clear relationship with, the University.</li> </ul>
Discrimination, bullying, harassment and victimisation (2i)	<ul style="list-style-type: none"> <li>• Isolated incidents of harassment and/or bullying.</li> <li>• Conduct that interferes with the work or studies of any student, member of staff or authorised visitor to the University.</li> <li>• Minor offensive remarks relating to individual(s) or the University via social media.</li> <li>• Reckless conduct that indirectly affects another person because it concerns a protected characteristic e.g. race, religion, gender.</li> </ul>
Sexual misconduct (2j)	<p>Conduct of this nature can be victim led in terms of expected outcomes. Less serious cases might include:</p> <ul style="list-style-type: none"> <li>• Wolf whistling.</li> <li>• Cat calling.</li> </ul>
Breach of Freedom of Speech (2k)	<ul style="list-style-type: none"> <li>• Isolated or unintended restriction of participation in events by organisers on others, without good reason.</li> <li>• Non-compliance with any conditions placed around the organisation and arrangements for events e.g. not applying for an event to take place.</li> </ul>
Improper use of University premises, IT or property (2l)	<ul style="list-style-type: none"> <li>• Unintentional disclosure of the personal data of other members, or former members, of the University.</li> <li>• Recklessly introducing vulnerabilities to the IT network.</li> <li>• Use of University premises without permission for non-academic purposes.</li> <li>• Sharing password or log-in details.</li> </ul>
Breaching other University policies and procedures (2m)	<ul style="list-style-type: none"> <li>• Minor infractions of University policies and procedures e.g. generating noise outside of accepted times under the Terms and Conditions of Residence.</li> </ul>
Criminal offences (2n)	<ul style="list-style-type: none"> <li>• Minor personal possession of a low category controlled drug or psychoactive substance (category B or C) as listed under the Misuse of Drugs Act 1971 or as per the Psychoactive Substance Act 2016.</li> <li>• Defrauding the University concerning something of a small monetary value.</li> <li>• Minor physical contact or interference with a member of the University or its community.</li> <li>• Where the offence has created a risk to members of the University community.</li> </ul>

Non-disclosure of a person's name (2o)	<ul style="list-style-type: none"> <li>• Most situations under this definition can be dealt with at a summary level e.g. a student not identifying themselves or others to Security.</li> </ul>
Submitting a vexatious complaint (2q)	<ul style="list-style-type: none"> <li>• The submission of a complaint with the intention that it causes disruption and/or disproportionate efforts by the person dealing with the complaint.</li> <li>• The submission of a complaint known to be false and inaccurate.</li> </ul>
Misconduct in research (2q)	<ul style="list-style-type: none"> <li>• Unintentional and minor deviation from accepted research practice.</li> <li>• Reckless mismanagement of data.</li> </ul>
Academic malpractice (2r)	<ul style="list-style-type: none"> <li>• See the Academic Malpractice Procedure.</li> <li>• When the malpractice content is considered to be minor and takes place in a low-credit bearing piece of work, usually when a student is of an early year of study at the University.</li> </ul>
Failure to comply with a penalty imposed or instruction given through previous disciplinary action (2s)	<ul style="list-style-type: none"> <li>• Where a student has, without good reason, failed to comply with a previously imposed less-severe penalty e.g. the student has not taken on board a warning.</li> <li>• Not respecting local rules within University facilities e.g. generating noise in the library.</li> </ul>