The University of Manchester

Procedure for the University Disciplinary Panel ("UDP")[1]

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1. Introduction

1.1. Sections 6 and 7 of Regulation XVII (Conduct and Discipline of Students) (the "**Regulation**") permit the referral of serious misconduct. This procedure sets out the processes which the University will follow in connection with such allegations. 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 a Summary Disciplinary Panel ("**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 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 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).

[1] Any reference to a named person in this Procedure should also be read as a reference to their 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 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 UDP (see section 3 below) or a SDP (see Procedure for Summary Disciplinary Panels).

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. UDP arrangements

3.1. If an AUO considers the allegation is one of serious misconduct and should be referred to the UDP, they should notify the Director of Campus Life ("**DoCL**"). As part of the notification, it is good practice submit a Student Discipline Referral Form describing the nature of the misconduct.

3.2. If the DoCL considers it appropriate, they shall arrange for a meeting of the UDP for the purpose of considering the alleged breach of the Regulation. The DoCL will normally arrange a meeting of the UDP within 20 working days of the referral being made and for it to convene within 30 working days of the referral being made.

Hearings may take longer to arrange where there are particular factors to account for e.g. the hearing needs to be of an extended duration. Pending a UDP being convened, a student can be informed that a case of suspected misconduct is being referred to the UDP.

3.3. In instances where the DoCL considers the alleged breach is less-serious or not otherwise appropriate to refer to the UDP, they may recommend a case is instead considered through an alternative process e.g. via an SDP, or not at all.

3.4. The UDP shall normally consist of any five of the following members:

- A Chair (selected from the eligible membership of the Student Conduct and Discipline Committee). The Chair must be present for the UDP to be quorate.
- Any academic or Professional Services member of the Student Conduct and Discipline Committee.
- Any academic or Professional Services member of staff, drawn from a list established for the purpose by the Student Conduct and Discipline Committee.
- Any member of the Students' Union Executive Team or registered student of the University as nominated by the Students' Union.

3.5. The UDP may proceed with a minimum panel size of four members and shall have the power to appoint additional members as appropriate. The UDP may have additional staff supporting the administration and process of meeting, such as a Secretary and/or note-taker.

3.6. A student will receive an invitation to a UDP hearing at least ten working days before the date of the hearing. The invitation will include:

3.6.1. details of the alleged breach(s) of misconduct;
3.6.2. details of the time, date and place of the hearing;
3.6.3. details of their right to be accompanied to the hearing;
3.6.4. details of their right to call witnesses, to question those or other witnesses and to submit documentary evidence and/or a statement for consideration;
3.6.5. copies of, or access to, the documentation which may be referred to during the hearing; and
3.6.6. a copy of, or access to, this procedure.

3.7. The default mode of the hearing will be on-line 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:

3.7.1. The student has support/health needs which would be helped by a face-to-face hearing
3.7.2. The student has IT issues which mean that a remote hearing would be difficult or impossible to achieve
3.7.3. The student wishes to engage with the Panel/witnesses face-to-face

3.8. 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.

3.9. 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 UDP Chair and/or Secretary, in consultation with the DASS as required.

3.10. 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 UDP 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. A request to expand the persons eligible to act as Supporter at UDP hearings can be submitted to the Secretary no later than five working days before the hearing. Whether the request is accepted will be at the discretion of UDP Chair. Any persons acting in the role of Supporter must respect and adhere to the University's internal disciplinary process.

3.11. 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 UDP, it should be sent to the Secretary at least three working days before the hearing. Submissions after that date will only be accepted at the discretion of the UDP.

3.12. Any reasonable objection to the membership of any person or persons must be made by a student to the UDP Secretary at least five working days before the hearing. If the Chair of the UDP considers that a valid objection has been made they can agree to the appointment of an alternative member or members to the UDP. This may lead to the possibility of the UDP hearing being deferred to a later date.

3.13. The UDP 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 UDP in its inquiry. It is expected there will be a Case Presenter in attendance at UDP level hearings. It shall be the duty of the Case Presenter to attend and give evidence accordingly. The UDP 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 UDP 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.

3.14. 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 UDP 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. However, witnesses 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 UDP Chair may accept a witness's written statement in evidence where the student has declined to participate or the UDP 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 UDP Chair).

3.15. 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 UDP consider a penalty. The UDP Chair shall have discretion about how the Impact Statement is shared during the open part of the hearing, but it is expected that the UDP will be able to view it in full.

3.16. A student subject to a hearing may request the attendance of a witness if they believe this individual can assist the UDP in its inquiry around the substantive issue under consideration. The meaning of witness does not extend to the attendance of character witnesses; students can supply charter 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 UDP. It shall be at the UDP Chair's discretion as to whether a witness is required for the UDP to conduct its business and the considerations under paragraph 3.14 will apply

3.17. 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 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

3.18. Before a hearing, a student should not approach the UDP members, Case Presenter or the University's witnesses who have been identified as taking part in the hearing.

3.19. The UDP 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 UDP Chair may can 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 UDP hearing

4.1. The UDP shall conduct the hearing in accordance with the Regulation. Findings shall be made on the balance of probabilities (this means a UDP will be satisfied an event

occurred if the UDP 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 UDP 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 UDP 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 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 UDP 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 UDP 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 UDP and an introduction to the hearing will be made by the Chair. The case will then normally proceed based on the steps as summarised. The process may be varied by the UDP if considered necessary to take account of the uniqueness or practicalities of the case or reasonable adjustments.

4.6.1. The allegation will be outlined by the Case Presenter after which the UDP and student may question the Case Presenter[2]. If a Case Presenter is not in attendance, the UDP 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 UDP and 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. If necessary, the UDP may discuss in private whether a breach of the Regulation has occurred before determining a penalty.

[2] 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.

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 UDP 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 UDP may adjourn a hearing to another date if additional time is necessary to enable the UDP to reach a conclusion on the case. If the UDP considers it has collected all of the essential oral comments, it may only be necessary for the UDP to reconvene in private (including by electronic means).

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 UDP 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 and who has a substantial involvement in the case, the UDP 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 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 UDP 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 UDP 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 (following consultation with an Appeal Board Chair), 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, an initial assessment of the appeal will be carried out, factoring in the complexity and seriousness of the case. The DSAS may determine that a desk-based review of the appeal is appropriate. In this case, the

DSAS will consult with an Appeal Board Chair, and the outcome will be via Chair's action. Upon an appeal being accepted for consideration via this route, the DSAS will usually reach a decision within 20 working days of the appeal having been submitted. A desk-based review will continue to apply the principles in the remaining paragraphs of this Procedure, except those that only apply to the operation of the Appeal Board, and with DSAS replacing references to Appeal Board. Where this approach is not appropriate, an Appeal Board will be convened to consider the appeal.

5.5. Where required, the Appeal Board will be arranged and will usually aim to meet within 30 working days of the appeal having been submitted.

5.6. The default mode of the Appeals Board will be on-line via video-conference, as outlined in 3.7 above.

5.7. The Appeal Board shall consist of any five of the following members who have had no prior involvement in the case:

- A Vice-President, Dean of a Faculty, Associate Vice-President, or Vice/Associate Dean (in the Chair). The Chair must be present for the Appeal Board to be quorate.
- Any academic or Professional Services member of the Student Conduct and Discipline Committee.
- Any academic or Professional Services member of staff, drawn from a list established for the purpose by the Student Conduct and Discipline Committee.
- Any member of the Students' Union Executive Team or registered student of the University as nominated by the Students' Union.

5.8. The Appeal Board may proceed with a minimum panel size of four members and shall have the power to appoint additional members as appropriate. The Appeal Board may have additional staff supporting the administration and process of meeting, such as a Secretary and/or note-taker.

5.9. A student whose appeal is being considered should not approach the members of Appeal Board.

5.10. The Appeal Board 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 Board process includes, as appropriate:

5.10.1. reviewing the procedures followed;

5.10.2. 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;

5.10.3. reviewing the penalty imposed.

5.11. The Appeal Board shall seek to deal with the case on the basis of documentary evidence and may, at its discretion, call a meeting to which the appellant is invited to present their appeal in person. In such an event, the appellant may be accompanied to the meeting as permitted at paragraph 3.10 of this procedure. The student will be released from the meeting when they have made their statement and the Appeal Board will continue its deliberations in private. The Appeal Board may also 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.

5.12. The Appeal Board shall reach a decision on an appeal on the balance of probabilities. Decisions may be by a majority. If voting is evenly split, the Chair will have a casting vote.

5.13. The Appeal Board shall have 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 an Appeal Board, it may refer the case back for consideration to a newly constituted UDP. The Appeal Board may also make other recommendations they consider are reasonably necessary to address issues identified in the appeal.

5.14. The student will normally receive a Completion of Procedures letter within ten working days after the Appeal Board has reached its final decision on an appeal. The letter will outline the decision and the reasons for it. The decision of the Appeal Board hearing the appeal shall be final and there shall be no further opportunity for appeal against that decision within the University. If, however, the appeal results in a case being referred back to an earlier stage of the procedure for reconsideration, 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.

5.15. 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.

6. Document control

Document control box	
Policy / Procedure title:	Procedure for the University Disciplinary Panel
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Version:	8
Supersedes:	March 2024
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Related Statutes, Ordinances, General Regulations:	• Statute XXI (Conduct, discipline and academic progress of students) • Regulation XVII (Conduct and Discipline of Students)
Equality rating	High / Medium (delete as applicable)
Related policies/procedures/guidance:	• Academic Malpractice Procedure • Procedure for Summary Disciplinary Panels • Guidance on Applying Student Discipline Penalties
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Amendment history

Version	Date	Reason for change
1.2	May 2021	Changes approved at the April 2021 meeting of SCDC: Paragraph 3.4 and 5.7, bullet point 3, amended to include academic **or Professional Services** member of staff. Penalty 1.8 amended. Where this stated "reference to "**existing** opportunity for resubmission or re-assessment", the word "existing" has been removed. One new penalty added: 2.10.
1.3	Sept 2021	Changes approved at the August 2021 meeting of SCDC. Introduces remote hearings as the default format. Includes a change to 3.14 indicating the material that should be shared with witnesses. Change from 2 to 3 working days' deadline for students to submit statements to the UDP.
1.4	Feb 2022	Director of Teaching, Learning and Student Development (DTLSD) changed to Head of Student and Academic Services (HSAS) throughout. 5.4 added – Scope for appeals to be considered via a desk-based review and Chair's action where SDP penalty or penalties have been applied.
1.5	Jan 2023	Agreed at Dec 2022 meeting of SCDC New penalty added 2.11 – no contact Codification of fast-track process – 2.7 – 2.12 Minor updates to references, links and wording.
1.6	Jan 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. Paragraphs 3.13 – 3.17 – amendments and new insertions to clarify position on written statements and witness participation. Paragraph 3.19 – clarification around postponements and adjournments. Appendix Two – 2(e) example included around registers.

1.8	March 2025	Updated 3.4 to remove the need for a Chair to be an academic. Updated 4.4 to remove the word ‘remote’ when referring to recording a hearing.

Appendix One

Penalties available to the UDP

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.

1.10. In conjunction with any other penalty, 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.

1.12. A recorded mark of zero for all examination papers and other assessed work taken during the examination period (e.g. end of first semester (January); end of second semester (May/June); resit (August/September)) in which unfair practice occurred.

1.13. A recorded mark of zero for all examination papers and other assessed work taken during the academic year.

1.14. Require the examining authority to reduce the class of degree by one or more classes from that which would have been awarded on the basis of the student's academic progress, or to award a lesser qualification.

1.15. The student being required to exit the University early following a final opportunity at assessment, in order to accumulate the credits, or meet the academic requirements, for a specified exit award.

1.16. A requirement that a student repeats a component, or components, of their studies, with or without attendance, in a subsequent academic year.

1.17. Exclusion from the University (or part thereof). This is a time-limited sanction which allows the student to remain a member of the University.

1.18. Expulsion from the University, which means the student shall have their registration terminated and will lose all rights and privileges of that registration and of any future relationship with the University.

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 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 £1000.

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.

2.13. The student being required to exit the University early following a final opportunity at assessment, in order to accumulate the credits, or meet the academic requirements, for a specified exit award.

2.14. Exclusion from the University (or part thereof). This is a time-limited sanction which allows the student to remain a member of the University.

2.15. Expulsion from the University, which means the student shall have their registration terminated and will lose all rights and privileges of that registration and of any future relationship with the University.

Appendix Two

Assessing whether an Allegation of Misconduct should be referred to the University Disciplinary Panel ("UDP")

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 Summary Disciplinary Panel ("**SDP**") or may warrant referral to the 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) For UDP cases a Student Discipline Referral Form can be completed and sent to the Director of Campus Life ("**DoCL**"), who has responsibility for overseeing UDP hearings. On receipt of the Student Discipline Referral Form the DoCL will decide whether to:
   - refer the allegation of misconduct to the UDP for consideration;
   - refer the allegation of misconduct back to the AUO concerned, or to an alternative AUO, for summary action; or
   - recommend that formal disciplinary action should not take place or alternative processes are considered instead.

4) The following list of offences is indicative (but not exhaustive) of misconduct that may warrant consideration by the UDP:

Offences (with reference to the paragraphs under the Regulation)	**Examples of unacceptable behaviour**
Operational obstruction (2a and b)	• The student has acted in such a manner as to prevent the University from fulfilling its statutory or other responsibilities towards any student, member of staff or visitor to the University. • Conduct leading to another person's sustained absence from work or study. • Significantly disrupting the teaching and learning provision for another student.
Disorderly behaviour (2c)	• Persistent and aggressive communications with others, which may cause distress. Violent conduct: • Injury is sustained by a third party • Choking or strangulation • Stamping on any part of body • Slapping, punching or biting another person • Sustained attack against one or more persons

	• Behaviour endangering others or self, e.g. throwing items out of windows, misuse of lifts.
Material distribution or publication (2d, k and l)	• Releasing material knowing it to be offensive, intimidating, threatening, indecent or illegal. • Material that is intended to cause anxiety and distress to others. • Material that has been, or has the potential to be, seen by a large audience. • Material that promotes extremist views and/or could incite hatred.
Fraud and dishonesty (2e)	• Fraudulent production of University documentation. • Fraudulent use of the University's name, logo or a University user account, or fraudulently claiming association with the University with the intention to deceive. • Submission of falsified information to the University in order to gain a significant advantage e.g. entry to University, substantial mitigation. • Providing fraudulent or dishonest information during a disciplinary investigation. • Repeatedly, or knowing it to be inappropriate, signing a class attendance register on someone's behalf or getting someone else to do so.
Health and safety concerns (2f)	• Repetitive, significant and/or malicious interference with fire prevention, fire detection equipment or other safety measures e.g. blockading doors. • Misuse of chemicals or equipment. • Allowing the discharge of incendiary items in the vicinity of others. • Possession of offensive weapons e.g. guns, knives etc.
Property concerns (2g)	• Intentional significant material damage to high value and/or essential property. • Causing damage which presents serious risks to others e.g. breaking a window and failing to report it. • Significant misuse of University funding e.g. using an accessible finance account to fund matters un-related to study or University business.
Reputational damage (2h)	• Negative reporting of an incident in multiple media outlets. • The generation of multiple third party complaints. • Persistent off-campus noise complaints.
Discrimination, bullying, harassment and victimisation (2i)	• Repeated harassment and/or bullying when already given a warning. • Conduct that significantly interferes with the work or studies of any student, member of staff or authorised visitor to the University. • Significant defamatory remarks about, or abuse of, individual(s) or the University via social media. • Threatening violence against another.

	• Conduct intentionally directed against another person because of a protected characteristic e.g. race, religion, gender.
Sexual misconduct (2j)	• Sexual contact without consent. • Sharing private sexual images without consent. • Inappropriately showing sexual organs to another person. Further examples are listed in the Sexual Misconduct Procedure.
Breach of Freedom of Speech (2k)	• Continuous suppression of freedom of thought and expression. • (Beyond the articulation of points of view) incitement to riot, insurrection, racial hatred, religious hatred, sexual harassment or other activities (beyond the right of peaceful protest) which are likely to cause a breach of the peace or public disorder or otherwise to be unlawful. • Holding controversial events where permission has already been reasonably refused.
Improper use of University premises, IT or property (2l)	• Intentional access and/or improper use of the personal data of other members, or former members, of the University. • Wilfully introducing vulnerabilities to the IT network. • Use of University facilities for illegal or immoral purposes or in ways that may otherwise be deemed unlawful. • Sharing password or log-in details.
Breaching other University policies and procedures (2m)	• Breaching of University rules and processes, which the student had been clearly notified of and breach of which has serious consequences on others.
Criminal offences (2n)	• Possession with intent to supply a controlled drug or psychoactive substance (category A, B or C) as listed under the Misuse of Drugs Act 1971 or as per the Psychoactive Substance Act 2016. • Defrauding the University concerning something of large monetary value. • Significant physical contact or interference with a member of the University or its community. • Where the offence has created a serious risk to members of the University community.
Non-disclosure of a person's name (2o)	• Where there have been multiple refusals to disclose the names of individuals in serious disciplinary cases despite reasonable requests to do so.
Submitting a vexatious complaint (2q)	• The submission of a complaint known to be false and which has resulted in serious adverse consequences on the respondent to the complaint. • A sustained pattern of vexatious complaints.
Misconduct in research (2q)	• Students found guilty of misconduct in research following an investigation under the Code of Practice for Investigating Concerns about the Conduct of Research. • Deliberate deviation from accepted research practice. • Deception in the reporting of results.

Academic malpractice (2r)	• See the Academic Malpractice Procedure. • When the malpractice content is considered to be substantial and takes place in a significant piece of work, usually in an advanced year of study at the University.
Failure to comply with a penalty imposed or instruction given through previous disciplinary action (2s)	• Where a student has, without good reason, failed to comply with a previously imposed severe penalty e.g. the student has not shown any engagement with the voluntary services directed. • Where the failure to comply has had a serious effect on others e.g. a student has continued to contact a named person when excluded from doing so. • A student has not respected the confidentiality provisions of the disciplinary process.