

BISHOP GROSSETESTE UNIVERSITY

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BISHOP GROSSETESTE UNIVERSITY

Procedure Relating to Student Disciplinary Offences

1. Scope and Purpose

- 1.1. The University exists to provide teaching and professional training and to engage in the pursuit of scholarship and research. The procedures relating to student discipline are intended to protect the rights of all staff, students and visitors to pursue these and associated activities peacefully and securely without interference, intimidation, discrimination or harassment. They are also designed to protect the property of the University and of its members.
- 1.2. These procedures apply to all registered students of Bishop Grosseteste University.
- 1.3. The University reserves the right to take disciplinary action in respect of actions by students which would constitute a criminal offence. This provision includes actions which have taken place off the University premises by students representing the University or on University business or in cases where those actions would be likely to bring the University into disrepute.
- 1.4. A student may not be granted an award, obtain certification of an award or attend a graduation ceremony whilst a matter of alleged misconduct is still being dealt with under this procedure.

2. Definition of misconduct

- 2.1. The essence of misconduct under this procedure is improper conduct or obstruction of the proper functioning or activities of the University or of those who work and study in the University. It also includes conduct which damages the University or the reputation of the University on or off campus and misconduct of University students within a placement setting.

3. Relationship to other procedures and codes of practice

- 3.1. Misconduct relating directly to academic matters - e.g. cheating or plagiarism - is dealt with in the Code of Practice on Academic Misconduct.
- 3.2. If concerns about a student's fitness to study have led to a referral to the University's student disciplinary procedures, these proceedings will normally be suspended while the fitness to study issues are investigated. The decision of which policy to refer to shall be at the discretion of the Head of School, who should take advice from the Governance, Compliance and Operations Manager on this matter.

- 3.3. A student may be referred to the disciplinary procedures via the University Safeguarding Policy.
- 3.4. Where the student is also a member of staff at the University then guidance should be sought from the Human Resources Department and Governance and Compliance Office, as any allegation might be considered under a separate specific procedure.

4. Principles and protocols

- 4.1. In dealing with student misconduct and disciplinaries, the following principles and protocols will be followed:
 - i. The University will seek to ensure that the investigation of student misconduct under the terms of these procedures is conducted transparently and promptly and in a way which is fair to all parties concerned.
 - ii. Privacy and confidentiality will be maintained insofar as that is compatible with the effective disciplinary investigation. The student will be informed in advance if any disclosure to a third party is required in order to progress the investigation.
 - iii. If allegations relate to more than one student then the Head of School/Director of Professional Services (where being dealt with summarily) and/or the Chair of the Disciplinary Panel may, at their discretion, consider the cases together.
 - iv. All disciplinaries will be considered on their merits and in accordance with the University's values, ethos and relevant policies, e.g. the Diversity and Equality Policy. Evidence of previous misconduct may be submitted by the University for consideration should this be deemed appropriate, though the panel may decide to disregard evidence unconnected to the case.

5. Examples of misconduct

- 5.1. The University has the power under these regulations to discipline, exclude or expel students as a result of misconduct. The actions listed below would constitute misconduct:
 - i. Conduct which constitutes a criminal offence;
 - ii. Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University;
 - iii. Obstruction of, or improper interference with, the functions, duties or activities of any student or staff member of the University or any visitor to the University;
 - iv. Making frivolous, vexatious and/or malicious allegations or complaints;
 - v. Violent, indecent, disorderly, threatening, intimidating, discriminatory or offensive behaviour or language;
 - vi. Sexual or racial harassment of any student, member of staff or any visitor to the University;

- vii. Fraud, deceit, deception or dishonesty in relation to the University or its staff, students or visitors;
 - viii. Theft, misappropriation or misuse of University property, or the property of staff, students or visitors, including misuse of computers under the terms of the IT Systems Acceptable Use Policy;
 - ix. Misuse or unauthorised use of University premises, for example, by failure to comply with the terms of the Catering and Residence Agreement;
 - x. Damage to University property or the property of staff, students or visitors, caused intentionally or recklessly;
 - xi. Action likely to cause injury or impair safety on University premises;
 - xii. Failure to respect the rights of others to freedom of belief or freedom of speech within the law;
 - xiii. Failure to observe all University rules and regulations;
 - xiv. Failure to disclose personal details to a member of staff of the University in circumstances in which it is reasonable to require that such information be given;
 - xv. Failure to comply with a reasonable instruction relating to discipline issued within this procedure.
- 5.2. The list is not intended to be exhaustive and any deliberate or reckless action which causes, or is liable to cause, damage to University property, injury, offence or distress, or which interferes with the operation of the University's activities, or affects the reputation of the University may result in the application of these procedures.

6. Disciplinary Procedure for students

- 6.1. The Procedure for dealing with misconduct by students is split into three parts. When considering the initial allegation against the student, the investigation may be conducted if both the University and the student agree, summarily, without the need to convene a Full Disciplinary Panel. In such cases the member of staff conducting the investigation may normally impose any penalty listed in paragraph 15.2 other than expulsion.
- 6.2. If the Summary Investigation is unsuccessful and the student wishes to appeal, or if the member of staff investigating feels the matter is too serious to be handled in such a way (i.e. expulsion may be a suitable penalty upon a finding of guilt), or if both parties do not agree to the use of a Summary Investigation, then a Full Disciplinary Panel will be convened. The details of the Disciplinary Panel are outlined in Sections 13 and 14.
- 6.3. Finally, if the student feels compelled to appeal after a Disciplinary Panel hearing, a Review Panel will be formed to consider the grounds for the appeal and the penalty imposed.
- 6.4. Impartial advice on the Disciplinary procedure may be obtained from either the Students' Union who can provide representation, or Student Advice.

7. Reporting alleged misconduct

- 7.1. Any member of the University who is aware of misconduct by a student which may result in action under these procedures should report the matter to the most appropriate Head of School or the relevant Director of Professional Services, with the 'Director of Professional Services' here meaning a director or head of a section/unit¹. It is likely that most student disciplinary offences will be reported to and dealt with by the Heads of Academic Schools or their nominees. The Head School (or Director of Professional Services) may dismiss the allegation immediately if they believe that there is no case for the student to answer or that it is appropriate to do so for some other reason.

8. Cases of misconduct involving criminal prosecution

- 8.1. The Head of School (or Director of Professional Services) may defer action through the University's internal procedures until the Police and Courts have dealt with the matter. In such cases, the student will be notified of this deferral in writing.
- 8.2. The University will normally report any suspected criminal offence to the Police unless the victim of an offence committed by a student requests otherwise, in such cases this would be for the discretion of the Head of School (or Director of Professional Services). However the University reserves the right to report any offences to the Police, even if the victim of the alleged crime requests the University not to do so.
- 8.3. Where a student is found to have been guilty of misconduct under these regulations and has also received a sentence from a criminal court on the same facts, the penalty imposed by the criminal court will be taken into account when deciding on the appropriate penalty under these regulations.

9. Representation and attendance at meetings and hearings

- 9.1. The student may be accompanied at any hearing or meeting within this procedure by one person of their choosing (such as a friend, family member or member of the Students' Union) who should not be a legal representative or someone who has been suspended or excluded from the University themselves. It is expected that the student will speak for and represent themselves and that the role of the third party accompanying will be to advise and support the student. A representative may speak on behalf of the student in exceptional cases where the student feels unable to engage with the procedure. In such circumstances, the student should provide written confirmation as soon as possible, that they wish to be represented for the remainder of their case by the third party. The representative must be willing to act in this capacity.
- 9.2. If for a good reason a student is unable to attend a meeting or hearing under the procedure, the student may make a request to the University that a representative attends on their behalf. In such cases, the hearing will only be required to consider representations submitted by the representative and not any written or oral representations made by the student before, during or after the meeting.

¹ For the purpose of this procedure, the Head of School/Director of Professional Services may nominate a senior member of staff to act on their behalf should they be unavailable to deal with the matter.

- 9.3. The student must provide the name of the accompanying person to the University at least 5 working days in advance of the meeting where requested by the University and must always inform the University immediately of a request to be represented in lieu of their own attendance.
- 9.4. Unless the student has provided written permission for a representative to act on their behalf, resulting in the direction of communications by the University to the representative and not the student, it is the student's responsibility to relay relevant information and communications from the University under this procedure to any other third party.

10. Summary exclusion

- 10.1. Where the Head of School (or Director of Professional Services) believes that it is necessary, a student who is the subject of an allegation may be excluded from the University pending a disciplinary hearing. This would be appropriate only if there is reason to think that serious misconduct has been committed or the student's continuing presence poses an immediate threat to the security of University property or to the welfare of another student or member of staff. In such cases, any such exclusion will be communicated to the Governance, Compliance and Operations Manager and the Registrar and Secretary, and approved by the Registrar and Secretary. This is then reported to the Deputy Vice Chancellor, University Security staff, the Quality Assurance and Student Data Department, the Schools Office, Reception, and any other staff with a genuine requirement to be informed.
- 10.2. Exclusion of a student pending a disciplinary hearing is considered to be a neutral act to be taken ahead of determination of whether an allegation is proved or disproved. Typical reasons why the University may decide to summarily exclude a student pending further investigation include:
 - To avoid any repetition of the circumstances which led to the allegation;
 - To ensure the safety and wellbeing of the University Community, including the student against whom the allegation has been made, for example, in cases which involve mental health issues, and/or to safeguard University property;
 - To ensure that potential witnesses or other evidence are not subject to interference.
- 10.3. Unless the matter is deemed to be urgent, no student shall be excluded unless they have been given an opportunity to make representations within 5 working days to the Head of School (or Director of Professional Services). The representations may be made in person or in writing and may be put forward by the student or by the student's adviser, friend or representative (see section 9 of this procedure). In those cases which the University deems to be urgent, the student may be excluded with immediate effect. Arrangements will then be made for the student to make representations as soon as practicable.
- 10.4. Exclusion may entail a complete prohibition from entering the University premises or it may entail exclusion from specific areas of the University or from having contact with a named individual or individuals. The student may be excluded from all activities or may be allowed to undertake specified activities such as attending for an examination or assessment. A Director of Professional Services considering exclusion pending a hearing should consult the Student's Head of School on the potential impact upon the student's studies. A student excluded in this manner should contact their School, if permitted

within the terms of their exclusion, on how they might best continue their studies. The terms of the exclusion and the reasons will be notified to the student in writing.

- 10.5. Where a student is suspended under paragraph 10.1, but the disciplinary hearing (and, if applicable, any subsequent appeal) is (are) delayed because of the decision of the Head of School (or Director of Professional Services) to defer action under paragraph 8.1, it should be noted that the student's suspension may last for a longer period.
- 10.6. A decision to exclude a student from the University and its activities shall be subject to review at the request of the student after four weeks. Such a review will not involve a hearing, but the student, whether personally or through their adviser, friend or representative will be entitled to make written representations. The review will be conducted by a member of the Senior Leadership Team. The reviewer shall also review the exclusion in the same manner on the receipt of evidence of altered circumstances which might affect the order. The outcome of the review shall be communicated to the student in writing.
- 10.7. Except in such cases as those identified, no student shall be excluded from the University or any of its facilities pending the outcome of full consideration of the case by a member of the Senior Leadership Team or of a Disciplinary Committee.

11. Initial consideration of the allegation

- 11.1. If the Head of School (or Director of Professional Services) decides that the allegation requires investigation, they will notify the student in writing that they are the subject of review under these procedures and of the general nature of the alleged misconduct. If possible, the letter is given out in hard copy to the student in a face to face meeting. Prior to this communication, the Head of School (Director of Professional Services) should consult the Governance, Compliance and Operations Manager, to inform and to establish the correctness of the procedures applied.
- 11.2. The Head of School (or Director of Professional Services) will normally conduct a preliminary interview with the student before deciding what further action should be taken. This will normally take place within 5 working days of the alleged conduct being reported (and will take place at a separate meeting, after the student has received their letter indicating the start of disciplinary procedures). At the interview, the student may be accompanied by one person of their choosing; the person should not be a legal representative, but may include a friend, family member or member of the Students' Union as per paragraph 9.1 of this procedure. Following the interview, the Head of School (or Director of Professional Services) may decide to dismiss the allegation immediately, or that further action is required under the Procedure; this could also include summary exclusion under Section 10.
- 11.3. If the Head of School (or Director of Professional Services) considers it appropriate to do so, and normally with the written agreement of the student (see paragraph 12.7 below), the matter may be dealt with summarily, as an alternative to consideration by a Disciplinary Committee.

12. Summary procedure

- 12.1. If, having considered the nature of the allegation and whether the penalties available in the event of a decision of guilt would be sufficient, there is agreement between the Head of School (or Director of Professional Services) and the student that the matter should be dealt with summarily, a summary disciplinary meeting will be held normally within 20 working days of the preliminary meeting with the student. The meeting would also be attended by the Governance, Compliance and Operations Manager or a nominated representative to advise on the relevant procedure and produce a record of the meeting.
- 12.2. During the meeting, the Head of School (or Director of Professional Services) will consider any oral or written evidence which they think fit. The written evidence should be submitted on the approved form provided under Appendix 1.
- 12.3. The Head of School (/Director of Professional Services) will find the student guilty of misconduct only if they are satisfied on the balance of probabilities of the student's guilt. If a finding of guilt is reached, any of the penalties set out in paragraph 15.2 of these regulations may be imposed other than expulsion (subject to paragraph 12.8).
- 12.4. At the conclusion of the investigation, the Head of School (or Director of Professional Services) will write a report. If a finding of guilt is reached, the report will describe the allegations and include a brief summary of the evidence received, the grounds for the finding of guilt, the penalty imposed and the factors taken into account in determining this. A copy of the report and the record of the meeting will be sent to the student, the School Administrator responsible for placing a record within the student's file and the Governance & Compliance Office.
- 12.5. The student may appeal against the finding of guilt and the penalty imposed within 21 working days of the communication of the report. In this case the procedure set out in Section 13 will be followed and the student's case will be considered by a Full Disciplinary Panel.
- 12.6. If the Head of School (or Director of Professional Services) considers the misconduct to be sufficiently serious to warrant the possible use of the penalty of expulsion or does not consider it appropriate to deal with the matter summarily or if the student does not agree to its being dealt with in that way, the case will be referred for consideration by a Disciplinary Panel.
- 12.7. Where the student in question refuses to engage with a disciplinary procedure, they will be given 15 working days to contact the University to confirm whether or not they agree to the matter being handled summarily. If after this period the University has received no response from the student after using all reasonably available methods of contact, the Head of School (or Director of Professional Services) may decide whether or not the matter will be handled summarily.
- 12.8. Only in the circumstances outlined in paragraph 12.7 can the penalty of expulsion be considered under the summary procedures. Such a penalty must only be considered for the most serious of cases and following complete lack of engagement by the student. In such circumstances, any decision permanently to exclude a student will be approved by the Vice Chancellor.

13. Disciplinary Panel

- 13.1. The Head of School (or Director of Professional Services) will appoint a Servicing Officer to the panel who is normally the Governance, Compliance and Operations Manager or nominee.
- 13.2. The members of the Disciplinary Panel shall be appointed by the Servicing Officer in agreement with the Chair of the Panel who should be an Executive Dean or another suitable member of staff from the Senior Leadership Team of the University. The Panel will have no less than three and no more than five members including the Chair. It will normally consist of academic and/or professional support staff from the Corporate Leadership Team and a student representative nominated by the Students' Union. If the Students' Union has been asked by the student to provide either support or representation then care will be taken to avoid any conflict of interest (see paragraph 17.3.1). All members of the Disciplinary Panel will be impartial and will have had no previous involvement with the case under consideration.
- 13.3. The Head of School (or Director of Professional Services) will attend the Panel hearing to present the case. They will submit, in writing, the allegation(s) in full, including witness statements and the names of witnesses to be called using the form provided no less than 12 working days in advance of the meeting, to be forwarded to the student no less than 10 working days in advance of the meeting by the Servicing Officer.
- 13.4. The student will then be required to submit, in writing, their defence to the allegations and the names of witnesses no less than 5 working days before the hearing using the form provided in Appendix 1.
- 13.5. The evidence will normally be presented orally by witnesses, but the Panel may accept a written statement upon specific request of the witness or where it is impracticable for them to attend.
- 13.6. Members of the Panel will be provided with all submissions by the Head of School (or Director of Professional Services) and the student at least 3 working days in advance of the hearing where possible.
- 13.7. At the hearing, the Panel will rely only upon the evidence presented and may also take account of evidence presented by the Head of School/(Director of Professional Services) of the student being found guilty of previous similar misconduct, provided this is presented alongside other evidence.

14. Conduct of the Disciplinary Panel

- 14.1. At the meeting of the Disciplinary Panel, the case against the student will be put first. The Case Presenter (Head of School (or Director of Professional Services)) is entitled to address the Panel before calling witnesses. They will then question each witness giving evidence in support of the allegation. The student or representative may then question each witness. Members of the Panel may question the witnesses at any time. After the evidence in support of the allegation has been presented, the student or representative may submit that there is no case to answer. The Case Presenter has the right to reply. If the Panel agrees that there is no case to answer, it must dismiss the allegation.

- 14.2. If the case proceeds, the student may then give evidence and, at the conclusion of the statement, they may be questioned by the Case Presenter. The student or representative may then call further witnesses who may be questioned by the student and then the Case Presenter. Following the conclusion of the presentation of the evidence on behalf of the student, the Case Presenter may give a concluding address to the Panel and, following this, the student or representative may also address the Panel.
- 14.3. The Panel may refuse to hear evidence that it deems irrelevant. It has the power to adjourn the hearing to another date and to summon additional witnesses/request additional evidence if it thinks it would be appropriate to do so in order to pursue its investigation.
- 14.4. The Panel will then reach a decision in the absence of the student and Case Presenter. It will find a student guilty of misconduct only if, on the evidence before it, it is satisfied on the balance of probabilities of the student's guilt. If the members of the Panel cannot agree, the verdict of the Panel will be that of the majority of its members. Following the hearing, The Chair will communicate the overall decision in writing to the student and the Case Presenter within 2 working days, informing them that a full report, detailing the decision will follow. The Servicing Officer will write a short report of the discussions during the hearing. The report will set out the allegation, provide a brief summary of the evidence received and record the decision of the Panel. If the allegation is upheld, the report will also state the penalty imposed. A copy will be sent to the Panel to approve and following this, the Chair will then send a copy of the report to the student and the Case Presenter along with any other members of staff with a genuine requirement to be made aware (i.e. security staff if the student is suspended/expelled, the Schools Office to go on file regarding references etc.), normally within 5 working days.

15. Penalties

- 15.1. If a student is found guilty of misconduct, penalties may be imposed by the Head of School (or Director of Professional Services) in the case of allegations which are dealt with through the summary procedure or by the Disciplinary Panel in other cases. A student may not be expelled under the summary procedures other than in the circumstances outlined within paragraphs 12.7 and 12.8. When determining penalties, consideration will be given to the seriousness of the misconduct and the circumstances relating to it. The Head of School (/Director of Professional Services) or Disciplinary Panel will take into account the personal circumstances of the student and any mitigating factors presented by the student or their representative to the Panel that may indicate that it would be appropriate to reduce the severity of the penalty.
- 15.2. A student found guilty of misconduct may receive one of the following penalties or a combination of more than one penalty:
 - i. Absolute Discharge – which means that, although technically guilty of the offence, no blame is attached to their conduct.
 - ii. Reprimand – which means that the student will receive a formal written reprimand and a record of the offence and finding of guilt will be maintained on the student's file for a specified period of time to be determined by the Panel or, in a case dealt with through the summary procedure, by the Head of School(/Director of Professional Services). The Head of School may decide that a reference written

during this period may state that a reprimand has been issued.

- iii. Caution - which means that no penalty is imposed but, if the student is found guilty of further misconduct during a specified period, they will be dealt with for both offences. At the discretion of the student's Head of School, a reference written during this period may state that a caution has been issued.
- iv. Conditional Discharge – which means that no penalty is imposed, subject to the student fulfilling certain conditions over a specified period. If the conditions are not met, a penalty will be imposed following a further hearing. The Head of School (/ Director of Professional Services) is responsible for monitoring the requirements for student's meeting the conditions.
- v. Fine - up to a maximum figure to be determined from time to time by the Senior Leadership Team.
- vi. University Service – i.e. specified work to be undertaken which will benefit the University community.
- vii. A charge in compensation, in whole or part, for damage or loss to property or equipment.
- viii. Suspension from all or part of the University's premises for a fixed period of up to 12 months. Suspension may allow restricted rights of access and participation in some University activities and may stipulate that the student shall have no contact with a named person or persons. The terms of the exclusion will be communicated to the student in writing.
- ix. Expulsion from the University with or without termination of registration at the discretion of the committee.

15.3. The Panel may recommend that the student shall be removed from residential accommodation owned or managed by the University, but this action can be taken only with due regard to appropriate legal process in the light of the accommodation contract with the student.

15.4. In cases where the penalty of expulsion is imposed on a student who is registered for a programme with professional or statutory body recognition e.g. QTS, JNC, the University should inform that body of the outcome of the case.

15.5. Where the decision is taken to exclude a student from the University, the Disciplinary Panel will decide whether to recommend to the Board of Examiners that the student receive any final or exit award for which they have gained appropriate academic credits.

15.6. Any student who is the subject of an ongoing disciplinary investigation shall not normally be entitled to receive an award from the institution until the investigation has been concluded. Any exception to this rule will only be made with the express consent of the Registrar and Secretary and such decisions will be based on the nature of the alleged offence.

- 15.7. Where a student has been convicted of a crime and the decision of the committee is that they remain on course the University must follow the standard policy procedures for students declaring convictions whilst on the course.
- 15.8. Following a decision to impose one or more of these penalties, failure to pay a fine or compensation within 10 working days, except where the student is able to demonstrate financial hardship, or the failure to undertake University Service shall in itself constitute a disciplinary offence.
- 15.9. All monies collected from fines will be used to benefit students.

16. Review

- 16.1. A student may appeal a decision by the Disciplinary Panel by requesting a review of a finding of guilt or against the penalty imposed by in writing to the Registrar and Secretary within 28 days of the conclusion of the proceedings, clearly stating the grounds of their appeal.
- 16.2. A student may appeal against a Disciplinary Panel finding on the following grounds:
 - New evidence is available which was not available upon reasonable enquiry at the time of the previous investigation and would have a significant impact on the overall decision of the Panel.
 - There was a procedural irregularity in the conduct of the disciplinary procedures.
 - The decision reached was of such nature that it was one which no reasonable person could have reached on the available evidence.
- 16.3. In such cases, the Registrar and Secretary will decide whether a case for review has been established. If the Registrar and Secretary decides that there is not a case for review or the appeal has been submitted out of time and the Registrar and Secretary considers it can no longer be considered, they will inform the student accordingly, usually within 5 working days of receipt of the appeal. In such cases, the original decision of the Panel and the penalty imposed will stand. At this point the internal procedures of the University will be deemed to have been exhausted and a Completion of Procedures Letter will be issued to the student in accordance with paragraph 16.12.
- 16.4. If the Registrar and Secretary does decide that there are grounds for review, they will convene, but will not join, a Review Panel which shall consist of a member of staff from the Corporate Leadership Team, drawn from outside the student's School; a nominee from the Students' Union; and, as Chair, a member of the Senior Leadership Team. All panel members shall have no previous involvement with the case. The Panel will normally convene within 28 days of receipt of the appeal.
- 16.5. The Panel will normally be officered by the Governance, Compliance and Operations Manager or nominee. See paragraph 17.3.3.
- 16.6. The Review will be based on the written evidence and report of the initial Panel hearing. The student and case presented (Head of School (/Director of Professional Services)) may attend the Review Panel meeting to submit oral representations regarding the grounds for review, but this will be at the discretion of the Chair. It is not normal for the case to be reheard, however; this will happen only in exceptional circumstances.

- 16.7. The Chair of the Disciplinary Panel will also be entitled to make a written or oral submission to the Review Panel.
- 16.8. If the student and Case Presenter are in attendance at the Review Panel then the student (or nominee) will normally present their grounds for appeal first, followed by the Case Presenter. If the Chair of the Disciplinary Panel is also in attendance then they will make their oral representation following the Case Presenter. The Panel will then discuss the oral representations along with the written statements and Disciplinary Panel report in private before reaching their conclusion.
- 16.9. Where the appeal is against the finding of guilt, the Panel will review the outcome and may overturn the finding of guilt where it considers it just to do so.
- 16.10. In the case of an appeal against the penalty imposed, the Review Panel may, having considered whether the original penalty was fair and reasonable in the light of all circumstances, decide to impose either a greater or less severe penalty where it considers just to do so.
- 16.11. If the appeal is rejected by the Review Panel, the original decision of the Disciplinary Panel and the penalty imposed shall stand. The Chair of the Panel will advise the Registrar and Secretary who will inform the student and Case Presenter accordingly.
- 16.12. The Governance & Compliance Office will then issue a Completion of Procedures Letter to the student. The letter will confirm that the University's internal procedures have been exhausted and detail the actions the student should take should the student remain dissatisfied.
- 16.13. If, having exhausted the University's internal procedures, the student remains dissatisfied with the conduct of the review procedure or with the outcome of the review, they may refer the case to the Office of the Independent Adjudicator (OIA) as outlined within the Completion of Procedures Letter. Details may be obtained from the OIA website (<http://www.oiahe.org.uk>) or from:

OIA
Second Floor
Abbey Gate
57-75 Kings Road
Reading
RG1 3AB

17. Supplementary Provisions

17.1. Misconduct of students on placement

- 17.1.1. Many students undertake part of their programme on placements in a school or with another employer. During those periods students remain subject to the disciplinary procedure of the University and, in addition, they are required to adhere to the codes of conduct established by the employer. Any breach of these codes may be treated as misconduct under the provisions of these procedures. For this purpose, the staff, clients and property of the employer and, in the case of

educational organisations, the students and pupils, will be regarded as the equivalent of those of the University. Any action which disrupts the normal activity of the employer's business or institution, or is liable to do so, will be treated in the same way as if the University's activities were similarly affected.

- 17.1.2. Programme teams should bring the Student Disciplinary Procedures to the attention of employers and students taking part in placements. Consideration should also be given to the need to provide employers and students with supplementary guidance and information in an appropriate form to make them aware of the University's expectations regarding the conduct of students whilst on placement and of the right of the student to a fair hearing should they be accused of falling short of those expectations. In brief, students will be expected to behave as a member of staff and there is a reciprocal expectation that they should be treated fairly as a member of staff by the employer.
- 17.1.3. A flow diagram detailing the procedures to follow upon an initial allegation of misconduct is included in Appendix 6 of this procedure. Detailed information on the process is outlined below.
- 17.1.4. Employers should report any case of alleged misconduct to the student's University Head of School without delay. In serious cases, the employer may exclude the student pending an initial enquiry.
- 17.1.5. The Head of School or nominee will contact the Head of the placement setting to request an account of the incident in writing and will also contact the student to invite them to respond in writing to the allegation of misconduct. The Head of School should consult the Governance, Compliance and Operations Manager in this process. The Head of School or nominee will also conduct such other investigations as they see fit. An initial enquiry meeting will be held, chaired by the Head of School or nominee, normally within 5 working days, to consider the allegations and to take evidence from student (who may be accompanied by a friend, relative or member of the Students' Union). Prior to this, the School should inform the student that their behaviour is being investigated under the University's Disciplinary Procedures, and this information should normally be conveyed by letter to the student, in person. The Governance, Compliance and Operations Manager should be consulted and can offer assistance.
- 17.1.6. The Head of School or nominee will determine whether a *prima facie* case of misconduct has been established. No finding of guilt will be reached at this stage and the Head of School or nominee should avoid any statement which might be seen to prejudice the outcome of a full enquiry. Heads of School should be particularly careful to distinguish a case of misconduct from one in which the employer has expressed dissatisfaction with the student on the grounds of inadequate performance, even where that is due to neglect or inadequate preparation. The latter is a matter of academic and professional performance and, as such, should be considered by the relevant Board of Examiners.
- 17.1.7. Where the Head of School or nominee determines that a *prima facie* case of misconduct has not been established, no further action will be taken. If mediation with the employer proves possible, the student will be able to resume the placement. If mediation is not practicable or if the programme leader determines

that it would be in the best interests of the student to carry out the placement in a different setting, an alternative placement will be found as soon as reasonably practicable. The student's record would also be updated to show no fault on their part.

- 17.1.8. Where the Head of School or nominee determines that there may be a case for misconduct but this is not at the level which would require a full disciplinary investigation into the student's actions, an alternative setting will be found at the discretion of the University. In such circumstances, it may take longer to find an appropriate setting willing to support the student. If the student wishes to appeal the decision that there was no misconduct on their part, the Head of School or nominee will refer the student to the disciplinary procedures.
- 17.1.9. Where the Head of School or nominee determines that a *prima facie* case of serious misconduct has been established, they will refer the matter to the University's disciplinary procedures for a full enquiry. The decision as to the type of misconduct which would require immediate action under the University's Disciplinary procedures will be for the discretion of the Head of School, taking advice from the Governance, Compliance and Operations Manager. Examples of misconduct which may fall within this remit include acts which significantly affect others within the placement setting or put others at risk; or acts which appear intentional and sustained.
- 17.1.10. Should the student be found guilty of misconduct under the disciplinary procedures then there is no onus on the University to find an alternative placement for the student.

17.2. Audio Recording

- 17.2.1. The audio recording of meetings or hearings under this procedure is normally prohibited, although this clause may be revisited in an individual case subject to such a reasonable adjustment as may be agreed by the University under the Equality Act 2010.

17.3. Conflict of interest

- 17.3.1. The Students' Union may offer a student support during the administration of this procedure. An alternative member of the Students' Union may be asked to sit on either the Disciplinary Panel or Review Panel during the application of this procedure. Care will be taken to minimise the potential conflict of interest which may occur.
- 17.3.2. Other members of academic or support staff may also have had previous involvement with the student prior to the disciplinary procedure being invoked. This will not preclude their involvement within the disciplinary case, though care will be taken to minimise any conflict of interest which may arise.
- 17.3.3. Due to the staffing arrangements within the University, the staff used to officer the Disciplinary Panel and Review Panel may be the same. The Role of the Officer is to remain impartial, record a report of the proceedings and advise on the procedure. In all cases, care will be taken to minimise any conflict of interest.

17.4. Return to studies

- 17.4.1. Following a formal decision to interrupt or suspend a student from studies under the procedure, a Return to Study Review will be conducted within a 4 week period of the expected return to study date.
- 17.4.2. The Review will be conducted by the Head of School and will outline the expectations regarding the conduct of the student upon their return to study. Where necessary, one or more follow up meetings may be conducted with the student to discuss their progress.
- 17.4.3. The meeting will also assist the student in reintegrating with the University and ensure they have the adequate support in place to continue with their studies effectively.

17.5. Monitoring of procedures

- 17.5.1. The effectiveness of these procedures will be kept under regular review by the Senate.
- 17.5.2. The Governance, Compliance and Operations Manager will prepare reports to the Senate and Audit Committee on the number and nature of disciplinarys which have been considered and the proportion which have been upheld. The Diversity & Equality Committee will receive anonymised information on the gender and ethnicity of students investigated within this procedure and the number of disciplinarys which have been upheld or dismissed in each group.



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Disciplinary Procedure - Student Submission

Name of student: _____

Student number: _____

Programme of study: _____

Telephone: _____

Email: _____

Term time address _____

Home Address: _____

Preferred method of contact: email post

Allegation:

(please outline what you believe to be the allegation(s) against you which have led to the disciplinary procedure being invoked)

Defence:

(please outline your defence to the allegations put to you by the University)

Types of evidence:

(please list the types of evidence you intend to submit in support of your defence)

- Witness statements
- Written correspondence (letters/emails)
- Bank statements / financial information
- Text messages / social media
- University policies / procedures / course documentation
- Other – please specify:

If you intend to submit written evidence then please include these along with this form.

Please list the names of witnesses, should you wish to provide any, and include their contact details. An impartial member of staff will contact the witnesses to corroborate any statements provided or to request that they provide a written submission or attend the meeting/hearing to submit evidence orally (it is possible that they could be required to do both).

Please attach any supplementary information/evidence such as that outlined above, which you wish for the University to consider to the back of this form.

Signed: _____

Date: _____



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Witness statement

Name:

Date:

Present:

Statement:

(Please include details such as the date, time and location where possible and try to keep the statement succinct. Where the events cover more than one period of time, please try to report in order of occurrence – use bullet points to structure your statement if this helps. Please provide names of other persons present at the time of any specified events)

Signature.....



BISHOP GROSSETESTE UNIVERSITY

Request for Disciplinary Panel Hearing

Guidance

If you are a student at Bishop Grosseteste University and you have been the subject of disciplinary proceedings within the Summary Procedure then you are entitled to request a full panel hearing should you be dissatisfied with the outcome of the investigation at this stage.

If you wish to appeal against the finding of guilt, the penalty imposed or the summary process itself then you should submit the form below to the Governance, Compliance and Operations Manager, Bishop Grosseteste University, Longdales Road, Lincoln, LN1 3DY), or by email (governance@bishopg.ac.uk).

Once the outcome of the Summary investigation has been communicated to you in the form of the report outlined in paragraph 12.4 of the disciplinary procedure, you will normally have 21 working days in which to submit your form in order for your request to be considered. Should you submit a request for a full panel investigation after 21 days then an Executive Dean (or a nominee from the Senior Leadership Team) of the University will exercise their own discretion on whether or not to convene a Panel.

Please use the template on the following page to help structure your request. If a Panel is convened then you will be contacted by the Servicing Officer of the Panel 10 working days in advance of the hearing and asked to submit your defence form (Appendix 1), including the evidence you wish to provide no less than 5 working days in advance of the meeting. The form provided below and Appendix 1 will be presented in evidence to the Disciplinary Panel. You will have the opportunity within Appendix 1 to submit your detailed defence. Information submitted within this form should generally not exceed one paragraph for each question.

Representation and advice on the disciplinary process is available from the Students' Union should you wish and general support is available within Student Advice.



BISHOP GROSSETESTE UNIVERSITY

Request for Formal Investigation by a Disciplinary Panel

Name of student: _____

Student Number: _____

Programme of study: _____

Telephone number: _____

Email address: _____

Term time address: _____

Home address: _____

Preferred method of contact: email post

Has your case been reviewed under the summary procedure as outlined in part 12 of the University's Disciplinary Procedure?

Yes

No

Member of staff conducting the summary investigation:

Finding of summary investigation:

Guilty of misconduct

Partially guilty (some but not all of the allegations)

Not guilty

Penalty Imposed:

- Absolute discharge
- Reprimand
- Caution
- Conditional discharge
- Fine
- University Service
- Charge in compensation
- Suspension
- Expulsion

Additional details regarding the penalty imposed if any:

(i.e. though a caution may be self-explanatory, a suspension may be in whole or in part of the University, what type of University Service are you required to complete, etc.)

Why you are dissatisfied with the outcome of the summary investigation:

- Appeal against a finding of guilt
- Appeal against the penalty imposed
- Appeal against the summary process itself
- Other

Please briefly describe in your own words, the reason(s) why you are dissatisfied with the outcome of the summary investigation:

Brief outline of allegation which led to the disciplinary procedure being invoked:

Brief outline of your defence against the allegation which led to the disciplinary procedure being invoked:

List of evidence considered during the summary investigation:

Evidence submitted by student:

-
-
-
-
-
-
-

Evidence Submitted by University:

-
-
-
-
-
-
-

Additional Information:

(Please list any additional information you feel should be included at this point – N.B. You will have the opportunity to submit your defence and additional evidence ahead of the panel hearing. Provided your form is submitted within time then there is no reason why a disciplinary panel will not be convened to consider your case)

Signed: _____ Date: _____



BISHOP GROSSETESTE UNIVERSITY

Request for Review of a University Disciplinary Panel Decision

Guidance

If you are a student at Bishop Grosseteste University and you have been the subject of disciplinary proceedings in the form of a Disciplinary Panel hearing then you are entitled to request a review if you are dissatisfied with the outcome of the Panel Investigation.

Once the outcome of the Summary Investigation has been communicated to you in the form of the report outlined in paragraph 14.4 of the disciplinary procedure, you will normally have 28 days in which to submit your form in order for your request to be considered. You should submit the form below to the Registrar and Secretary, Bishop Grosseteste University, Longdales Road, Lincoln, LN1 3DY), or by email (anne.craven@bishopg.ac.uk). If you submit a request for a Full Panel Investigation after 28 days then the Registrar and Secretary will exercise their own discretion whether or not to convene a Panel.

You may appeal against a Disciplinary Panel decision on the following grounds:

- New evidence is available which was not available upon reasonable enquiry at the time of the previous investigation and would have a significant impact on the overall decision of the panel.
- There was a procedural irregularity in the conduct of the disciplinary procedures.
- The decision reached was of such nature that it was one which no reasonable person could have reached on the available evidence.

It will be for the Registrar and Secretary to decide whether there is a *prima facie* case for review. If it is decided that there is not a case for review or if your request has been submitted out of time and can no longer be considered then you will be informed accordingly.

If it is decided that there may be scope for review then you will be contacted by the Registrar and Secretary who will inform you that a Review Panel will be convened. Further information will then be conveyed to you regarding this process by the Officer of the Review Panel.

In order to submit a request for a review of a Panel decision, please use the template on the following page to help structure your request. You are invited to submit additional information with this form in order to support your request including photocopies of forms submitted during previous stages of the procedure.

Representation and advice on the disciplinary process is available from the Students' Union should you wish and general support is available within Student Advice.



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Request for Review of a University Disciplinary Panel Decision

Name of student: _____

Student Number: _____

Programme of study: _____

Telephone number: _____

Email address: _____

Term time address: _____

Home address: _____

Preferred method of contact: email post

Has your case been reviewed by a full disciplinary panel as outlined in paragraph 13 & 14 of the University's Disciplinary Procedure?

Yes

No

Date of panel hearing: _____

Date of panel report: _____

Panel members:

Chair: _____

Additional panel members: _____

Grounds for appeal:

- New evidence
- Procedural irregularity
- Unreasonable Decision

Brief outline of the allegation(s) considered by the panel:

Brief outline defence against the allegations:

List of evidence considered by the panel:

Evidence submitted by student:

-
-
-
-
-
-
-

Evidence Submitted by University:

-
-
-
-
-
-
-

Finding of disciplinary panel:

- Guilty of misconduct
- Partially guilty (some but not all of the allegations)
- Not guilty

Penalty Imposed:

- Absolute discharge
- Reprimand
- Caution
- Conditional discharge
- Fine

- University Service

- Charge in compensation
- Suspension
- Expulsion

Additional details regarding the penalty imposed if any:

(i.e. though a caution may be self-explanatory, a suspension may be in whole or in part of the University, type of University Service, etc.)

Why the outcome is unsatisfactory:

Grounds to request a review:

Additional Evidence:

Please list any additional evidence attached to this form which was not considered during the investigation and outline the reason why this was not considered:

Signed: _____ Date: _____



BISHOP GROSSETESTE UNIVERSITY

Dealing with unprofessional conduct by students on placement

If an initial allegation of misconduct is made the following procedures will operate:



