



UNIVERSITY OF  
WINCHESTER

## **STUDENT CONDUCT & DISCIPLINARY POLICY**

<b>Document Title:</b>	Student Conduct & Disciplinary Policy
<b>Responsible Role and Department:</b>	Academic Registrar   Registry and Academic Quality
<b>Approving Body:</b>	Board of Governors
<b>Date of Approval:</b>	July 2025
<b>Date Effective From:</b>	1 <sup>st</sup> September 2025
<b>Review Date:</b>	March 2028
<b>Indicate whether the document is for public access or internal access only.</b>  <b>Indicate whether the document applies to collaborative provision?</b>  <i>(Strikethrough text, as appropriate)</i>	<b>Public Access</b>
<b>Summary:</b>  This policy sets the framework by which instances of student behaviours and conduct falling below expected standards will be investigated by the University and the application of appropriate, proportionate and necessary remedies and sanctions.  This policy incorporates recommendations and statutory requirements as determined by the Office for Students as well as the Office of the Independent Adjudicator.	

Equality Impact Assessment	
Summary of process undertaken to determine equality impacts:	A review of all protected characteristics and the engagement requirements of the policy to establish any detrimental impact of policy, practice or procedure as defined by the Equality Act 2010.
University Committee (name/ date) where equality impacts discussed (may be Committee of approval, or another):	University Leadership Team
<b>Identified equality impact(s) on colleagues and students</b> (i.e. any specific impacts related to this policy that may cause disadvantage for people due to one or more particular protective characteristic)	
Protected Characteristic	Impact(s) identified and any action(s)/mitigation(s) to address these impact(s), as necessary.  Note: the policy makes positive impacts in relation to protection from discrimination, harassment, and misconduct because of protected characteristics.
Age	There are no discernible negative impacts relating to Age
Disability	The policy makes appropriate provision for reasonable adjustments to mitigate any potential negative impact.
Gender Identity	There are no discernible negative impacts relating to Gender Identity.
Marriage/Civil Partnership	There are no discernible negative impacts relating to Marriage or Civil Partnership status.
Pregnancy and Maternity	There are no discernible negative impacts relating to pregnancy and maternity.
Race (incl. nationality)	There are no discernible negative impacts relating to Race and Nationality.
Religion and Belief	There are no discernible negative impacts relating to Religion and Belief
Sex	There are no discernible negative impacts relating to Sex
Sexual Orientation	There are no discernible impacts relating to Sexual Orientation

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## SECTION 1 – STUDENT CODE OF BEHAVIOUR

As defined in the Student Charter, all students are members of a diverse and multi-faceted University community. There is a shared responsibility to ensure that respect for others and the regulations that govern study and work within our community are protected and that the highest standards are upheld.

There are some examples of behaviour that will never be accepted or tolerated. Where there is evidence to suggest that individual students or groups of students have fallen below the expected standards because of their behaviour then there is a positive duty for the University to investigate.

This policy with accompanying procedures explains the mechanisms by which students and staff are empowered to challenge and report unacceptable student behaviour and conduct, alongside the process by which the University will investigate and determine application of appropriate and proportionate sanctions to protect the community.

This policy and related procedures apply to all students enrolled at the University of Winchester on any credit bearing course or programme leading to a University of Winchester award and relate specifically to non-academic breaches of conduct. Students studying for a University of Winchester award at a partner institution shall normally be subject to the student conduct and disciplinary procedures of that institution.

Incidences of academic misconduct are managed under the procedures contained within the Academic Integrity Policy which may be paused while any related disciplinary issues are considered under this policy.

## SECTION 2 - DISCIPLINARY CODE PRINCIPLES

### 2.1 Support, Representation and Reasonable Adjustments

- a. Student Support and Success is available for any student affected by issues related to a reported incident. Students can make an appointment via the methods outlined on the Directorate's [appointment page on the intranet](#). Staff making reports can access advice and support from their Head of Department, colleagues from the People and Culture team, the recognised Trade Union or from the Employee Assistance Programme.
- b. All parties and witnesses will be offered support whether the case is investigated or not, whether the misconduct was experienced outside the University context or within, and including after any investigation. This will include academic support where relevant.
- c. All students making reports or subject to disciplinary procedures will also be encouraged to seek advice and support from the Winchester Students' Union Advice Centre.
- d. Reporting Parties and Responding Students both have the right to be accompanied to any meeting or disciplinary hearing by a member of the University community who must be independent to the allegation and may be a student, Students' Union representative or staff member. The role of the support person is to provide moral support during a meeting or hearing. The support person is not normally permitted to speak unless complying with previously agreed reasonable adjustments to help the student make representations.
- e. Students and staff who may be witnesses to the reported events, behaviours or contexts around the misconduct investigation should not attend any meetings or disciplinary hearings as a support person for the Reporting Party or the Responding Student as they may be asked to provide independent witness statements.

- f. Non-members of the University community (for example family members) are not normally permitted to accompany students at meetings and panel hearings, and the University does not normally permit the digital recording of meetings unless for the purposes of meeting requirements of Professional, Statutory and Regulatory Bodies (PSRB) in relation to Fitness to Practise investigations. However, requests for reasonable adjustments for declared, or evidenced, disabilities will be considered by the Academic Registrar or delegated authority as appropriate.
- g. Legal representation in disciplinary cases is not normally permitted, unless the Academic Registrar determines, upon request, that the case factors are exceptional. The University reserves the right to invite its own legal representative(s) to any meetings or panel hearings in cases where a student is legally represented.
- h. Students and the University may consult with a lawyer outside of those events if they wish. The University will not normally respond to or correspond with lawyers in these circumstances except where legally obliged.
- i. Where students have disclosed a disability, or provided evidence as part of this process of a disability, to the University, the Investigating Officer will normally arrange for a member of the Disability team or the Mental Wellbeing team to attend meetings and hearings as an additional support person. These teams can also provide practical advice and assistance to students who may require additional reasonable adjustments to these procedures as a result of a disability.
- j. Staff providing evidence would not normally be accompanied at any meetings or student disciplinary panel hearings, but requests will be considered by the Academic Registrar or delegated authority as appropriate for the provision of reasonable adjustments.
- k. In appropriate circumstances, the Reporting Party and the Responding Student, or witnesses may attend a meeting or panel by alternative means (for instance MS Teams).

## **2.2 Timeframes**

- a. Any action taken under these procedures will be concluded in a timely manner and normally within 90 calendar days from the start of the investigation. This schedule would exclude the time required for any criminal investigation or prosecution to be completed where outside the scope of the University's authority.
- b. All parties are expected to comply with reasonable deadlines set by the University and advise the University about any difficulties they may face during the investigation in meeting any deadlines. The University will take reasonable steps to ensure that opportunities for engagement are made, however, where students fail to respond or engage with the misconduct process in a timely fashion, the University may proceed to reach conclusions in the absence of the student and on the basis of the evidence available.
- c. In extraordinary circumstances where the complexities or potential interdependencies of a particular case are evident from an initial review, it may be necessary under the authority of the Academic Registrar to inform all relevant parties that an investigation may exceed standard timescales and service level agreements. Under such circumstances all parties will be informed in writing.
- d. In cases where there are special circumstances which require variance from specified time limits, students will be informed of the reasons for this by the Investigating Officer or

the Secretary of the Panel. Any party requiring additional support or reasonable adjustments should inform the Investigating Officer at the earliest opportunity in order for these to be considered and applied where deemed appropriate by the Academic Registrar or delegated authority. (See also 2.1i above)

- e. The University reserves the right to adjourn any investigation or Panel and reconvene at a later date. For example, in some cases action may be deferred over the period of a vacation, if it is not practicable to gather evidence or interview people.
- f. Where Responding Students withdraw from the University prior to the conclusion of these procedures or may be on a period of leave from the University when these procedures are instigated, then the case will not normally go ahead in the student's absence unless necessary for the protection of others, property, or institutional reputation. The University will, where practicable, resume any misconduct procedures should the student return to study at the University in the future.

### **2.3 Mitigating Risk**

- a. In cases where the alleged offence may pose a risk to staff and students, this section of the procedures should be used to assess and manage such risk.
- b. Following a risk assessment, the University may put in place measures appropriate to manage the risks to the parties involved or to manage the behaviour of or contact between any or all of the parties. This may include a change in accommodation, timetabling, working location, no contact orders, or suspension. Some of these measures may remain in place when the process is ended even if no misconduct is found, in order to manage relationships.
- c. The arrangements and the reasons for the decision to mitigate risk will be conveyed to all affected parties in writing. These measures are not sanctions and do not imply that any decision has already been made about the allegations; any such measures will be for no longer than the University deems necessary to complete the investigation(s) into the allegation(s) and/or to hold a hearing. These measures will normally be reviewed every 10 working days.
- d. Where the Academic Registrar believes that a Responding Student poses a serious risk to one or more of the following:
  - i. their own health, safety and/or that of others;
  - ii. University property;
  - iii. the reputation of the University and its proper functioning

they may make a recommendation to a member of the Executive Leadership Team that the student have a temporary interruption of studies and/or access to facilities. The member of the Executive Leadership Team acting under delegated authority from the Vice-Chancellor, will be guided by a principle of safeguarding staff, students and property and may, pending the outcome of action taken under these procedures:

- i. impose an interruption of studies on the student for a specified time;
  - ii. exclude the student from all or part of the University's premises and University managed accommodation and from University and Students' Union activities for a specified period of time.
- e. The decision to temporarily interrupt studies and access to facilities, and the reason why this action is being taken, may be communicated orally in the first instance. Where this is the case, written confirmation outlining the reasons for this decision and outlining the right to appeal should be sent to the student within 2 working days.

- f. Any interruption shall include any arrangements to be put in place to minimise the impact on the student's academic studies.
- g. A student may, within 10 working days of the date of the written notification of a decision to interrupt studies, appeal in writing against the decision under the procedures set out in section 2.8 below. The student will be notified of the decision within 10 working days of the receipt of the letter requesting an appeal.
- h. Where a student has had a temporary interruption or exclusion in accordance with this section, the appointed member of the Executive Leadership Team shall review the decision every 10 working days to determine whether it is reasonable for the interruption/exclusion to continue.

## **2.4 Confidentiality**

- a. An appropriate level of confidentiality is fundamental to the operation of an effective misconduct process and must balance transparency and the requirements of Natural Justice against a legitimate expectation of personal privacy. In order to ensure the integrity of the process all parties involved in the operation of these procedures including the Responding Student and Reporting Parties, any witnesses and members of University staff must ensure that they maintain an appropriate level of confidentiality during the investigation.
- b. Where an allegation is received by the University, the University will normally only undertake an investigation with the consent of the Reporting Party or any other party whom it is alleged has been impacted by potential breach of policy. Under special circumstances, determined by the Academic Registrar, in order to ensure individuals, property, institutional reputation and third party stakeholders are protected wherever possible, consent will not always be required. Further details about this can be found in the University's 'Consent to Investigate or Report Externally Statement' located on the University's Report + Support online reporting tool.
- c. In imposing an expectation of confidentiality, the University recognises that it may be necessary and therefore appropriate for those involved in these procedures to share certain confidential information with third parties, as set out below.
- d. The University may disclose information:
  - i. to those who need to know to discharge their responsibilities at work and ensure effective investigation and support;
  - ii. where it considers that disclosure is necessary in the interests of health and safety at work or the welfare of other staff, students or the public interest;
  - iii. where disclosure is required by law;
  - iv. to witnesses and/or attendees at the meetings within these policy procedures.
- e. Students and staff members may disclose information:
  - i. with professional advisers for the purpose of obtaining advice;
  - ii. with students' family members and support services for the purpose of obtaining guidance and support;
  - iii. with relevant sector bodies such as the Office of the Independent Adjudicator (OIA) or the University's regulator, the Office for Students.
- f. Expectations around confidentiality will be discussed with the Reporting Party and the Responding Student in their initial meetings with the Investigating Officer. Where any person is subsequently found to have made contact with the Reporting Party, Responding Student or named witnesses in relation to the allegations made or the



disciplinary process, it may be seen as retaliation against the allegation and may lead to further action, potentially at level three of these Procedures (Gross misconduct).

## **2.5 Sharing of case details and evidence**

- a. The Responding Student has the right to be informed of and to respond to the allegations made against them.
- b. The University shall ensure that the Responding Student has access to all the appropriate evidence the University has in respect of the case, as well as the summary report, drafted by the Investigating Officer before this is sent for decision or to Panel.
- c. The Reporting Party will also have an opportunity to see and challenge the Responding Party's statement and evidence before the final report is produced and have access to the summary report, drafted by the Investigating Officer before this is sent for decision or to Panel.
- d. In exceptional circumstances, at the request of either party and at the discretion of the Academic Registrar, material of a very sensitive nature that would not have any evidential impact on the outcome of a case (for instance, details of distress caused, or medical details) may not be shared. Where this happens sufficient information to challenge or to determine the case will be shared with the other party and with the panel or person determining the issue.

## **2.6 Communication and Data handling**

- a. Unless agreed otherwise by the University, communication with students will usually be via their Unimail address and with staff will be via their University staff email address.
- b. A summary record shall be kept of all meetings and telephone/Teams calls and retained in a confidential file.
- c. Details of the University's data retention policy in relation to these Procedures can be found on the University's Report + Support platform, under '[Privacy Notice](#)'.

## **2.7 Outcomes and Sanctions**

- a. These processes are not legal proceedings and all investigations, support, and decision-making will be conducted to a the standard of care expected of a higher education institution. Outcomes will be decided on the balance of probabilities test: that is, is it more likely than not, on the evidence available, that the alleged misconduct occurred. All investigations are conducted impartially and are undertaken because a qualifying allegation has been made - they are not undertaken on behalf of the Reporting Party. Investigations are undertaken to establish facts and evidence where possible. Determinations establish whether the available evidence show that it is more likely than not (balance of probabilities) that the behaviours or events did occur.
- b. Where a Responding Student fails to attend a misconduct meeting or provide their response to an allegation of misconduct when requested to do so by the University, this may itself lead to further disciplinary proceedings. When the Responding Student refuses to engage despite the reasonable attempts of the University, the case may be concluded in their absence.. For cases where a student withdraws from the University whilst a misconduct investigation is ongoing, the case may be concluded in the student's absence at the discretion of the Academic Registrar (see section 2.2f).
- c. Responding Students will be given fully reasoned details of the outcome, including a rationale for any sanction imposed.

- d. Reporting Parties will normally be informed of the steps taken to investigate, information relating to evidence considered, people involved in decision making, and the outcome. Subject to data protection considerations, sanctions may be shared with the Reporting Party.
- e. In the event of a determination relating to harassment or sexual misconduct, the University will disclose, the facts determined, key issues such as impact of the events or conduct on the student, the outcome of a staff or student disciplinary investigation to those directly affected, including the Reporting Party and other witnesses, and in some cases the sanction, subject to a legitimate interest test in accordance with the Data Protection Act 2018.
- f. All sanctions must be carried out by the Responding Student themselves and cannot be undertaken on their behalf by another party. On occasions when a reasonable adjustment might allow the student to be accompanied (for instance for a mediation, or restorative justice session) the accompaniment will be provided through Student Support and Success.
- g. The University is limited in what action can be taken in relation to disputes in private sector student houses. Where the University is not a contracting party to a housing licence or tenancy agreement then it is beyond the authority of the University to impose sanctions or instructions specifically relating to domestic arrangements.

## **2.8 Appeals**

- a. Responding Students shall have the right of appeal in relation to the outcome and/or sanctions given. Grounds for appeal can be found in section 8 of these Procedures.
- b. Dissatisfaction with the outcome of a matter or sanction does not constitute grounds for appeal.
- c. Reporting parties cannot appeal a disciplinary outcome, but if they believe that the University has not followed its processes, they should make a complaint under the [Student Complaints Policy](#).

## **SECTION 3 – Case Nature and Types of Investigation**

### **3.1 Decision not to proceed with an investigation**

- a. The Academic Registrar or delegated authority reserves the right not to proceed with any investigation following an allegation against the behaviour of a student if it is considered that there are insufficient grounds and/or evidence to do so.
- b. The Academic Registrar or delegated authority reserves the right to suspend any investigation on grounds of exceptional circumstance where either Reporting or Responding parties are not able to engage with the investigation procedures due to events or circumstances beyond their control.
- c. The University will not normally act on allegations of misconduct which following an initial investigation, it considers to be solely vexatious, spurious or malicious.

### **3.2 Cases with multiple respondents**

- a. Where more than one student is involved in a case of suspected misconduct, the Academic Registrar or delegated authority may choose whether to take joint or separate action against each student under these procedures.

### **3.3 Cases relating to off campus incidents and within Winchester Students' Union venues**

- a. The University will normally only investigate misconduct which occurs on premises and facilities owned or operated by the University. However, the University reserves the right to investigate allegations which occur off its campuses if it considers that a student's behaviour may have a detrimental impact on members of the University, property or institutional reputation. The University is not empowered to act on behalf of third parties, for example private landlords, but may under the direction of the police, assist with their investigations.
- b. Allegations about misconduct within Winchester Student Union venues, associated activities, and societies will normally be dealt with through the Union's own procedures. However, reports received about serious misconduct will be referred, by agreement on a case-by-case basis, to the University for investigation.
- c. Where more than one student is involved in a case of suspected misconduct, the Academic Registrar or delegated authority may choose whether to take joint or separate action against each student under these procedures.

### **3.4 Informal resolutions**

- a. In some circumstances, a student may make a report about unwanted conduct or contact from another student/students which may be suitable for an informal resolution. These could include facilitated conversations, non-contact agreements or other informal resolutions. It will be at the discretion of the Academic Registrar or delegated authority whether this type of resolution is suitable, on a case-by-case basis.

### **3.5 Multiple processes**

- b. Where any part of the proceedings is a matter that is subject to Professional, Statutory or Regulatory Body (PSRB) rules, the disciplinary procedures will be modified in order that those rules are adequately considered and if necessary, consultation with the relevant PSRB undertaken. Where appropriate, these procedures will be combined with those of the University's Fitness to Practise procedures, with a single panel Hearing to determine outcomes for both. This may result in different outcomes under each procedure.
- c. Where misconduct matters arise under another University process, for instance academic integrity or academic appeals, that process may be paused or combined under a single investigation, at the discretion of the Academic Registrar or delegated authority, to investigate the alleged misconduct first.

### **3.6 Criminal Offences and Legal Proceedings**

- a. The University will only report a case to the police in very specific circumstances, as detailed in the University's Safeguarding Policy and the Bullying, Harassment and Sexual Misconduct Policy. The University recommends that individuals affected by criminal acts such as physical assault, rape or sexual assault report those issues to the police as well as to the University, because the police have far wider powers of investigation than the University. Support is available to students who report in both situations.
- b. In cases criminal processes are being actively considered, or are initiated, the University may defer action until any criminal procedures have been concluded. However, there may be circumstances in which the processes run concurrently, particularly where there

is an immediate risk to people or property. The University may consult with the relevant external agencies before determining how to proceed.

- c. Investigations considered by the police or other external body are independent from these procedures and any information, advice or opinion offered to the University may only be taken into consideration at the discretion of the Academic Registrar or delegated authority.
- d. In such cases, a member of the Executive Leadership Team may apply an interruption of studies and measures as defined under section 7 of this document to the student under these procedures pending the outcome of any police, criminal or other legal proceedings.
- e. When there is a criminal investigation, the Investigating Officer will make regular contact with the Reporting Party and the Responding Student and/or police to review any progress and/or change in status regarding the case.
- f. In cases where a student is convicted of an offence and given a sentence (custodial or non-custodial), the matter must be reported by the student to the Academic Registrar as soon as possible. The Academic Registrar shall then refer the matter to a member of the Executive Leadership Team who will determine:
  - i. whether to invoke or defer disciplinary actions under these policy procedures
  - i. whether the student should be withdrawn from the University temporarily, have their registration terminated or any restrictions placed upon their continued registration.
  - ii. Such matters shall be decided on a case-by-case basis taking into account the alleged crime or offence committed and any previous relevant misconduct. The safeguarding of students and staff will be the guiding principle in this process.
- g. In reaching their decision, the member of the Executive Leadership Team may take advice internally and externally as appropriate.
- h. The Responding Student shall be notified in writing of the decision of the University and whether and how the student may be able to apply for re-admission if their registration is terminated.
- i. A student or former student who has served a custodial sentence or period of remand may wish to return to the University to complete their studies. They will be subject to processes contained within the Admissions Policy to determine whether admission should be granted based on risk. .
- j. The Academic Registrar shall liaise with University staff as appropriate.
- k. The Academic Registrar shall consider the nature of the offence, any particular circumstances, potential risks to the University and any other pertinent issues and shall decide on re-admission, the timing of it and any conditions attached to such re-admission.
- l. If a Responding Student is acquitted of a criminal offence the University may still take disciplinary action against them if it considers that misconduct under University policies may have occurred.

### **3.7 Disclosures and Counter allegations**

- a. No one should expect to suffer any disadvantage, recrimination or reprisals for either making a complaint or submitting evidence in good faith.

- b. If a counter-allegation is submitted against a Reporting Party whilst the disciplinary process is ongoing, the Academic Registrar or delegated authority will decide on a case-by-case basis whether to wait for the initial case to conclude before then considering the counter allegations or whether to investigate both reports concurrently, whichever is deemed most appropriate.

### **3.8 Environmental Investigations**

- a. Where there are a number of reports concerning unacceptable behaviour, the University may conduct an environmental investigation with staff and/or students within a department or Faculty to understand the behaviours in more detail and identify and target appropriate support and interventions.
- b. An environmental investigation will involve an agreed terms of reference with the department, and interviews and/or focus groups with students and/or staff to ascertain the key concerns and possible solutions.

## SECTION 4 – DISCIPLINARY FRAMEWORK

The University considers different behaviours and breaches of conduct at three distinct levels depending on the nature of the conduct and its impact.

The following section outlines examples of misconduct at each level of these procedures and potential actions/sanctions that would be imposed for each.

### 4.1 Level One

These are instances of poor behaviour that can be managed quickly without the need for formal investigations and actions would normally be for

- a. Students will receive advice and guidance on future conduct and possible consequences of continued poor behaviour and misconduct;
- b. Students may be required to issue an apology to parties affected by their poor behaviour and misconduct and
- c. Students may be required to demonstrate knowledge and understanding of the expected behaviours and conduct as defined in the Student Charter

#### Examples of Misconduct at Level 1

- Minor disruption of or interference with academic, administrative, sporting, social or other activities of the University;
- Incidents between students or students and staff which fall below the expectations of mutual respect as defined in the Student Charter's or where informal attempts to deal with the behaviour have failed;
- Minor misuse of social media but not including matters that might relate to harassment or discrimination under the Equality Act;
- Minor misuse or unauthorised use of University property;
- Minor damage to University or other property;
- Failure to disclose name and other relevant details to an officer or employee of the University in circumstances where it is reasonable to require that such information be given;
- Minor incidents relating to poor behavior such as undertaking covert recording.

## 4.2 Level Two

These are more serious incidences of behaviour and misconduct that require sanctions to protect persons, property and reputation and aim to prevent escalation of poor behaviour and misconduct and likely to require:

- a. A written, or final written warning which is recorded on the student's record and copied to the Head of Department
- b. A requirement to enter into a 'Good Behaviour' agreement
- c. Requirement for a formal apology
- d. Temporary restriction of access to specified University and Students' Union premises, facilities, events, and services for a stated period
- e. Requirement to undertake additional action relating to nature of the misconduct aimed at changing behaviour and understanding of the impact of the misconduct
- f. Requirement to demonstrate knowledge and understanding of the expected behaviours and conduct as defined in the Student Charter

Additionally, there may be requirements for specific sanctions related to the type of misconduct:

<b>Examples of Misconduct at Level Two</b>	<b>Potential additional sanctions relating to nature of misconduct</b>
<b>Discrimination (as defined under the Equality Act 2010);</b>	<ul style="list-style-type: none"><li>• Requirement to undertake specific training in relation to Equality, Diversity and Inclusion.</li></ul>
<b>Physical, written or verbal abuse or intimidation;</b>	<ul style="list-style-type: none"><li>• Non-contact order</li></ul>
<b>Bullying*</b>	<ul style="list-style-type: none"><li>• Non-contact order</li></ul>
<b>Harassment*</b>	<ul style="list-style-type: none"><li>• Non-contact order</li></ul>
<b>Sexual Misconduct*</b>	<ul style="list-style-type: none"><li>• Non-contact order</li></ul>
<b>Actions which bring or threaten to bring the University's reputation into disrepute;</b>	<ul style="list-style-type: none"><li>• Requirement to undertake specific training in relation to professional conduct</li></ul>
<b>Fraud or personation;</b>	<ul style="list-style-type: none"><li>• Requirement to undertake specific training in relation to professional conduct</li></ul>
<b>More than minor, or repeated, disruption of, or interference with, academic, administrative, sporting, social or other activities of the University;</b>	<ul style="list-style-type: none"><li>• Requirement to undertake specific training in relation to professional conduct</li></ul>
<b>Misuse of alcohol, drugs and legal highs;</b>	<ul style="list-style-type: none"><li>• Requirement to undertake specific training in relation to misuse of alcohol, drugs and legal highs.</li></ul>
<b>Misuse of social media;</b>	<ul style="list-style-type: none"><li>• Requirement to undertake specific training in relation to proper use of social media</li></ul>
<b>Malicious allegations against other students, staff or members of the public;</b>	<ul style="list-style-type: none"><li>• Requirement to undertake specific training in relation to professional conduct</li><li>• Non-contact order</li></ul>

<b>Misuse or unauthorised use of University property; Damage to University or other property;</b>	<ul style="list-style-type: none"> <li>• Requirement to undertake specific training in relation to professional conduct</li> <li>• Reparation in respect of loss caused by the misconduct</li> </ul>
<b>Breaches of UK Government Guidelines in response to any local, national or global emergency;</b>	<ul style="list-style-type: none"> <li>• Requirement to undertake specific training in relation to professional conduct</li> </ul>
<b>Failure to declare a criminal conviction to University of Winchester, subject to the Rehabilitation of Offenders Act;</b>	<ul style="list-style-type: none"> <li>• If warranted and depending on the nature of the conviction, escalation to Level 3 as determined by the Investigating Officer.</li> </ul>
<b>Breach of confidentiality in relation to these Procedures;</b>	<ul style="list-style-type: none"> <li>• Requirement to undertake specific training in relation to professional conduct</li> </ul>
<b>Misconduct relating to the academic appeal or academic integrity process. E.g. intimidation/coercion of witnesses or falsification of evidence.</b>	<ul style="list-style-type: none"> <li>• Requirement to undertake specific training in relation to professional conduct</li> </ul>
<b>Any act or omission which prevents the University from discharging its duties and obligations under the Higher Education (Freedom of Speech) Act 2023. E.g. obstructing and/or preventing a lawful and authorised event from taking place</b>	<ul style="list-style-type: none"> <li>• Requirement to undertake specific training in relation to professional conduct</li> </ul>

*\* Definitions of misconduct relating to bullying, harassment and sexual misconduct are included within the Bullying, Harassment and Sexual Misconduct Policy. Disciplinary procedures will be followed when investigating such reports and the Academic Registrar or delegated authority will determine whether the case should be investigated at Level 2 or Level 3.*

### **4.3 Level 3**

These are the most serious incidences of poor behaviour and misconduct. A disciplinary panel, and where appropriate combined Fitness to Practise panel, will make determinations and recommendations of sanctions for these offences and for most cases can include:

- A written, or final written warning which is recorded on the student's record and copied to the Head of Department
- A requirement to enter into a 'Good Behaviour' agreement
- Requirement for a formal apology
- Temporary restriction of access to specified University and Students' Union premises, facilities, events, and services for a stated period or permanently
- Requirement to undertake additional action or specific training relating to nature of the misconduct aimed at changing behaviour and understanding of the impact of the misconduct
- Requirement to demonstrate knowledge and understanding of the expected behaviours and conduct as defined in the Student Charter



For **Level 3** cases of misconduct considered to be classed as gross misconduct, it may be appropriate to recommend the following sanctions:

- g. Imposing conditions on a student's access to University of Winchester and Students' Union premises, facilities, events, and services, where such restrictions are deemed necessary for the safety and security of the members of the University community
- h. Sanctions under the Student Residence Regulations
- i. A recommendation for an interruption of studies for a specified period of time
- j. A recommendation for a termination of studies, with or without a final or fallback award
- k. Conditions around attendance at award or graduation ceremonies, especially where a Reporting Party or witness may be in attendance.

Additionally, there may be requirements for specific sanctions related to the type of misconduct:

<b>Examples of Misconduct at Level Three (Gross misconduct)</b>	<b>Potential additional sanctions relating to nature of misconduct</b>
<b>Criminal activities that affect the student's participation in their programme of study or pose a risk to themselves or others or the reputation of the University or its functioning</b>	<ul style="list-style-type: none"> <li>• Reparation in respect of loss caused by the misconduct</li> </ul>
<b>Incidents involving weapons</b>	<ul style="list-style-type: none"> <li>• Reparation in respect of loss caused by the misconduct</li> </ul>
<b>Bullying*</b>	<ul style="list-style-type: none"> <li>• Non-contact order</li> </ul>
<b>Harassment*</b>	<ul style="list-style-type: none"> <li>• Non-contact order</li> </ul>
<b>Sexual Misconduct*</b>	<ul style="list-style-type: none"> <li>• Non-contact order</li> </ul>
<b>Repeated misconduct</b>	<ul style="list-style-type: none"> <li>• Reparation in respect of loss caused by the misconduct</li> </ul>
<b>Failure to respond to or comply with disciplinary sanctions imposed under these or other University procedures or policies;</b>	<ul style="list-style-type: none"> <li>• Reparation in respect of loss caused by the misconduct</li> </ul>
<b>Breach of confidentiality in relation to these Procedures, which includes intimidation or threatening behaviour</b>	<ul style="list-style-type: none"> <li>• Non-contact order</li> </ul>
<b>Vexatious or malicious allegations against other students, staff or members of the public;</b>	<ul style="list-style-type: none"> <li>• Non-contact order</li> </ul>
<b>Any serious breach of standards of conduct and behaviour that has, or may have, a serious adverse effect on the University, its students, staff or members of the public;</b>	<ul style="list-style-type: none"> <li>• Reparation in respect of loss caused by the misconduct</li> </ul>
<b>Very serious, or repeated breaches of UK Government Guidelines in response to any local, national or global emergency.</b>	<ul style="list-style-type: none"> <li>• Reparation in respect of loss caused by the misconduct</li> </ul>
<b>Repeated failure to engage with regulatory compliance or health and safety aspects of the programme</b>	<ul style="list-style-type: none"> <li>• </li> <li>• Reparation in respect of loss caused by the misconduct</li> </ul>

\* See Level 2 above.

## SECTION 5 - Proportionality of Sanctions and Mitigating Factors

5.1 Sanctions imposed under these procedures under Level 2 and 3 shall be reasonable, proportionate and consistent; aggravating and mitigating circumstances will be considered and reasons for sanctions will be given. Consideration will also be given to the impact of sanctions on a student's wider circumstances.

- a. Aggravating factors may include but are not limited to:
  - i. Offences which directly or indirectly cause a physical or mental injury;
  - ii. Offences for which a student has received a previous warning or sanction;
  - iii. Offences where there is a power relationship between the Reporting and Responding parties, where this power is abused;
  - iv. Offences which may be considered to constitute domestic abuse;
  - v. Offences which include the use of force/violence/threats/intimidation;
  - vi. A pattern of misconduct which has been founded previously;
  - vii. Evidence of intoxication caused by drink or drugs.
- b. Mitigating factors may include but are not limited to:
  - i. Evidence that the offence was committed without the intent to cause harm, damage or upset;
  - ii. Evidence that the student has demonstrated sincere remorse for the offence;
  - iii. The student has clearly accepted responsibility for the offence.
  - iv. The student took immediate steps to remedy the effects of the offence.

5.2 If there is information held about students who may have been involved in previous incidents of misconduct, this may be taken into account when applying sanctions.

## SECTION 6 – DISCIPLINARY PROCEDURES

The following procedures will apply in cases where an informal resolution is not appropriate or possible.

### 6.1 Level One Early Resolution

- a. Level One normally involves intervention by Faculty or Professional Services staff when an incident occurs which is relatively contained and minor.
- b. All allegations of misconduct should normally be made via the University's Report + Support online reporting tool.
- c. Where the Academic Registrar or delegated authority concludes that the allegation should be considered at Level One, details of the report will be forwarded to the Dean or Director of Professional Services responsible for the area where the misconduct is alleged to have taken place.
- d. Where allegations relate to misconduct within a teaching and learning environment, cases will normally be heard by the Head of Department. Where allegations relate to more than minor, or repeated, misconduct within a teaching and learning environment, cases will normally be heard by a Dean.
- e. The Dean (or their nominee) or Director of Professional Service (or their nominee) may obtain further information before deciding whether to consider the complaint under these policy procedures.

- f. The Dean (or their nominee) or Director of Professional Service (or their nominee) shall normally notify the student who is subject to the allegation within 5 working days of deciding to consider the complaint under the procedures as detailed in this policy, issue them with a copy of these procedures and invite them to respond usually by meeting and normally within 5 working days. The student will be advised that they should not discuss the case with the Reporting Student or anyone else involved.
- g. The Dean of Faculty (or their nominee) or Director of Professional Service (or their nominee) shall consider the allegation of misconduct, may meet with the student who is subject to the allegation of misconduct and others involved, review the evidence and share it with the Responding Student who shall be invited to comment on it.
- h. Following the conclusion of the Procedure outlined above, the Dean (or their nominee) or Director (or their nominee) will determine the outcome as follows:
  - i. Dismiss the allegation;
  - ii. Uphold the allegation and offer advice as to future conduct and consequences;
  - iii. Conclude that the alleged misconduct is such that it should be considered under Level Two or Three of these procedures, in order to impose an appropriate sanction.
- i. Complaints or allegations about misconduct at Level One may also fall within the scope of other University policies or procedures. In such cases, it may be more appropriate for an alternative procedure to be used.
- j. The student shall normally be notified by email of the outcome within 15 working days of their response to the allegation or their meeting with the Dean/Director (or nominee), whichever is later.
- k. The Reporting Party shall normally be notified (by email) of the outcome.
- l. Investigation at Level One will not be recorded as disciplinary action on the student's record.

## **6.2 Investigation at Levels Two and Three**

- a. Allegations of misconduct should be made via the University's Report + Support online reporting tool.
- b. The Academic Registrar or delegated authority will nominate an Investigating Officer who will normally meet with the Reporting Party to clarify the details of the complaint and take a written statement.
- c. Only staff who have undertaken trauma-informed training will investigate or decide sexual misconduct cases
- d. Following the initial meeting with the Reporting Party, the Investigating Officer will advise the Academic Registrar or delegated authority if the allegations may pertain to gross misconduct. The Academic Registrar or delegated authority will decide if the allegations will proceed at this level. The Investigating Officer may recommend to the Academic Registrar that a Level Two alleged offence should escalate to a Level Three investigation in circumstances where the evidence or alleged impact of the offence in question would require a panel hearing to determine the outcome.
- e. The Responding Student will be notified in writing\* of the allegation normally within 5 working days of approval of the written statement by the Reporting Party. They will be issued with a copy of the procedures and informed of the level of procedures at which

the case is being investigated (i.e. Level Two or Level Three). The Responding Student will be invited to meet with the Investigating Officer within 5 working days to respond to the allegation(s). The Responding student will be advised that they should not discuss the case with the Reporting Party or anyone else involved.

*\* The Investigating Officer may first inform the Responding Party of the allegations in person, rather than in writing, if there are welfare concerns about the student or where the allegations pertain to gross misconduct and the outcome of the investigation could be withdrawal from the University with or without an exit award.*

- f. Following this meeting, the Investigating Officer will contact any witnesses named by the Reporting Party and the Responding Student and gather any other evidence that is available. They will then draft a summary report of the case.
- g. Prior to determination, and subject to confidentiality expectations, all of the evidence gathered, and the Investigating Officer's report shall be shared with the Responding Student who shall be invited to comment on it.
- h. Where covert recordings are submitted as evidence, the recording shall be passed to an independent member of staff appointed by the Academic Registrar, to determine whether it should be included.
- i. The Investigating Officer's report shall normally also be shared with the Reporting Party who shall be invited to comment on it. They may also be given access to the evidence gathered, depending on the nature of the investigation.
- j. If the Responding Student does not engage with the investigation, the procedures will still go ahead and the student shall be informed that this will happen.
- k. Where the alleged misconduct comes under both the disciplinary procedures (Section 6) and the University's Fitness to Practise procedures, there will normally be a joint investigation. In such cases, the University will allocate a 'Lead Investigator' from either the Student Conduct team or the Faculty, depending on the nature of the misconduct.

### **6.3 Disciplinary Action at Levels Two and Three**

- a. Level Two is used for cases where allegations are considered to be too serious to be dealt with at Level One. Level Two may also be used where alternative procedures at Level One have failed to resolve the matter. If the alleged misconduct is such that it should be considered gross misconduct, the Academic Registrar or delegated authority shall follow the procedures at Level Three.
- b. The Academic Registrar or delegated authority shall manage action under both levels Two and Three.
- c. If the alleged misconduct is such that it may be more appropriate for it to be considered under another University policy or procedure, the Academic Registrar or delegated authority shall refer the allegation as appropriate.

### **6.3 Level Two Decision Making**

- a. Outcomes and sanctions will be determined by a decision maker with no previous involvement and no perception of bias, who will be appointed by the Academic Registrar or delegated authority. The decision maker will consider the evidence and the Investigating Officer's report, including the Responding Student's response to the allegation.

- b. In cases where the allegations relate to repeated or serious misconduct within a teaching and learning environment, cases will normally be decided by the Dean.
- c. In cases where the allegation is denied and there remains a question of fact to be determined and where the potential consequences are serious (for instance where there are PSRB implications), then the matter should be determined by a Disciplinary Panel in accordance with the provisions found in section 6.5 of this document.
- d. In all other cases at Level Two, the decision maker will determine the outcome and decide upon one of the following:
  - i. Dismiss the allegation;
  - ii. Uphold the allegation and impose one or more appropriate sanctions;
  - iii. Conclude that the alleged misconduct is such that it should be considered gross misconduct, or that the sanctions available at Level Two are inadequate in the circumstances and refer the matter to Level Three.
- e. Possible sanctions at Level Two are listed above in section 4.
- f. The Responding student shall normally be notified in writing of the outcome within 15 working days of being sent the Investigating Officer's report. The student will be informed of their right to appeal the decision which must be submitted within 10 working days as per section 2.8 of these procedures.
- g. The Reporting Party shall normally be notified (by email) of the decision. Sanctions will be disclosed subject to GDPR requirements. (More detail about the sharing of outcomes and sanctions can be found in section 4 above).

#### **6.4 Decision making for Investigations at Level Three**

- a. Where an allegation has been identified as being at Level Three, a Disciplinary Panel shall be convened, and its members shall be appointed by the Academic Registrar or delegated authority. It shall comprise three members, two staff and one representative of the student body. The representative of the student body will normally be a sabbatical officer of the Students' Union. One of the staff members will be appointed as Chair. No member of the Panel will have been previously involved in the case or have any close relationship with the student or others involved in the case or have any perception of bias. Any objections to the panel membership should be made to the Academic Registrar or delegated authority, stating the reasons for the objection. [Variations to the panel membership for joint Disciplinary/Fitness to Practise panels are noted in section 6.5 below.]
- b. If it appears that the case may raise cultural or other sensitivities, the Chair may co-opt an additional member able to advise on these issues, or otherwise seek advice as they see fit.
- c. The Academic Registrar or delegated authority shall appoint a Secretary to the Disciplinary Panel who shall be responsible for organising the Panel meeting and dealing with queries on procedure from the Responding Student, Reporting Party, Panel members and any others involved. The Secretary shall also ensure that information and paperwork is shared with all parties, as detailed in section 6.5 below, and that a record of the Hearing is taken.

- d. Once the investigation is complete, the date for the Disciplinary Panel shall be determined and communicated to the Reporting Party and the Responding Student. They shall normally be given at least 5 working days' written notice of the date, time and place of the Hearing. Where the Chair deems there are special circumstances which require a shorter period of notice to be given, the reasons for this will be explained to the parties.
- e. The written notice shall be accompanied by:
  - i. A copy of the Investigating Officer's report together with any supporting documentation;
  - ii. A copy of the Responding Student's initial statement in response to the allegation, together with any supporting documentation;
  - iii. A list of the names and status of all witnesses to appear before the Panel;
  - iv. A copy of the Disciplinary procedures as detailed in this policy;
  - v. A copy of any other relevant documents.
  - vi. Details of the composition of the panel;
  - vii. Details of their right to be accompanied;
  - viii. Details and arrangements for attendance by MS Teams or other means where appropriate.
- f. The Responding Student and the Reporting Party have the right to be accompanied at the Hearing as set out in section 2.1d above.
- g. In a case with multiple students who are subject to the same allegation, the Academic Registrar or delegated authority may, at their discretion, decide to convene a single Disciplinary Panel Hearing to decide the matter.
- h. Reporting Parties will be carefully advised by the Secretary to the Disciplinary Panel, in advance of any hearing, of the potential effect of any non-attendance by them, and, in the case of harassment and sexual misconduct issues, of the safeguards in place for the panel hearing.
- i. Where the Responding student is unable to attend, the Hearing may be postponed once on receipt of appropriate evidence to substantiate acceptable reasons for absence. It should be noted that Hearings may take place outside of standard term time dates and this, in itself, will not be accepted as a reason for absence. If the Responding student is unable to attend a second time, the Hearing will normally be held in their absence.
- j. Where the Responding Student does not appear at the Hearing and/or has not provided appropriate evidence for their absence, the Panel may proceed to deal with the allegation in their absence provided the Chair is satisfied that the student has been properly notified of the arrangements for the Hearing.
- k. Staff who are the Reporting Party are normally required to attend the meeting; students who are the Reporting Party are also expected to attend. Although the Panel can proceed to deal with the allegation in the absence of the Reporting Party, appropriate weighting would be given to their evidence as a result of not being able to cross examine them.
- l. If a panel hearing is required in cases of sexual misconduct, the University will make all appropriate adjustments to its processes to support affected students and staff. Reported and Reporting parties are expected to attend but will not be required to attend a hearing in-person together and video technology will be utilized with camera-off where requested. Reporting and Reported parties will not question each other directly,

- questioning during any hearing where both parties are present will be conducted through the Chair who will decide if a question is appropriate or appropriately phrased.
- m. Any witnesses invited to attend the Hearing shall also be given at least 5 working days' notice. Students or staff who are called as witnesses may be asked to attend for the whole panel meeting or just for part of the meeting, in order to provide a statement and answer questions. This will be confirmed in advance of the meeting by the Chair. Witnesses are expected to attend if invited.
  - n. The proceedings at the Disciplinary Panel Hearing, supporting documentation and outcome are confidential to those involved.
  - o. In the event of a joint panel Hearing for the Disciplinary Procedures and Fitness to Practise Policy procedures, the membership of the panel will depend on whether the misconduct is being considered at Level Two or Level Three of these procedures. If the misconduct is being considered at Level Two, then one disciplinary decision maker will join the Fitness to Practise panel, as stated in the Fitness to Practise Policy, and will solely make decisions about the outcome and possible sanctions under these procedures. If the misconduct is being considered at Level Three, then the Chair of the Panel Hearing will be the Academic Registrar (or nominee). They will be joined on the Panel by a Sabbatical Officer from the Student Union and the third Panel member for the Disciplinary procedures as detailed in this policy will be one of the Academics from the Fitness to Practise panel membership.

## **6.5 Conduct of the Disciplinary Panel Hearing**

- a. The conduct of the hearing will normally be as follows but can be adapted by the Chair to suit circumstances:
- b. A member of the Conduct and Complaints Team (or a suitable alternative) will act as Secretary to the Panel and minute the Hearing. Minutes are confidential.
- c. The Panel and Secretary will meet alone to review the documentation and discuss the case.
- d. The Responding Student, the Reporting Party, their support persons (if relevant) and the Investigating Officer will then be invited to join the meeting. [The Responding Student and the Reporting Party may be attending virtually, through MS Teams.]
- e. The Chair will open the meeting and summarise proceedings and ensure all attendees have received all relevant information. They shall explain the role and powers of the Panel as set out in these procedures, confirm that all questions and statements should be put through the Chair and detail the possible outcomes of the meeting.
- f. The Investigating Officer (or Chair in their absence) will outline the allegations and evidence.
- g. The Panel may question the Investigating Officer.
- h. The Reporting Party may make representations to the Panel and may question the Investigating Officer and the Responding Student. All questions are directed through the Chair. The Chair may refuse any inappropriate question.
- i. The Panel may question the Reporting Party.
- j. The Responding Student may make representations to the Panel and may question the Investigating Officer and the Reporting party. All questions are directed through the Chair. The Chair may refuse any inappropriate question.
- k. The Panel may question the Responding Student.



- l. If any witnesses are attending for part of the hearing, they will be invited in at this time.
- m. Witnesses in attendance (in person, via Teams or other appropriate means) will provide a statement and then may be questioned by the Panel, the Reporting party and the Responding Student as appropriate. All questions are directed through the Chair.
- n. Final comments or responses will be invited from all parties.
- o. The Reporting Party and the Responding Student will be advised about how/when they can expect to be informed of the decision of the Panel.
- p. The Responding Student, the Reporting Party, their support persons, any witnesses (if relevant) and the Investigating Officer will then withdraw.
- q. The Panel will discuss the case and either make a decision or require further information or investigation. The Panel may seek support and advice from external bodies where relevant, for instance legal or specialist advice. If the members of the Panel cannot agree on an outcome or sanction, the decision of the Panel will be that of the majority of its members. If there is a split decision, the Chair will have the casting vote.
- r. The Panel shall make one of the following decisions:
  - i. The allegation of gross misconduct is not proven;
  - ii. The allegation of gross misconduct is proven;
  - iii. The allegation is not proven at Level Three but is proven at Level Two or One;
  - iv. What, if any, sanctions to apply.
- s. Possible sanctions at Level Three are listed above in section 4
- t. For a decision other than a recommendation for interruption from studies, exclusion from University premises or termination of studies, the Chair of the Panel shall write to the Responding Student confirming the Panel's decision and any sanctions, normally within 5 working days of the Hearing. The student will be informed of their right to appeal the decision, which must be submitted within 10 working days as per section 2.8 of these procedures.
- u. Reporting Parties will normally be informed of the decision (by email). Sanctions will be communicated where this complies with GDPR responsibilities. (More detail about the sharing of outcomes and sanctions can be found in section 4 above)
- v. The Chair shall confirm to the Secretary whether anyone in addition to the Reporting Student is to be informed of the decision of the Panel. All are required to keep the decision confidential.

## **SECTION 7 – Interruption, Exclusion and Termination of Registration**

- a. If the Disciplinary Panel recommends that a student be subject to interruption from studies, exclusion from University premises or termination of registration, the matter will be referred to a member of the Executive Leadership Team, acting under delegated authority from the Vice-Chancellor.
- b. If the member of the Executive Leadership Team confirms the decision to interrupt studies or exclude the student for a period of time, the student shall be informed in writing to the student's Unimail address normally within 5 working days of the date of the decision. The Dean and Academic Registrar shall be informed of the details of the interruption and/or exclusion. The Dean will work with the Head of Department to devise a plan to support the student's study where possible and appropriate.



- c. International students who are sponsored to study at the University of Winchester on a Student Visa, or equivalent, may be subject to restrictions due to their immigration status and as a result of a suspension may find themselves unable to meet the conditions of their leave to remain in the UK. The Head of International Student Success and UKVI Compliance Officer will assess this on a case-by-case basis, taking into account the duration and nature of the suspension, and issue advice to the affected student accordingly.
- d. If the member of the Executive Leadership Team decides that the student's studies should be terminated, the student will be informed of this in writing to the student's Unimail address normally within 5 working days of the date of the decision. The student will also be notified whether they are eligible for an exit award. The relevant Dean of Faculty and /or Director of Professional Service shall also be notified of the decision.
- e. If the member of the Executive Leadership Team does not agree with a recommendation to interrupt studies, exclude or terminate the student's studies they may substitute another sanction or require the Panel to reconvene to review the sanctions imposed.
- f. Tuition fees will not be refunded where a student has been suspended or expelled as an outcome sanction of these procedures (Section 6) unless there is evidenced compelling exceptional circumstances and under the authorisation of the Executive Leadership Team. Refunds or partial refunds for any other contractual arrangements, such as housing, will be determined by the Director where there has been no additional cost to the University.

## SECTION 8 - Appealing the decision

- a. Responding Students may appeal in writing against the decision (outcome and sanctions) at any level within 10 working days of the issue of notification confirming the decision. The grounds for appeal are limited to:
  - i. The University has failed to follow the procedures detailed within these Procedures
  - ii. The decision was not consistent with the nature of the offence and associated sanctions described in these procedures.
  - iii. That new and credible evidence is available that would materially affect the outcome and it was not available at the time of the panel hearing.
- b. The appeal is not an opportunity to have the case re-heard and will be limited to issues related to the clearly identified grounds of appeal above.
- c. The appellant must submit their appeal in writing (normally by email) to [report@winchester.ac.uk](mailto:report@winchester.ac.uk). Appeals will be heard by the Academic Registrar or an appropriate member of either the University Leadership Team or Executive Leadership Team who was not previously involved in the case.
- d. The appellant must clearly identify the grounds against which they are appealing and must provide evidence to support their appeal.
- e. Once the appeal has been considered, the appellant shall be informed of the outcome in writing to the student's Unimail address, normally within 15 working days of its receipt.
- f. The outcome of the appeal will be one of the following:
  - i. The appeal is upheld and the disciplinary sanction is reduced/replaced or removed;

- ii. The appeal is upheld and there is a request for a re-investigation or re-hearing
  - iii. The appeal is dismissed in part and the disciplinary sanction is reduced/replaced or removed
  - iv. The appeal is dismissed and the original decision is upheld.
- g. If the appeal is not upheld, the Head of Complaints and Casework shall be informed and they will issue a Completion of Procedures Letter.
- h. The decision of the Academic Registrar, member of the University Leadership Team or Executive Leadership Team shall be final and will conclude the internal procedures of the University. There is no further internal appeal against the decision of the Academic Registrar/member of the Executive Leadership Team but see Section 9 below.

## **SECTION 9 Office of the Independent Adjudicator (OIA)**

- a. A Responding Student who is dissatisfied with the outcome of the Disciplinary procedures as detailed in this policy, and has completed all internal processes, has the right to submit an application to the Office of the Independent Adjudicator (OIA), an independent review body, for the outcome to be reviewed independently of the University.
- b. This right may only be exercised once the University's internal processes have been exhausted.
- c. The Responding student must first get a Completion of Procedures letter from the Conduct and Complaints team. The letter and an OIA Scheme Application Form must be completed in order to make a submission to the OIA and this must be received within 12 months of the date of the Completion of Procedures letter.
- d. Guidance on making an application to the OIA can be found on its website at <https://www.oiahe.org.uk/students/> and <https://www.oiahe.org.uk/students/how-to-complain-to-us/>
- e. Students may also wish to seek advice from the Students' Union about making a submission to the OIA.

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