

**University of Winchester**

**Disciplinary Procedures for  
Students**



UNIVERSITY OF  
**WINCHESTER**

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<b>Summary:</b>	<p>These Procedures detail the actions that may be taken by the University in cases where students are alleged to have failed to comply with the standards of conduct laid out in the Conduct Policy for Students.</p> <p>Those considering submitting a complaint under these Procedures may wish to seek advice from the Director of Equalities. Advice may also be sought from a Student Union</p>



# DISCIPLINARY PROCEDURES FOR STUDENTS

## TABLE OF CONTENTS

<b>1.</b>	<b>GENERAL</b>	<b>3</b>
<b>2.</b>	<b>PRINCIPLES</b>	<b>5</b>
<b>3.</b>	<b>CRIMINAL OFFENCES AND LEGAL PROCEEDINGS</b>	<b>7</b>
<b>4.</b>	<b>TEMPORARY INTERRUPTION OF STUDIES AND ACCESS TO FACILITIES TO A STUDENT TO MITIGATE RISK</b>	<b>9</b>
<b>5.</b>	<b>ADVICE AND SUPPORT</b>	<b>11</b>
<b>DISCIPLINARY ACTION</b>		
<b>6.</b>	<b>LEVEL ONE</b>	<b>11</b>
	Level One Procedure	<b>12</b>
	Sanctions	<b>13</b>
<b>7.</b>	<b>LEVEL TWO</b>	<b>13</b>
	Level Two Procedure	<b>14</b>
	Sanctions	<b>16</b>
<b>8.</b>	<b>LEVEL THREE</b>	<b>17</b>
	Level Three Procedure	<b>17</b>
	Procedure for the conduct of the Disciplinary Panel Hearing	<b>20</b>
	The Decision of the Panel	<b>22</b>
	Sanctions	<b>22</b>
	Interruption, Exclusion and Termination of Studies	<b>23</b>
<b>9.</b>	<b>STUDENT APPEAL AGAINST THE DECISION</b>	<b>24</b>
	Appeal against a sanction other than interruption, exclusion or termination of studies	<b>24</b>
	Appeal against interruption, exclusion or termination of studies	<b>14</b>
<b>10.</b>	<b>OFFICE OF THE INDEPENDENT ADJUDICATOR (OIA)</b>	<b>25</b>

## 1. GENERAL

1.1 Students are members of the University community and their actions may have an impact on the safety and operation of that community. These student disciplinary procedures address situations where a student's behavior is alleged to have fallen below acceptable standards as described in the Conduct Policy for Students.

1.2 For the purposes of the Conduct Policy for Students and these Procedures, a student is a person registered on a programme of studies at the University. A student's registration ends on the date of the deadline for an appeal against an Examination Board decision to confer an award or the exit of a student or the formal withdrawal of a student via the University's processes.

1.2 These Disciplinary Procedures shall not apply to allegations of academic misconduct, e.g. plagiarism, cheating in examinations etc. Procedures for such matters shall be considered under the University's Academic Misconduct Policy which can be accessed [here](#).

1.3 Students registered for a University of Winchester award but studying at a partner institution shall normally be subject to the student conduct and disciplinary procedures of that institution or as otherwise set out in the Memorandum of Agreement between it and the University of Winchester.

1.4 Students who are the subject of an allegation of misconduct in a placement or workplace setting as part of their programme of study may, in the first instance, be subject to the disciplinary procedures of the provider. However, the University reserves the right to also take action under these or other relevant University policies as it considers appropriate.

1.5 There is a range of other policies and procedures which may offer a more effective means of managing student conduct that may be used instead or in addition to these Disciplinary Procedures. These include:

Complaints Policy [accessed here](#)

Data Protection Policy [accessed here](#)

Drugs and Alcohol Policy (Students) [accessed here](#)

ICT Acceptable Use Policy [accessed here](#)

Social Media - Policy on student use and misuse of social media [accessed here](#)

Supported Study Approved Procedures [accessed here](#)

[Race Harassment Guidance](#)

[Sexual Harassment Guidance](#)

[Consent to Investigation or Report Externally Statement](#)

1.6 The examples of misconduct detailed in these Procedures are indicative only.

1.7 These Procedures are not intended to be used to resolve disputes and disagreements between students (but see 6.1b below).

1.8 The Vice-Chancellor has responsibility for student discipline but may delegate the exercise of any or all of the related powers and duties.

1.9 The Vice-Chancellor shall normally delegate day-to-day responsibility for student discipline to the Director of Equalities (or to another senior officer of the University as appropriate).

1.10 Allegations of misconduct may be brought by students of the University, staff of the University and the general public. Complainants will normally be informed of the outcome of their complaint but not normally the sanctions applied.

1.11 Anonymous allegations will not normally be considered under these Procedures. If the University does decide to consider an anonymous allegation the complainant will be the University.

1.12 The University may decide to consider an allegation based on information brought to its attention by a complainant who later decides to withdraw their allegation or who does not wish the matter investigated. See our "[Consent to Investigation or Report Externally Statement](#)".

1.13 Behaviour which becomes known to the University and which contravenes the Conduct Policy for Students, but which is not submitted as a complaint by a student, member of staff or a member of the public shall normally be investigated under these Procedures. The University shall be the complainant.

1.14 All those involved in the Disciplinary Procedures for Students, including the complainant and the student who is alleged to have committed the misconduct, are

advised to remember that the University's Conduct Policy for Students expects all those in the University community to treat each other with respect. Details of the complaint, the investigation and the outcome should not normally be shared by any party to the complaint with anyone other than those directly involved or who are providing support or advice to the complainant or the student who is subject to the allegation.

1.15 The Director of Equalities can delegate their power to investigate under these Procedures to another member of staff to investigate or to determine.

1.16 The Director of Equalities can extend authority to allow investigatory and determining powers under these provisions to the Housing & Security team in an appropriate case. The Head of Housing & Security or nominee will apply to the Director of Equalities for this authority.

1.17 Unless agreed otherwise by the University, or as stated at sections 9.8 and 9.9 below, all communication with students will be via their Unimail address and with staff is via their University staff email address.

## **2. PRINCIPLES**

2.1 The following principles shall apply when implementing these procedures to help ensure that all involved are treated fairly, consistently, appropriately and transparently and that matters are dealt with effectively and efficiently in the best interests of all.

- a) These procedures will be conducted in a timely, objective and thorough manner, and any judgement made will be on the balance of probabilities based on the evidence available;
- b) The University will not normally act on allegations of misconduct which it considers to be solely vexatious, spurious or malicious;
- c) 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 Hearing Secretary.
- d) A summary record shall be kept of all meetings and telephone calls and retained in a confidential file;
- e) A student who is alleged to have committed an act of misconduct shall have the right to be informed of and to respond to the allegations;

- f) The University shall ensure that a student who is alleged to have committed an act of misconduct has access to all of the appropriate evidence the University has in respect of the case;
- g) Sanctions imposed under these procedures shall be reasonable, proportionate and consistent;
- h) Students who are subject to a disciplinary complaint shall have the right of appeal as detailed in these procedures;
- i) Students who are dealt with under these Procedures are entitled to be accompanied by a fellow UoW student or representative of the Student Union or a member of staff to any meeting or disciplinary hearing;
- j) Students who submit allegations under these Procedures (the complainant) would not normally be accompanied at any meetings or disciplinary hearings but requests will be considered by the Director of Equalities as appropriate.
- k) Students will not normally be entitled to be accompanied by someone who is not a member of the University community. Accompaniment or representation by a lawyer either at meetings or at panels is not permitted. Students and the University may consult with a lawyer outside of those events if they wish. The University will not normally respond or correspond with lawyers in these circumstances except where legally obliged;
- l) Students and staff will not normally be accompanied throughout a disciplinary hearing by any witness to events.
- m) Staff would not normally be accompanied at any meetings or disciplinary hearings but requests will be considered by the Director of Equalities as appropriate.
- n) Where a student or staff member is accompanied, the person accompanying is not normally permitted to speak unless complying with precisely agreed reasonable adjustments to help the student make representations;
- o) Students who are dealt with under these Procedures will be given fully reasoned details of the outcome, including a rationale for any sanction imposed.

- p) In appropriate circumstances as determined by the Director of Equalities, the accused and the complainant, or witnesses may attend the meeting or panel by alternative means (for instance Skype).
- q) For all levels of disciplinary action, the designated investigator may confer with others as appropriate and where it is proportionate to do so.
- r) All sanctions must be implemented by the student themselves. Where rarely 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 Services.
- s) Where any part of the proceedings is a matter that is subject to Professional, Statutory or Regulatory Body (PSRB) rules, these procedures will be modified to comply with those rules;
- t) The University reserves the right to adjourn any disciplinary investigation or hearing and reconvene at a later date.

### **3. CRIMINAL OFFENCES AND LEGAL PROCEEDINGS**

3.1 In cases where the alleged misconduct might also constitute a criminal offence or where police, criminal or other legal investigation or proceedings are likely, 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.

3.2 Where a matter is also being considered by the police or other external body it is not appropriate for their staff to form a judgement on or to offer advice or an opinion about how the University investigates and determines cases under the Disciplinary Procedures for Students. These processes operate independently.

3.3 In such cases, a Deputy Vice-Chancellor may apply an interruption of studies and measures as defined under section 4 of this document to the student under these procedures pending the outcome of any police, criminal or other legal proceedings.

3.4 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 Director of Equalities as soon as possible.

3.5 The Director of Equalities shall refer the matter to a member of the Senior Management Team who will determine:

- a) whether or not to invoke or defer the University's Disciplinary Procedures
- b) whether the student should be withdrawn from the University temporarily, have their registration terminated or any restrictions place upon their continued registration.

3.6 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 safekeeping of students and staff will be the guiding principle in this process.

3.7 In reaching their decision, the member of the Senior Management Team may take advice from University staff.

3.8 The student shall be notified in writing of the decision of the University and whether and how the student may be able to apply for readmission if their registration is terminated.

3.9 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 are required to formally request re-admittance in writing to the Academic Registrar and provide as much information as possible about the conviction and terms of release. The Academic Registrar shall gather such information as necessary, including the student's previous academic position and take advice internally and externally as appropriate on risk.

3.10 The Academic Registrar shall consult with University staff as appropriate.

3.11 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.

#### **4. TEMPORARY INTERRUPTION OF STUDIES AND ACCESS TO FACILITIES TO A STUDENT TO MITIGATE RISK**

4.1 Where the Director of Equalities believes that a student subject to an allegation of misconduct poses a risk to one or more of the following:

- a) their own health, safety and/or that of others;
- b) University property;
- c) the reputation of the University and its proper functioning;

they may make a recommendation to a member of the Senior Management Team that the student have a temporary interruption of studies and or access to facilities. The member of the Senior Management Team acting under delegated authority from the Vice-Chancellor, will be guided by a principle of safekeeping staff and students 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 Student Union activities for a specified period of time.

**4.2 COVID-19 Safekeeping measures.** Because of our legal duties in relation to the health and safety of our students and staff, the University may impose a fourteen-day immediate denial of access to all areas of the University campus for fourteen days where aware of a breach of our or the Government guidelines on group gatherings. A disciplinary investigation will be started within this period and *normally* an initial sanction of a behavior order or final written warning will be issued if the allegation is proven.

**a)** If the University is aware of a house party breaching Government guidelines occurring within a private residence off campus, all residents of that house will immediately be subject to this safekeeping measure.

**b)** If the University is aware of a party breaching Government guidelines within University managed housing, all residents of that house or residential bubble will be subject to these measures. If the University managed housing is on campus, the students will be required to quarantine within their own residential suite and according to University quarantine rules.

**c) The University reserves the right to implement these safekeeping measures in any other situation as applies to breaches of Covid-19 Government guidelines, and at our discretion.**

4.3 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 invoked within two working days.

4.4 Any interruption shall include any arrangements to be put in place to minimise the impact of on the student's academic studies.

4.5 A student may, within five working days of the date of the written notification of a decision to interrupt studies, appeal in writing against the decision under the Procedure set out in Section 9 below, on the grounds that the University has not followed its own procedures or the decision was unreasonable and/or disproportionate. The student will be notified of the decision within ten working days of the receipt of the letter requesting an appeal.

4.6 Where a student has had a temporary interruption or exclusion in accordance with this section, the appointed member of the Senior Management Team shall review at regular two-weekly intervals whether it is reasonable for the interruption/exclusion to continue.

## **5. ADVICE AND SUPPORT**

5.1 Any student who is involved at any stage of these Disciplinary Procedures may seek advice and support from the Student Union who are able to offer independent advice and, if necessary, accompaniment throughout the procedure.

5.2 In addition, Student Services is able to offer a range of support services in relation to health, wellbeing, immigration issues, financial advice and liaison with the student's faculty and programme of study.

5.3 Student Services is also able to provide practical advice and assistance to students who may require reasonable adjustments to these Procedures as a result of a disability.

5.4 In some cases, disciplinary action may be deferred over the period of a vacation, for example where it is not practicable to gather evidence or interview people.

#### **DISCIPLINARY ACTION:**

A decision as to whether disciplinary action is taken at level two or referred to level three will be made by the Director of Equalities in consultation with another Dean or Director and the reasons will be recorded.

### **6. LEVEL ONE**

Level One normally involves intervention by faculty or professional services staff when an incident occurs which is relatively contained and minor.

6.1. Examples of Level One misconduct include, but are not limited to:

- a) minor disruption of or interference with academic, administrative, sporting, social or other activities of the University;
- b) incidents between students or students and staff which show a lack of respect or courtesy or where informal attempts to deal with the behavior have failed;
- c) minor misuse of social media but not including matters that might relate to harassment or discrimination under the Equality Act;
- d) minor misuse or unauthorised use of University property;
- e) minor damage to University or other property

6.2 Complaints or allegations about misconduct at Level One may also fall within the scope of other University policies or procedures such as those listed in 1.5 above. In such cases, it may be more appropriate for an alternative procedure to be used.

#### **Level One Procedure**

6.3 Allegations of misconduct at Level One shall be submitted in writing (normally by email) to the Director of Equalities who may redirect to the Dean of Faculty or Director of Professional Service responsible for the area where the misconduct is alleged to have taken place.

6.4 The Dean of Faculty (or their nominee) or Director of Professional Service (on their nominee) may obtain further information before deciding whether to consider the complaint under the Disciplinary Procedures for Students.

6.5 The Dean of Faculty (or their nominee) or Director of Professional Service (or their nominee) shall normally notify the student who is subject to the allegation within five working days of deciding to consider the complaint under the Disciplinary Procedures, issue them with the Disciplinary Procedures for Students and invite them to respond usually by meeting and normally within five working days. The student will be advised that they should not discuss the case with the complainant or anyone else involved.

6.6 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 accused student who shall be invited to comment on it and discuss with others involved as appropriate.

6.7 Following the conclusion of the Procedure outlined above, the Dean of Faculty (or their nominee) or Director of Professional Service (or their nominee) will determine the outcome as follows:

- a) Dismiss the allegation;
- b) Uphold the allegation
- c) Uphold the allegation, impose an appropriate sanction and offer advice as to future conduct and consequences;
- d) Conclude that the alleged misconduct is such that it should be considered under Level Two or Three of these procedures.

6.8 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 sections 8.5 onwards of this document.

### **Sanctions**

6.8 Possible sanctions may include, but are not limited to:

- a) A written warning:
- b) Requirement for a formal apology:

- c) Reparation in respect of loss caused by the misconduct:
- d) Temporary restriction of access to specified University and Student Union premises, facilities and services for a stated period and not normally for longer than two weeks:
- e) Requirement to undertake some action aimed at changing behavior and understanding the effects of the misconduct.
- f) Sanctions under the Student Residence Regulations;

6.9 The student shall normally be notified by email of the outcome within fifteen working days of their response to the allegation or their meeting with the Dean of Faculty/Director of Professional Service (or nominee), whichever is later. The student will be informed of their right to appeal the decision and/or sanctions applied which must be submitted within five working days as per section 9 of these Procedures.

6.10 The complainant shall normally be notified (by email) of the decision, but not normally subject to GDPR restrictions, the sanction applied, after the date for appeal has passed (and in the case of an appeal, the appeal and any related further actions are concluded).

## **7. LEVEL TWO**

This level is for cases where allegations are considered to be too serious to be dealt with at Level One. Level Two may also be used where a student has failed to comply with sanctions imposed at Level One or where alternative procedures have failed to resolve the matter.

7.1 The Director of Equalities (or nominee) shall manage action under this Level.

7.2 Examples of alleged misconduct which may be considered at Level Two include, but are not limited to:

- a) Bullying, harassment as defined under the Equalities Act 2010, or discrimination;
- b) Physical, written or verbal abuse or intimidation;
- c) Actions which bring or threaten to bring the University's reputation into disrepute;
- d) Fraud or impersonation;

- e) Disruption of, or interference with, academic, administrative, sporting, social or other activities of the University;
- f) Misuse of alcohol, drugs and legal highs;
- g) Misuse of social media;
- h) Malicious allegations against other students, staff or members of the public.
- i) misuse or unauthorised use of University property;
- j) damage to University or other property
- k) Breaches of Government Covid-19 rules for instance relating to house parties and large gatherings
- l) Failure to declare a criminal conviction to University of Winchester, subject to the Rehabilitation of Offenders Act.

7.3 If the alleged misconduct is such that it may be more appropriate for it to be considered under another University policy or procedure, the Director of Equalities shall refer the allegation as appropriate.

7.4 If the alleged misconduct is such that it should be considered gross misconduct, the Director of Equalities shall immediately follow the procedures at Level Three.

### **Level Two Procedure**

7.5 Allegations of misconduct shall be submitted in writing (normally by email) to the Director of Equalities. The Director of Equalities or their nominee will normally meet with the complainant to clarify the details of the complaint.

7.6 The student who is subject to the allegation will be notified in writing of the allegation normally within five working days of receipt of the allegation or the clarification meeting with the complainant (whichever is later), be issued with the Disciplinary Procedure for Students and invited to respond within five working days. The student will be advised that they should not discuss the case with the complainant or anyone else involved.

7.7 Where applicable, the Director of Equalities shall review any evidence from Level One and the process followed. If required, further investigation will be carried out before taking further action.

7.8 For cases requiring investigation, the Director of Equalities may appoint an Investigating Officer who will provide a written report and any evidence. The Investigating Officer may meet with the complainant, the student and any witnesses as appropriate.

7.9 All of the evidence gathered and the Investigating Officer's report shall be shared with the accused student who shall be invited to comment on it.

7.10 The Director of Equalities or nominee shall consider the evidence (and Investigating Officer's report where appropriate), including the student's response to the allegation. They may also meet with the student to discuss the allegation and seek advice from others, as appropriate.

7.11 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 sections 8.5 onwards of this document.

7.12 In all other cases at level two, the Director of Equalities or nominee shall determine the outcome and decide upon one of the following:

- a) Dismiss the allegation;  
Uphold the allegation, and offer advice as to future conduct and consequences;
- b) Uphold the allegation and impose an appropriate sanction;
- c) 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 particular circumstances, and refer the matter to Level Three.

## **Sanctions**

7.12 Possible sanctions at Level Two include, but are not limited to:

- a) An oral or written warning recorded by the Director of Equalities
- b) A written, or final written, warning which is recorded on the student's record and copied to their Head of Department
- c) A requirement to enter into a "Good Behaviour" agreement;
- d) Requirement for a formal apology;

- e) Reparation in respect of loss caused by the misconduct;
- f) A fine of up to £200
- g) Temporary restriction of access to specified University and Student Union premises, facilities and services for a stated period and not normally for longer than two weeks;
- h) Requirement to undertake some action aimed at changing behavior and understanding the effects of the misconduct;
- i) Sanctions under the Student Residence Regulations;
- j) Requirement to undertake specified actions which benefit the University or wider community.

Imposing conditions on a student's access to University of Winchester facilities, where such restrictions are deemed necessary for the safety and security of the members of University of Winchester community.7.13 The student shall normally be notified in writing of the outcome within fifteen working days of the student response to the allegation or any meeting with the Director of Equalities or the Investigation Officer (whichever is later). The student will be informed of their right to appeal the decision which must be submitted within five working days as per section 9 of these procedures.

7.14 The complainant shall normally be notified (by email) of the decision, but not normally the sanction applied, after the date for appeal has passed (and in the case of an appeal, the appeal and any related further actions are concluded).

## **8. LEVEL THREE**

8.1 An allegation of gross misconduct will be referred by the Director of Equalities to a member of the Senior Management Team not previously involved in the case. This member of SMT will decide whether the allegation should proceed at Level Three and a Disciplinary Panel convened. They may decide that the allegation should instead be considered at Level One or Two or be addressed via an alternative policy or procedure.

8.2 Examples of what might constitute gross misconduct include, but are not limited to, the following:

- a) 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) Violence, including sexual violence and assault
- c) Harassment and bullying including sexual harassment;
- d) Incidents involving weapons;
- e) Repeated misconduct;
- f) Failure to respond to or comply with disciplinary sanctions imposed under these or other University procedures or policies;
- g) Vexatious or malicious allegations against other students, staff or members of the public;
- h) Any serious breach of standards of conduct and behavior that has, or may have, a serious adverse effect on the University, its students, staff or members of the public.
- i) Very serious breaches of Government rules relating to Covid-19, or repeated breaches of 7.2.k of these procedures.

### **Level Three Procedure**

8.3 Allegations of gross misconduct shall be submitted in writing (normally by email) to the Director of Equalities. If, as described at 8.1 above, it is decided to proceed at Level Three of these Procedures, the Director of Equalities will notify the student who is the subject of the allegation within five working days of receipt of the member of the Senior Management Team's decision. The student will be issued with the Disciplinary Procedures for Students and invited to make an initial response normally within five working days. The student will be advised that they should not discuss the case with the complainant or anyone else involved.

8.4 In cases where an investigation has not previously been undertaken, the Director of Equalities acting as Investigating Officer will investigate or will appoint an alternative Investigating Officer and they shall normally present their report and evidence at a Disciplinary Hearing.

8.5 A Disciplinary Panel shall be convened and its members shall be appointed by a member of the Senior Management Team on the recommendation of the Director of Equalities. 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 Student Union. One of the staff members will be appointed as Chair by the member of the Senior Management Team. 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 and normally the staff members will not be members of staff from the student's faculty.

8.6 The Director of Equalities shall appoint a Secretary to the Disciplinary Panel who shall be responsible for organising the Disciplinary Hearing and dealing with queries on procedure from the student, Panel members and any others involved. The Secretary shall also ensure that information and paperwork is shared with all parties and that a record of the Hearing is taken and comply with the duties in 8.12 below.

8.7 The Investigating Officer shall normally invite the complainant to a meeting in order to gather information about the alleged misconduct. The complainant shall be given at least three working days' notice of the meeting; student complainants have the right to be accompanied (see 3.1j above); staff complaints will not normally be accompanied at meetings with the Investigating Officer (see 3.1l above). The complainant may identify witnesses to be interviewed as part of the investigation.

8.8 In advance of the panel the student shall have the right to respond to the allegation, to see the evidence against them and to provide any evidence in support of their case, either in writing (normally by email) or at a meeting with the Investigating Officer. The student may also identify witnesses to be interviewed as part of the investigation or at the Hearing.

8.9 If the student does not engage with the investigation, the procedures will still go ahead and the student shall be informed that this will happen.

8.10 The Investigating Officer will decide how best and in which order to meet with the complainant and the student who is subject to the allegation and may wish to meet with individuals on more than one occasion. The investigation will be conducted as quickly as practicable but it is important that all relevant information is gathered to inform the Investigating Officer's report.

8.11 Once the investigation is complete, the date for the Disciplinary Hearing shall be determined and the Secretary shall inform the student. The complainant and the student shall normally be given at least five working days' written notice of the date, time and place of the Hearing. The written notice shall be accompanied by:

- a) A copy of the Investigating Officer's report together with any supporting documentation;
- b) A copy of the student's initial statement in response to the allegation, together with any supporting documentation;
- c) A list of the names and status of all witnesses to appear before the Panel;
- d) A copy of the Disciplinary Procedures for Students;
- e) A copy of any other relevant documents.
- f) Details of the composition of the panel;
- g) Details of their right to be accompanied;
- h) Details and arrangements for attendance by Skype or other means where appropriate;

8.12 The student has the right to be accompanied at the Hearing as set out in paragraph 3.1i above.

8.13 In a case with multiple students who are subject to the same allegation - the Director of Equalities may, at their discretion, decide to convene a single hearing to decide the matter.

8.14 Where the 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 student is unable to attend a second time, the Panel will normally be held in their absence.

8.15 Where the student who is the subject of the allegation 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 Secretary has properly notified the student of the sitting of the Panel.

8.16 Any witnesses invited to attend the Hearing shall also be given at least five working days' notice.

8.17 Staff who are the complainant or who are called as witnesses are normally required to attend the meeting; students who are the complainant or who are called as witnesses are expected to attend but are not required to do so. The Panel shall normally proceed to deal with the allegation in the absence of the complainant or the witnesses provided

the Chair is satisfied that the Secretary has properly notified them of the sitting of the Panel.

8.18 The proceedings at the Hearing, supporting documentation and outcome are confidential to those involved. Any breach of confidentiality by students or staff may be dealt with under the relevant disciplinary Procedures.

#### **Procedure for the conduct of the Disciplinary Panel Hearing**

8.19 The Secretary to the Panel shall meet the student outside the meeting before the Hearing and shall explain the procedure, check that the student has copies of the documents circulated to members of the Panel and, if not, provide a set. If the student is participating via video conferencing, or similar, the Secretary shall liaise with the student in advance to confirm the procedure and that copies of all documents have been received by the student.

8.20 This section defines the steps which should be followed during the Hearing itself. The Chair has discretion to vary the practicalities of these arrangements as they see fit provided any changes do not contravene the basic principles.

- a) Before seeing any of the parties involved, the Panel shall review the documentation relating to the case and have a preliminary discussion;
- b) If there are any witnesses (in addition to the student, their friend and the Investigating Officer), the Chair shall decide if they shall attend throughout the proceedings until all parties withdraw, or whether they shall attend the meeting only while required to provide information and answer questions;
- c) The Secretary shall escort the student, those accompanying and the Investigating Officer into the meeting;
- d) The Chair shall invite everyone present to introduce themselves by name and explain their role;
- e) The Chair 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 Chair shall then invite the Investigating Officer to present the case against the student;
- g) The student and/or friend, and then Panel members, will then be able to question the Investigating Officer;

- h) Any witnesses called by the Investigating Officer shall then be asked to give their evidence and then may be questioned by the Investigating Officer, the student and/or friend and Panel members;
- i) The student and/or friend shall then present their case. If the friend presents the case, the Chair shall ask the student if they wish to add anything. The Chair shall then explain that the Disciplinary Panel wishes to hear directly from the student in their own words, and that they shall be expected to answer questions. The Investigating Officer and Panel members shall then be able to question the student;
- j) Any witnesses called by the student shall then be asked to give their comments and then questioned by the Investigating Officer, the student and/or friend and Panel members;
- k) The Investigating Officer shall then be invited to make a concluding statement;
- l) The student and/or friend shall be invited to make a concluding statement, including any mitigation with respect to the sanctions to be applied in the event that the Panel should decide that the allegation of gross misconduct is proven and that sanctions will be applied;
- m) The Chair shall ask the Investigating Officer and the student and/or friend to confirm they are satisfied they have had a full opportunity to explain their case to the Panel;
- n) The Chair shall ask everyone except members of the Panel to leave the meeting, and shall normally ask them to wait, pending the Panel's decision.
- o) The Panel shall discuss the case in private. The discussion and minutes of the meeting of the Panel are confidential to its members;
- p) If, for any reason during its discussion, the Panel requires clarification of any aspect of the case through further questioning of either the student or Investigating officer, they shall normally all be invited back into the meeting while the questioning takes place. They shall then all leave the meeting again;
- q) If, for any reason during its discussion, the Panel decides that further evidence is required, they may adjourn the Hearing for this purpose;
- r) The Panel shall make its decision;
- s) The student and/or friend and Investigating Officer shall normally be invited to rejoin the Hearing to be advised orally of the decision. The Disciplinary Hearing shall then be concluded.

- t) Complainants will normally be informed of the decision (by email), but not normally the sanction applied, after the date for appeal has passed (and in the case of an appeal, the appeal and any related further actions are concluded). The Chair shall confirm to the Secretary whether anyone in addition to the complainant are to be informed of the decision of the Panel. All are required to keep the decision confidential.

## **The Decision of the Panel**

8.21 The Panel shall make one of the following decisions:

- a) The allegation of gross misconduct is not proven ;
- b) The allegation of gross misconduct is proven;
- c) The allegation is not proven at level three but is proven at level two or one;
- d) What if any sanctions to apply.

## **Sanctions**

8.22 Possible sanctions at Level Three include, but are not limited to:

- a) A written, or final written, warning which is recorded on the student's record and copied to their Head of Department
- b) Requirement for a formal apology;
- c) Reparation in respect of loss caused by the misconduct;
- d) Temporary or permanent removal of access to specified University and Student Union premises, facilities and services Requirement to undertake some action aimed at changing behavior and understanding the effects of the misconduct;
- e) Requirement to undertake specified actions which benefit the University or wider community;
- f) Imposing conditions on a student's access to University of Winchester facilities, where such restrictions are deemed necessary for the safety and security of the members of the University of Winchester community.
- g) Sanctions under the Student Residence Regulations;
- h) A recommendation for an interruption from studies for a specified period of time;
- i) A recommendation for a termination of studies, with or without an exit award.

8.23 For a decision other than a recommendation for interruption from studies, exclusion or termination of studies, the Secretary to the Panel shall write to the student confirming the Panel's decision, normally within five working days of the Hearing. The student shall also be informed of their right of appeal against the decision and the name of the member of the Senior Management Team to whom an appeal should be sent. An appeal must be received within ten working days of the date of the Secretary's letter.

8.24 The Chair shall confirm to the Secretary whether anyone in addition to the complainant are to be informed of the decision of the Panel. Anyone other than the complainant so informed will be advised to keep the information confidential.

### **Interruption, Exclusion and Termination of Studies**

8.25 If the Disciplinary Panel recommends that a student be subject to interruption from studies, exclusion from University premises or termination of studies, the matter will be referred to a member of the Senior Management Team, acting under delegated authority from the Vice-Chancellor.

8.26 If the member of the Senior Management Team decides to interrupt studies or exclude the student for a period of time, the student shall be informed by them in writing to the student's Unimail address normally within five working days of the date of the decision. The Dean of Faculty and Academic Registrar shall be informed of the details of the interruption and/or exclusion. The Dean of Faculty will work with the Head of the Academic Department to devise a plan to support the student's study where possible and appropriate.

8.27 If the member of the Senior Management 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 five 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.

8.28 If the member of the Senior Management 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.

## **9. STUDENT APPEAL AGAINST THE DECISION AND/OR SANCTION (OTHER THAN INTERRUPTION, EXCLUSION OR TERMINATION OF STUDIES)**

9.1 Students may appeal in writing against the decision of the Panel (or the member of the Senior Management Team with respect to 8.26 and 8.27 above) within five working days of the issue of notification confirming the decision. The grounds for appeal are limited to:

- a) The University has failed to follow the procedures detailed herewith;
- b) The decision was unreasonable and/or a disproportionate sanction was imposed.
- c) 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.

9.2 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.

9.3 The appellant must submit their appeal in writing (normally by email) to a member of the Senior Management Team who was not previously involved in the case. The appellant must clearly identify the grounds against which they are appealing and must provide evidence to support their appeal.

9.4 If the Senior Manager upholds the appeal in whole or part, they shall inform the appellant in writing to the student's Unimail address, normally within fifteen working of its receipt and refer the matter back to an earlier stage of the procedures for a review of the decision.

9.5 If the Senior Manager does not uphold the appeal, the appellant shall be informed in writing to the student's Unimail address, normally within fifteen working days of its receipt. The Director of Equalities shall be informed and they will issue a Completion of Procedures Letter.

9.6 The decision of the Senior Manager shall be final and will conclude the internal procedures of the University. There is no further internal appeal against the decision of the appointed Senior Manager but see 10 below.

### **Appeal against interruption, exclusion or termination of studies**

9.7 The appellant must submit their appeal in writing (normally by email) to the Vice-Chancellor. The appellant must clearly identify the grounds against which they are appealing and must provide evidence to support their appeal.

9.8 If the Vice-Chancellor upholds the appeal in whole or part, they shall inform the appellant in writing to the student's contact address as recorded on the University's student records system, normally within fifteen working days of its receipt, and refer the matter back to an earlier Stage of the Procedures for a review of the decision.

9.9 If the Vice-Chancellor does not uphold the appeal, the appellant shall be informed in writing to the student's contact address as recorded on the University's student records system, normally within fifteen working days of its receipt. The Director of Equalities shall be informed and they will issue a Completion of Procedures Letter.

9.10 The decision of the Vice-Chancellor shall be final and will conclude the internal procedures of the University. There is no appeal against the decision of the Vice-Chancellor but see 10 below.

## **10. OFFICE OF THE INDEPENDENT ADJUDICATOR (OIA)**

10.1 A student who is dissatisfied with the outcome 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.

10.2 This right may only be exercised once the University's internal processes have been exhausted.

10.3 The student must first get a Completion of Procedures letter from the Director of Equalities. 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.

10.4 Guidance on making an application to the OIA can be found on its website at <http://www.oiahe.org.uk/making-a-complaint-to-the-oia.aspx>.

The OIA's leaflet *An introduction to the OIA for students* can be downloaded from [http://oiahe.org.uk/media/42715/oia\\_intro\\_leaflet\\_16pp.pdf](http://oiahe.org.uk/media/42715/oia_intro_leaflet_16pp.pdf)

Students may also wish to seek advice from the Student Union about making a submission to the OIA.

