STUDENT DISCIPLINE PROCEDURE

Scope

1. The University of Suffolk aims to provide a supportive and positive environment for learning and teaching. It is committed to ensuring that the rights of individuals are respected, and that each person is treated with dignity, respect, and courtesy at all times. The University seeks to ensure that all students are aware of their obligations with regard to conduct and acceptable standards of behaviour, and of the likely consequences of failure to meet these obligations. Students have a responsibility to be aware of and comply with the University's policies, procedures, and regulations, all of which are published on the University's website and which students agree to accept upon enrolment. The University has the power to discipline students who fail to meet acceptable standards of behaviour and conduct, and to suspend, exclude or expel any student where there is good cause.

2. The Student Discipline Procedure applies to all students and apprentices enrolled on a course at the University of Suffolk, including those at our partner institutions (unless otherwise specified). It applies whether the alleged misconduct takes place on or off University premises, including (but not limited to) online platforms, at placements, at off-site teaching venues, or in student accommodation or at events organised by the Students' Union.

3. The University will not normally take disciplinary action against students acting in their personal capacity in their own homes or in public places away from the University's premises (which includes social media) except where the student's behaviour is serious enough to warrant concern about the potential safety of students and/or staff or where the behaviour brings the University's reputation into disrepute and/or is the committal of a criminal offence.

4. There are separate procedures for dealing with allegations of academic misconduct, concerns relating to student's fitness to practice, fitness to study and/or allegations of professional misconduct, and allegations which may relate to physical or mental health difficulties. The University reserves the right to consider misconduct allegations relating to these areas either separately or in tandem with the disciplinary procedure as appropriate. Proven cases of Academic Misconduct may be referred for further action under this Student Discipline Procedure.

5. For students enrolled on courses which lead to professional registration and/or license to practise, allegations of professional misconduct or behaviour that may have an impact on the student's professional standing or suitability to be placed on a professional register after

qualification may instead be dealt with under the Fitness to Practise Procedure.

6. Where an investigation following an allegation of misconduct indicates that the student's behaviour may be due to physical, mental or emotional wellbeing difficulties, consideration should be given to whether to instead follow the Support to Study Procedure.

7. The University complies with its legal requirements in a manner which is consistent with the principles of freedom of speech within law and academic freedom as outlined in the Freedom of Speech Code of Practice.

Principles and Commitments

8. The procedure is built on the principle that decision-making will be free from bias or conflict of interest. Any judgement made will be on the basis of the evidence provided by all parties.

9. Investigations into allegations of misconduct will be carried out in a timely, objective and thorough manner, with due regard to confidentiality. Whilst confidential information may need to be disclosed in order to appropriately consider and investigate the allegation, this will only be to those staff involved in or individuals relevant to proceedings. This may include, but would not be limited to, a student's employer, sponsor or placement provider. The formal outcome and evidence on which decisions were reached will be retained by the Office for Student Appeals, Complaints and Conduct (OSACC). This information will be made available as required to bodies/individuals with the necessary authority to require disclosure.

10. The University reserves the right to report any incident to the police where the alleged misconduct may constitute a criminal offence and has been committed against the University or where there is suspected terrorist activity.

11. In considering any allegations, appropriate attention will be paid to the requirements of the Equality, Diversity and Inclusion Policy. In particular, reasonable adjustments will be made for those with disabilities, specific learning difficulties or long-term medical conditions.

12. An allegation will be found proven if it is considered that the evidence presented identifies, on the balance of probabilities, that the student is guilty of the misconduct.

13. Any disciplinary action taken must satisfy the test of reasonableness in all the circumstances and be proportionate to the offence. Account may be taken of the student's

previous record and any other relevant factors, including mitigation.

14. Students can access impartial and confidential advice from the Students' Union Advice Service and Student Life at any stage in the procedure.

15. Students are required to attend any meetings called to discuss their behaviour when requested to do so and are expected to answer all reasonable questions and to co-operate in the investigation. Students are required to promptly respond to any communication regarding any allegation of misconduct, even if only to confirm that they have no comment to make. Should a student fail to attend meetings or respond promptly to communication, the University reserves the right to continue the disciplinary process in the student's absence.

16. At every stage in the procedure, the student has the right to be accompanied by a supporter. A supporter can be an appropriate member of staff of the University of Suffolk or one of the partner institutions, or a registered student of the University of Suffolk, or a member of staff or sabbatical officer of the Students' Union. The role of the supporter is to act as an observer, give moral support and to assist the student to make their case. A supporter should not normally answer questions on behalf of the student or speak for the student. The supporter should not also be a witness to the alleged incident. In addition, where reasonable adjustments are required, a student may be accompanied by a further supporter e.g. a sign language communicator or a note-taker, and a student with difficulty in understanding English may be accompanied by an interpreter.

17. Audio/video recordings of meetings will not routinely be permitted, although reasonable adjustments may be made if required in accordance with the Equality, Diversity and Inclusion Policy. Requests for adjustments must be made via OSACC at least three working days in advance of a meeting. All participants in a meeting must agree to permit a recording prior to the meeting beginning. Students may be provided with copies of recorded meetings if appropriate and required in accordance with the Equality, Diversity and Inclusion Policy. Copies should not be disseminated or otherwise shared by any student or staff without explicit permission from all participants in a meeting.

18. It is in the interests of all to resolve disciplinary matters as quickly as possible. Where timescales are extended when the case is complex, the student or witnesses are not available to attend meetings or hearings, or where proceedings are put on hold because of a criminal investigation or the student's impending assessments, all parties will be updated on the progress of the investigation on a regular basis.

Definition of misconduct

19. Misconduct is behaviour which interferes with the proper functioning of the University and its activities or those who work and study at the University, or which has the potential to damage the reputation of the University or the student body.

20. The following list is indicative of behaviour which would constitute misconduct and is provided for guidance. It is neither exclusive nor exhaustive, and there may be other offences which also constitute misconduct.

a) Disruption of, or improper interference with, the academic, administrative, sporting, social, or other activities of the University;
b) Obstruction of, or improper interference with, the activities, functions or duties of any student, member of staff, or authorised visitor to the University, including failure to disclose name, student number or other relevant details to a member of University staff in circumstances when it is reasonable to require such information to be given;
c) Violent, indecent, disorderly, threatening, aggressive or offensive behaviour or language, however expressed, towards any other student, member of staff, or visitor to the University;
d) Bullying or harassment (including that of sexual nature) in any form of any member of the University's community (including students, members of staff, contractors, or other authorised visitors to the University);
e) Inappropriate use of social media, including making offensive comments to or about members of the University's community and/or publishing audio or visual recordings of members of the University's community without their consent and with the intention to cause embarrassment, distress or harassment;
f) Misuse or unauthorised use of University premises or items of property, including computer misuse or breaches of the University's Electronic Messaging Policy;
g) Damage to, or defacement of, University property or the property of other students, caused intentionally or recklessly;
h) Theft or unauthorised removal of any property owned or leased by the University or property belonging to a student, member of staff, or authorised visitor to the University;
i) Behaviour that uses, or attempts to use, fraud, deceit, deception or dishonesty in relation to the University or its staff or in connection with holding any office in the University or in relation to being a student of the University, including the falsification of University records including letters, certificates and transcripts;
j) Actions which might cause injury or put at risk the health or safety of people on University premises or whilst on University activities;

k) Behaviour that jeopardises or damages the good order or reputation of the University, staff or the student body;
l) Drug use on University premises and/or attending classes or entering any other learning environment whilst under the influence of alcohol or drugs;
m) Possession of offensive weapons, possession of implements that are intended for use as weapons and possession of illegal substances on University premises, on University activities, or at an event under the control of the Students' Union;
n) Conduct which constitutes a criminal offence when that conduct took place on University premises, or in the course of University activities, or against any member of the University community;
o) Conviction of a criminal offence, irrespective of where committed, where the consequences of the offence could impact on University staff, students or property;
p) Interfering with or intimidating witnesses in disciplinary proceedings;
q) Failure to comply with a penalty and associated conditions previously imposed under this procedure;
r) Malicious and/or vexatious allegations and complaints brought against a student, member of staff, or the University under the Student Complaints Procedure; Behaviour that breaches any other regulation, policy or rule of the University.

Please see the University's Dignity at Study Policy for a further exhaustive list of behaviours that would be determined unacceptable under this policy.

21. For the purposes of this procedure, misconduct is categorised at one of two levels, minor or major.

a) Minor misconduct is generally behaviour which is inappropriate but has a small or temporary impact on the University community.
b) Major misconduct is of a more serious nature and is generally behaviour which has, or has the potential to have, a significant impact on the University community.

9. Examples of indicative offences at each level are set out in Appendix 1. This list is provided for guidance only. It is neither exclusive nor exhaustive.

Reporting allegations of misconduct

22. All members of University staff, including persons acting as agents of the University such as security staff, are empowered to take such action as may be necessary to prevent or bring an end to any conduct that may be in contravention of the University's rules and regulations and may be considered misconduct. In such cases, for transparency and to ensure consistency and

equitable treatment of all cases, incidents should be reported at the earliest opportunity to OSACC and/or the Dean of School or their equivalent in partner institutions

23. Following receipt of an allegation of misconduct, the Dean of School (or nominee), in consultation with the Academic Registrar (or their nominee) or the equivalent at our partners, will determine whether the allegation can be dealt with at the informal stage or is of sufficient concern that formal stage proceedings should be instigated. In potentially serious cases, the Dean of School and/or the Academic Registrar (or their nominee) may recommend that the student is suspended pending investigation.

24. Paragraphs 46 to 52 set out the normal route that allegations concerning non-academic discipline take. However, where the facts of the case have already been established (for example through the conclusion of a case relating to a workplace investigation or criminal proceedings) it is not normally necessary to appoint an Investigating Officer and the case may proceed directly to formal stage disciplinary panel or the Dean of School and/or Academic Registrar may determine that the matter is instead considered under the Safeguarding Policy.

Precautionary action (including suspension) pending investigation and/or outcome of formal disciplinary proceedings

25. Where a student is the subject of an allegation of misconduct, has a criminal charge pending or is the subject of a police investigation, the University may take precautionary action pending the outcome of the disciplinary process or the conclusion of the police investigation and/or any criminal proceedings. Such action may be considered necessary in order to ensure that a full and proper investigation can be carried out (either by the police or by the University), to protect the alleged victim or others whilst the allegation is being dealt with, to avoid the repetition of the circumstances which led to the allegation, or to prevent the student's continued presence being a source of disruption to the University.

26. Precautionary action may include imposing conditions requiring the student to have no contact with a named person or persons, or suspending the student from the University, with the suspension applying to placement elements, theory elements or both.

27. A student who is suspended may be wholly or partly prohibited from entering the University's premises and from participating in University activities, including exercising their duties of any office or committee membership or ambassadorial roles in the University. The suspension may be subject to qualification, such as giving permission to attend an examination or submit an assignment, and depending on the nature of the alleged misconduct, the

suspension may permit or deny access to Brightspace and other online resources.

28. Suspension is an interim measure and does not imply guilt.

29. In cases where the safety of others is perceived to be at risk, or where deemed necessary to protect the property of the University or member(s) of the University community or stakeholders, or to protect or uphold the reputation of the University, the suspension may be with immediate effect following receipt of the allegation.

30. The Vice-Chancellor, the Provost, or the University Secretary are empowered to authorise the suspension as senior representatives of the University. Where the student is registered at a partner institution, the relevant Principal (or equivalent) or their authorised representatives have delegated authority to suspend a student. Should a University of Suffolk student registered at a partner institution be suspended, the partner institution must immediately notify OSACC and the Academic Registrar of the suspension

31. The terms of the precautionary action and the reason for it will be notified to the student in writing by the senior representative of the University or their equivalent at partner institutions.

32. A student may appeal the decision to suspend them from their studies and/or practice. An appeal and any supporting evidence should be submitted to the Office of Student Appeals Complaints and Conduct (OSACC) via email within five working days of the decision of suspension. In consultation with the Academic Registrar, the senior representative of the University/Principal will review and consider the appeal, and an outcome will be issued to the student via email, normally within five working days of the receipt of the appeal. The suspension will remain in place pending the outcome of any appeal.

33. The authorised senior representative may take action as follows:

- Determine no change to the original decision and terms to suspend/restrict the student;
- Determine no change to the original decision to suspend but reduce or restrict the terms of the suspension e.g. permit the student to access the building for example;
- Overturn the original decision and remove the suspension/restriction.

34. Where a suspension remains, it will normally be reviewed every twenty working days (four weeks) until the conclusion of the case or at any stage if there is a material change in the circumstances of the case unless otherwise specified. In support of this review, the Office of Student Appeals, Complaints and Conduct (OSACC) will provide the student with the opportunity

to challenge the suspension via written representations and/or evidence where appropriate. Any review will be undertaken by an Associate Dean or Senior Academic who has had no prior involvement in the case and a recommendation made to the senior representative if the outcome is that the suspension should be lifted.

35. Factors to be considered as part of the review include the reason(s) for the suspension, any altered circumstances, the stage of any investigation(s), the behaviour of the student since being suspended and the estimated timescale before the case is likely to be resolved. Those carrying out the review may also consult with the relevant Dean of School, Safeguarding, Course Leaders or their nominees or equivalents at Partner institutions as required. The student will be informed via email of the outcome of any review.

36. Should the outcome of the review be a recommendation to lift the suspension, consideration will be given to any terms that should be applied to the student's return to the University. The lifting of the suspension will not affect the disciplinary process. The suspension may be reinstated immediately if there are grounds for suspecting that the student is either seeking to influence the proceedings or if there is a further incident of misconduct, either related or unrelated to the original cause of suspension.

37. If a suspension is lifted, OSACC or an appropriate party (such as Safeguarding) may notify the individual(s) who made the allegation(s) of misconduct that the student's suspension has been lifted where necessary.

Early intervention and informal resolution (informal stage)

38. The University encourages open and transparent communication between staff and students in order to identify and remedy minor incidents of misconduct as speedily and as effectively as possible.

39. It is expected that Deans of School and Heads of Service or their equivalent at our partners will ensure that processes and appropriate recording mechanisms are in place locally to respond to minor incidents of misconduct in a timely and proportionate way through early intervention and informal resolution. This may include a compulsory meeting with the Dean of School, Associate Dean or Head of Service (or equivalent), regular pastoral support and guidance with the student's Personal Academic Coach, mediation, or referral to Student Life for further specialised support and guidance.

40. If the student is required to attend a compulsory meeting with either the Dean of School,

Associate Dean or a Head of Service (or equivalent), the student may be accompanied at the meeting by a supporter as defined in paragraph 16. At this meeting, the Dean of School, Associate Dean or Head of Service (or equivalent) may decide to issue a verbal or written reprimand/warning, request that the student issues an apology to a named person or persons for their behaviour (verbally or in writing), or request that the student write a reflection on their behaviour. The student should be told whether the incident of misconduct will be taken into account in future disciplinary or fitness to practise proceedings. Appropriate records should be maintained of early resolution proceedings and shared with the Office for Student Appeals, Complaints, and Conduct where necessary.

41. Should a student be dissatisfied with the outcome of early intervention or informal resolution efforts and/or they refuse to accept any recommendation or verbal/written reprimands or warnings issued, the student has the ability to request that action is taken instead under the formal stage of the disciplinary procedure.

42. Where attempts have been made at early intervention and informal resolution but there are repeated incidents of misconduct or, as a result of discussion with the student, the matter is found to be more serious than it initially appeared, the Dean of School (or equivalent at Partner institutions), in consultation with the Academic Registrar (or their nominee), may initiate formal stage proceedings.

PROCEDURE FOR DEALING WITH MISCONDUCT

43. There are two stages for disciplinary proceedings; the formal stage, with one process for minor or straightforward misconduct (considered by an Investigating Officer) and another process for sufficiently complex major misconduct (considered by a Disciplinary Panel); and a review stage.

44. Additional information regarding the procedure for dealing with allegations of misconduct which may also constitute a criminal offence is set out in Appendix 3.

STAGES

Formal stage

45. On the instigation of formal stage proceedings, OSACC will be notified, and an Investigating Officer will be appointed to carry out an investigation to establish whether there is sufficient evidence to support the allegation of misconduct and, if so, to determine whether it should be classified as minor or major misconduct. The Investigating Officer will normally be a senior academic or a relevant Head of Service, or the equivalent in partner institutions, who has

been trained to undertake the role of Investigating Officer and has had no previous involvement in the case.

Formal stage – preliminary investigation

46. The Investigating Officer, via OSACC, will arrange a meeting with the student in order to discuss the allegation, normally within ten working days of receipt of the allegation. The Investigating Officer may also interview, or request written statements from, relevant staff and students as part of their investigation in order to establish the facts of the case. The student will be informed of the date, time and venue for the investigative meeting in writing by OSACC normally at least three working days before the meeting and will be provided with a summary of their alleged misconduct, and, wherever possible, be given any available supporting evidence. The student will also be advised that they may be accompanied at the meeting by a supporter (as defined in paragraph 16) and that guidance and support is available from the Students' Union Advice Service and Student Life.

47. Interviews may be conducted by telephone or virtually via video conferencing where appropriate. A representative from OSACC will normally be present at all meetings held as part of the investigation to take minutes of the discussions. The minutes will not normally be a verbatim transcript, but rather an accurate summary of the meeting. Wherever possible, a copy of the minutes will be sent to the participants in the meeting(s) and their approval will be sought to confirm the minutes as an accurate record of discussions and in signing they are acknowledging that their statement will be shared with the panel should the case proceed to a formal disciplinary panel.

48. If additional or alternative misconduct allegations are made against the student during the disciplinary investigation, the student will be told in writing by OSACC about the new or amended allegations and offered the appropriate opportunity to respond prior to the conclusion of the disciplinary process.

49. Following the preliminary investigation, the Investigating Officer will produce a report providing:

a) a summary of the allegation;
b) an outline of the investigation carried out;
c) a summary of the findings, including whether the student has admitted the misconduct;
d) a conclusion on whether there is sufficient evidence to support the allegation;
e) the category of misconduct (minor or major).

50. The Investigating Officer will recommend based on the balance of probabilities, one of the following outcomes:

a) there is no case to answer and no further action should be taken;
b) there is a case to answer, but it should be pursued under another procedure (for example Support to Study or Fitness to Practise);
c) there is a case to answer, and disciplinary proceedings should be concluded by the Investigating Officer and a penalty be recommended where appropriate;
d) the allegation is such that it is serious/major misconduct and should therefore be considered under the formal proceedings by a Disciplinary Panel;
e) the allegation is frivolous, malicious or vexatious, in which case there is no case to answer but action may be taken against the individual who made the allegation if appropriate.

51. Where appropriate, the Investigating Officer may refer their report to another senior member of staff for a second opinion or for the course of action to be agreed before submitting to OSACC.

52. The student will be notified by OSACC of the outcome of the investigation, normally within five working days of the decision. In all cases, the student will be provided with a rationale for the decision and given clear information about what will happen next (where applicable).

Formal stage – completion of proceedings by an Investigating Officer

53. If, following the investigation, the alleged misconduct has been admitted by the student, or there is sufficient evidence to support the allegation and/or the case is not complex, the disciplinary proceedings may be completed by the Investigating Officer in order to conclude proceedings in a prompt and proportionate way. In such cases, the Investigating Officer may recommend one or more of the penalties set out in Appendix 2.

54. The following may be relevant considerations in deciding whether this is appropriate:

- The misconduct is minor and likely to result in only a low-impact penalty. For example, a penalty which should not significantly affect a student's progression, graduation or professional accreditation.
- The case relates to a straightforward issue or non-complex misconduct.
- The case is unlikely to require much discussion with the student and/or the student has admitted to the offence.

This is not an exhaustive list and is for guidance only.

55. The student will be written to with the outcome of the Investigating Officer's review normally within five working days of the receipt of the Investigating Officer's report. This notification will outline the proposed decision and penalty, reasons for the outcome, and provide any relevant supporting evidence where appropriate/possible.

56. The student will be given a period of five working days to confirm to OSACC whether they accept the decision and/or penalty imposed. Not responding will be taken as acceptance.

57. Where the outcome is accepted by the student, the original written outcome notification will be considered the University's final decision on the case. The student may request a Completion of Procedures letter in relation to this outcome.

58. If within the five working days the student confirms that they do not accept the decision, then the case will proceed to a Disciplinary Panel. The subsequent panel is not limited to the original outcome or recommendation of the Investigating Officer; the panel will be able to reach its own finding and apply penalties from the full range available to it where appropriate. This should be made clear to the student in writing by OSACC prior to the Disciplinary Panel being convened.

Formal stage – disciplinary proceedings by a Disciplinary Panel

59. Where it is requested by the student (see paragraph 56) or concluded by the Investigating Officer, a Disciplinary Panel meeting should be convened (see paragraph 58), OSACC will arrange a date for the Disciplinary Panel meeting as soon as possible (preferably within fifteen working days) and will formally invite the student to attend.

60. The Disciplinary Panel shall comprise:

- Dean or Associate Dean of School, Director/PVC or nominee (Chair)
- Two senior members of staff, which may include a Head of Service.

A representative from OSACC will act as secretary to the Disciplinary Panel and will record the discussions and the decision, including the justification for the decision and, where applicable, the penalty to be imposed and any conditions.

61. The Chair and members of the Disciplinary Panel shall have had no previous involvement in the case. All panel members will receive training for the role and, where possible, membership of the Panel will represent a diverse mix.

62. Membership of the Disciplinary Panel will be approved by the Academic Registrar or their

nominee. The student may be accompanied at the meeting by a supporter as defined in paragraph 16.

63. The student will also be provided with an opportunity to submit a further written statement in response to the allegation and any relevant supporting evidence for consideration of the Disciplinary Panel. The student will be given a date by which to submit the response, normally at least ten working days prior to the panel meeting.

64. The student and the Investigating Officer may nominate relevant individuals who can present information about the case as witnesses and should inform OSACC of their name(s) and relevance to the case at least ten working days prior to the panel meeting. The decision of the Chair of the Disciplinary Panel regarding witnesses to be called shall be final. In reaching a decision about witnesses to be called, the Chair will take into account their number and relevance to the matter in hand.

65. The Disciplinary Panel will operate on the principle of the balance of probability and the decision reached should be the majority decision of the members. Where there is a split decision, the outcome will be determined by the Chair and would normally fall in favour of the student.

Cautions and conditional discharges

66. Any cautions and conditional discharges will be recorded on the student's record with OSACC and enforced for the specified period of time. There may be occasions when a student's conduct is satisfactory throughout the period in which the caution and/or conditions are in force only to lapse soon thereafter. If a pattern emerges and there is evidence of abuse, the student's disciplinary record will be taken into account in deciding the time limit for any new cautions and the penalty for further proven offences.

Written warnings

67. Any written warnings will remain on the student's record with OSACC for the duration of their studies unless otherwise specified and will be taken into consideration if a further proven case of misconduct occurs. Written warnings should make it clear to the student what the warning is for and the potential consequence of any subsequent actions that constitute misconduct.

Fines and compensation

68. A student may be required to pay a fine to the University for acts of misconduct. For

minor misconduct, the maximum fine is £50 and for major misconduct the maximum fine is £100.

69. A student may be required to pay compensation to the University or to the victim to make good, in whole or in part, any loss or damage to property or premises, or to reimburse any additional costs incurred by the University or victim as a result of the misconduct.

70. The student will be given a deadline by which to pay the fine or compensation and will be informed whether it is possible to pay in instalments. OSACC will be notified when payment has been received, and the student's disciplinary record will be updated accordingly. Failure to pay the fine or compensation by the deadline without good reason may result in the debt being referred to an external debt collection agency.

Exclusion

71. The Provost or their nominee at the University of Suffolk can exclude a student. A student who is excluded from the University may have restricted rights to enter the University's premises or to take part in University activities. Exclusion may be subject to qualification, such as permission to take an examination or submit an assignment. An exclusion may also include a requirement that the student shall have no contact with a named person or persons. There will also be a time limit associated with the exclusion. The terms of the exclusion and the reasons for it will be notified to the student in writing by the Provost or their nominee.

72. Any exclusion of a student registered at a partner institution shall be notified immediately in writing to OSACC and Academic Registrar by the relevant Principal (or equivalent) or their authorised representative.

Expulsion

73. The Provost or their nominee at the University of Suffolk can expel a student. A student who is expelled from the University will normally have no rights to enter the University's premises or to take part in University activities. Expulsion will normally take immediate effect. The recommendation to expel the student should also include a recommendation as to whether to withhold any exit award due to the student. An expelled student will not normally be accepted on to any future courses at the University. The terms of the expulsion and the reasons for it will be notified to the student in writing by the Provost or their nominee.

Notification of outcome

74. OSACC will confirm the outcome of the disciplinary proceedings to the student in writing, usually via email, normally within ten working days following the conclusion of the panel. In all

cases, the student will be provided with a rationale for the decision. Where a penalty has been imposed, the student will be given clear instructions of any implications and any actions they need to take. Where the penalty was a recommendation of exclusion or expulsion, the student will be sent a separate letter from the Provost or their nominee.

Appeals (review stage)

75. A student may appeal against a finding of guilt and/or the penalty imposed by the Disciplinary Panel. The appeal must be submitted in writing, usually via email, to OSACC within ten working days of the date of the notification informing the student of the outcome of the formal stage proceedings.

76. The grounds on which an appeal can be considered are:

- the penalty is disproportionate in the circumstances;
- the Disciplinary Panel did not make reasonable efforts to acquire all relevant information;
- new evidence has become available that could materially affect the Disciplinary Panel's decision and/or recommendation to the Provost or their Nominee;
- there is evidence of procedural irregularity;
- there was bias or the appearance of bias in the conduct of the disciplinary process, which was not raised at an earlier point for good reason.

77. The Academic Registrar or nominee will review the appeal and determine whether there are valid grounds for the appeal that warrant further consideration.

78. While the appeal process is ongoing, the original outcome of the Disciplinary Panel will stand.

79. If the Academic Registrar or nominee determines that there are no grounds for further consideration of the appeal, the matter will be referred to a senior representative of the University for consideration. If the senior representative agrees that there are no grounds for further consideration, the Academic Registrar or nominee via OSACC will inform the student, in the form of a Completion of Procedures letter, normally within ten working days, giving the reasons for that decision. This decision is final and there is no further right of appeal. Students may be able to seek a review by the Office of the Independent Adjudicator (OIA) (see paragraph 93).

80. If the Academic Registrar or nominee or senior representative of the awarding institution determines that the appeal does warrant further consideration, OSACC will convene a

Disciplinary Appeals Panel.

81. The Disciplinary Appeals Panel shall comprise:

- Provost or nominee (Chair)
- Two senior members of staff (one of whom must be from the awarding institution where applicable)

A representative from OSACC will be secretary to the Disciplinary Appeals Panel and record the Panel's decision and justification for that decision.

82. Membership of the Disciplinary Appeals Panel will be determined by the Academic Registrar or their nominee. No member of the Panel shall have had any prior involvement in the case being considered.

83. The Disciplinary Appeals Panel shall carry out a paper-based review of the documentary evidence considered by the Disciplinary Panel and the report/minutes detailing their decision, together with the written statement submitted by the student setting out the grounds for the appeal. The Panel shall not proceed by way of a re-hearing but has the power to require the presentation of such further evidence as it deems necessary to reach an informed decision.

84. The student will be informed when the Disciplinary Appeals Panel will meet but will not normally be present. In exceptional cases, for example where reasonable adjustments are required or where the interpretation of evidence is disputed, a student may be permitted to attend the meeting to present evidence in person. The decision as to whether to permit a student to attend will be made by the Academic Registrar or nominee in consultation with the Chair of the Panel. The student may be accompanied at such a meeting by a supporter (as defined in paragraph 16).

85. OSACC will provide the Disciplinary Appeals Panel with the documentation considered by the Disciplinary Officer or Disciplinary Panel along with that submitted by the student in advance of the meeting. The Chair may also request that additional information be gathered prior to the meeting.

86. With limited exceptions (for example, where information cannot be disclosed because of the University's obligations under the General Data Protection Regulation (GDPR)), all written material considered by the Disciplinary Appeals Panel under this procedure will be accessible to the student if requested. Students should make any request to be provided with access to the written material in writing via OSACC. The decision as to whether to permit a student to access

the written material will be made by the Academic Registrar or their nominee in conjunction with the Head of Data Governance, as appropriate.

87. The Disciplinary Appeals Panel, having considered the evidence, will decide whether the appeal should be justified, either fully or partially, or rejected.

88. If the Disciplinary Appeals Panel rejects the appeal, the original penalty shall stand. However, the Panel has the right to increase the penalty where, in the Panel's view, the appeal is frivolous and/or vexatious. In such cases, the Secretary shall record the reasons for the decision. If the Disciplinary Appeals Panel fully or partially justifies the appeal, the Panel may decide that the student is not guilty of misconduct or confirm the finding of guilt but decide on a different penalty.

89. If, following an appeal against exclusion or expulsion, a student is reinstated, the University shall make every reasonable effort to mitigate the effects, if any, of the exclusion.

90. The student can expect to hear the outcome of the Disciplinary Appeals Panel via OSACC, usually within five working days of the Panel meeting. The student will also be informed within that time if the complexity of the case prevents an outcome being reached and advised of the likely timescale for further action and notification of the outcome.

91. In all cases, regardless of whether the appeal was justified, in full or in part, or rejected, the outcome letter will give a full and clear explanation of the decision and rationale.

92. The decision of the Disciplinary Appeals Panel is final and there is no further right to appeal within the University. Students may be able to seek a review by the OIA (see paragraph 93).

Further right to appeal

93. Students who are dissatisfied with the outcome of their appeal may be able to seek a review by the OIA should the case be eligible under the OIA's rules (see http://www.oiahe.org.uk/). Details will be provided in the Completion of Procedures letter advising the student of the final outcome of the appeal.

Monitoring and evaluation

94. The University of Suffolk will monitor and evaluate the effectiveness of the Student Discipline Procedure and reflect upon the outcomes for enhancement purposes. A report will be

submitted annually to the Equality and Diversity Committee, the Quality Committee and Senate. The report will include equality monitoring data.

95. This procedure should be read in conjunction with the Free Speech Code of Practice.

APPENDIX 1: CATEGORISATION OF MISCONDUCT

For the purposes of the policy, misconduct is categorised at one of two levels, minor or major. The following table gives examples of misconduct that may fall into each category and is provided for guidance only. It is neither exclusive nor exhaustive and there may be other offences not listed which will constitute misconduct.

Level	**Examples of misconduct offences**
Minor Misconduct	• Disobedience • Noisy behaviour • Dropping litter • Fighting (pushing/shoving) • Rudeness • Poor attitude to staff and other students • Improper use of learning resources • Offensive behaviour or language • Minor disruptive behaviour in class or at placement • Unauthorised and/or unreasonable use of a mobile phone • Minor breaches of rules and regulations
Major Misconduct	• Physical assault / fighting (punching/kicking/slapping/biting) • Sexual misconduct / sexual assault/ sexual harassment • Serious injury to people or property • Acting with intention to cause serious harm • Persistent or excessive disruptive behaviour in class or at placement • Repeated minor misconduct offences • Repeated, offensive behaviour or language • Deliberate damage to property • Behaviour which endangers others • Stealing from other students, members of staff or the public • Bullying and/or harassment • Intimidation and/or discrimination on the grounds of age; disability; gender reassignment; race or ethnic/national origins; religion or belief; sex; and/or sexual orientation • Verbal abuse or making threats against people or property • Inflicting injury on others or acting in a way which endangers others

	• Misuse or deliberate interference with computerised information • Accessing or making available to others pornographic or other offensive material on computers or by any means • Fraud or attempted fraud • Not adhering to information, instruction, training and supervision provided for own or others' health, safety and wellbeing • Deliberately damaging or removing safety equipment • Drug related offences, misuse of drugs, alcohol or other substances, or consumption of alcohol or substances in contravention of the University's regulations • Reckless or dangerous driving on site or en route to placement or other University activities • Possession of weapons or replica weapons • Conduct, either on or off campus, which brings the University into disrepute • Promoting unlawful acts • Accessing security sensitive materials without gaining appropriate permissions or conducting security sensitive research • Any conduct which constitutes a serious criminal offence • Major breaches of the rules and regulations, including failure to comply with necessary University functions, such as Disclosure and Barring checks.

APPENDIX 2: PENALTIES

If a student is found guilty of misconduct, one or more of the penalties set out below may be imposed. When determining penalties, consideration will be given to the seriousness of the misconduct, the circumstances of the misconduct, whether the student has admitted the misconduct and the means and general personal circumstances of the student. Any previous misconduct by the student, in related or unrelated areas which might form a pattern of behaviour contrary to the required standards, will also be taken into account. In all cases, the penalty imposed should be proportionate to the offence(s) committed.

Stage	Penalty	Application by level
Informal, Formal and Review	Verbal reprimand/informal warning: The student will be informed that their behaviour is unacceptable	Minor or major
	Apology: Require the student to apologise to a named person or persons for their behaviour, verbally or in writing	Minor or major
	Reflection: Require the student to submit a reflective piece of work on their behaviour	Minor or major
Formal and Review	Absolute discharge: The student may be technically guilty of the alleged misconduct, but no blame is attached to their actions	Minor or major
	Caution: No penalty is imposed, but if the student is found guilty of misconduct on a subsequent occasion in the following twelve months or other specified period, they will then be dealt with for both offences	Minor – up to a maximum of twelve months Major – up to completion of studies
	Conditional discharge: No penalty is imposed subject to the student fulfilling certain stipulated conditions, including good behaviour over the following twelve months or other specified period. If the conditions are not met, another penalty may be imposed following further proceedings	Minor – up to a maximum of twelve months Major – up to completion of studies
	Written warning: This will remain on the student's record with OSACC for the duration of their studies and will be taken into consideration if a further proven case of misconduct occurs	Minor or major
	Compensation: Require the student to pay a reasonable sum by way of compensation for identified and quantified loss	Minor – up to a maximum of £500 Major – unlimited
	Fine: Require the student to pay a fine of up to £100	Minor – up to £50 Major – up to £100
	Exclusion: A recommendation to the Provost that the student is excluded from the University for a fixed period of time	Major only

Stage	Penalty	Application by level
	Expulsion: A recommendation to the Provost that the student is expelled from the University, which may also include the withholding of any award (exit or intended) due to the student	Major only

APPENDIX 3: PROCEDURE FOR ALLEGED MISCONDUCT WHICH MAY CONSTITUTE A CRIMINAL OFFENCE

1. In all instances where an alleged misconduct may constitute a criminal offence, the criminal process will take priority. Therefore, where a particular matter is being dealt with under the criminal process, then other than taking any necessary precautionary measures (see paragraphs 25-37), any University disciplinary processes will normally be suspended until the criminal process is completed. If the matter is not being dealt with under the criminal processes or where the criminal process is complete, then the University will consider the matter as set out in the Student Discipline Procedure.

2. All parties involved in dealing with alleged student misconduct which may constitute a criminal offence should be aware that any notes that are made or documents that are created could be requested by the police as part of a criminal investigation and individuals could be called to give evidence. It is therefore essential that clear, accurate and appropriate records are kept of all actions taken and decisions made by the University from the moment that the alleged incident is reported until the criminal and/or disciplinary proceedings are completed. OSACC will maintain the digital casefile as per the University's Data Retention schedules.

3. Where the allegation of misconduct has been made by one student against another student, the University will ensure that both the reporting student and the accused student are treated fairly and no presumptions are made about either party. The person to whom the alleged misconduct is reported should contact OSACC who will initiate the relevant processes and mechanisms in place within the University to provide independent support to both parties.

4. Students who are victims of alleged behaviour that may constitute a criminal offence are encouraged to report the incident to the police for investigation, but do not have to do so if they do not wish to (see paragraph 6 below). The University will provide the alleged victim with support to understand the options available to them and to assist the student to make a decision about the course of action they wish to follow. The options will normally be:

- to report the incident to the police;
- not to report the incident to the police and request that the University considers the case under the Student Discipline Procedure;
- to take no further action.

No pressure will be put on the student to take any particular course of action.

5. Where the victim of the potential criminal offence is the University, the University will determine on a case-by-case basis whether to report the incident to the police. The University will take into account the nature and seriousness of the incident and whether there is any risk to the health, safety and well-being of any member(s) of the University's community. Consideration will also be given to the potential effect on the accused student, and the University may decide that dealing with the matter under the Student Discipline Procedure is a more reasonable and proportionate approach. The final decision will rest with the Vice-Chancellor, their nominee, or a senior representative of the University.

6. Where the victim is not the University, the University will normally allow the victim to decide whether or not to report the matter to the police. If the victim is a member of the University's community and they wish to report the matter to the police, the University will support them to do so. If they do not wish to make a report to the police, then the University will comply with that decision.

7. Where the alleged misconduct may constitute a criminal offence but is not reported to the police and is instead dealt with through the Student Discipline Procedure, consideration will be given to whether any adjustments need to be made to the disciplinary proceedings to address any actual and/or perceived imbalances between the reporting student (or alleged victim) and the accused student (alleged perpetrator). For example, should the case be considered by a Disciplinary Panel, the reporting student may be allowed to provide evidence from a different room via MS Teams or conference call and questioning could be through the Chair so that the reporting student and accused student do not have to communicate directly with each other and to ensure that no inappropriate questions can be put to either student.

8. For matters dealt with under the Student Discipline Procedure instead of through criminal proceedings, no criminal offences should be referred to in the findings.

9. Where the police investigation results in a criminal conviction, charge or caution, the Dean of School and/or Academic Registrar may determine that the matter is instead considered under the Safeguarding Policy.

10. Where a student has been found guilty and sentenced by a criminal court for the alleged misconduct, the penalty imposed by the criminal court will be taken into account in

deciding the penalty under the University's disciplinary proceedings.

11. Where criminal proceedings (including bail conditions, period of time on remand and/or period of time served in custody following conviction) result in a student being absent from their study for a period of less than 12 months, the student will be intercalated. It will be the responsibility of the student to notify the University (normally via OSACC) when they are released from custody. Before returning to study, their case will be assessed in accordance with the Safeguarding Policy before consideration via the Discipline Procedure.

12. Where criminal proceedings (including bail conditions, period of time on remand and/or period of time served in custody following conviction) result in or will result in a student being absent from their study for a period of 12 months or more, the student will be deemed withdrawn. The student may subsequently reapply for admission to the University but will be required to declare the criminal conviction in accordance with the Admissions Policy prior to a decision regarding an offer of a place. Where a declaration is not requested as part of the standard admissions process, the case will be considered in accordance with the Safeguarding Policy. The Safeguarding Panel will also determine whether there should be any further consideration of the misconduct under the Student Discipline Procedure.

APPENDIX 4: ORDER OF PROCEEDINGS AT A MEETING OF THE DISCIPLINARY PANEL

1. At the start of the meeting, the Disciplinary Panel will have a preliminary discussion in private. The representative from OSACC shall then invite into the meeting:

- the Investigating Officer presenting the case
- the student who is the subject of the case
- any accompanying supporter as permitted by the Procedure

2. If the student fails to appear, the Disciplinary Panel will consider whether or not to proceed with the case immediately and may do so provided it is satisfied that the student has been properly informed of the time and place of the meeting.

3. Any witnesses whom the Disciplinary Panel has invited to attend shall remain outside the room in which the Panel is sitting until called to give evidence.

4. The Chair shall state briefly why the Disciplinary Panel is sitting.

5. The proceedings at the Disciplinary Panel will usually follow the pattern described below:

- all written evidence will be taken as read;
- the Investigating Officer will present their case;
- the student will present their case;
- the Investigating Officer and the student may question each other and may each be questioned by the Panel upon their statements or evidence, both written and oral;
- witnesses are called one at a time and are questioned first by the Panel then by the person who nominated them and finally by the other party;
- following the withdrawal of any witnesses who have been called, the Panel may ask any further questions of the student or the Investigating Officer;
- the Investigating Officer may make a closing statement if wished (and may leave the room for a few minutes to prepare this);
- the student may make a closing statement if they wish (and may leave the room for a few minutes to prepare this);
- the student and Investigating Officer will leave the hearing;
- the Panel make a decision and the meeting closes.

6. The order of proceedings will be at the discretion of the Chair of the Disciplinary Panel. The ruling of the Chair on any point of procedure shall be final. The Disciplinary Panel may at any time either before or during a hearing decide to adjourn the hearing for a period not normally exceeding seven working days.

7. The decision of the Disciplinary Panel shall be sent in writing to the student and to the Dean of School via OSACC within five working days of the meeting of the Panel.