



Student Disciplinary Regulations

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General Provisions

- 1.1 The University may implement the Student Disciplinary Regulations to investigate, consider and determine an alleged breach of the Student Code of Conduct.

Delegation of authority

- 1.2 The University Council has delegated its authority to govern student conduct to the Student Disciplinary Board, which is chaired by the Vice-Chancellor and reports to Senate.
- 1.3 The University Secretary & Registrar or their nominee will act as the Secretary to the Student Disciplinary Board, and will oversee the implementation and management of these regulations and advise on their interpretation.
- 1.4 The powers and responsibilities of the Student Disciplinary Board are set out and will be exercised in accordance with Section 16 of the [University Regulations](#).
- 1.5 Members of the Student Disciplinary Board will be appointed by Senate and will include academic, non-academic and student members. All members of the Student Disciplinary Board, with the exception of student members, are also Disciplinary Officers for the purposes of these regulations. The Student Disciplinary Board may appoint additional Disciplinary Officers who are not also members of the Student Disciplinary Board.
- 1.6 The allocation of Disciplinary Officers, Panel members and Chairs of Panels to particular cases will be made by the Deputy University Secretary or nominee.

Scope of regulations

- 1.7 These regulations set out the procedures through which the University will normally respond to an allegation of misconduct as defined in the Student Code of Conduct.
- 1.8 Each disciplinary case is different, and decisions under these regulations will be made based on the relevant information in a particular case.
- 1.9 In exceptional cases the University reserves the right at any stage to vary the procedures set out in these regulations in the interests of fairness and/or health and safety.
- 1.10 These regulations are not intended to resolve disputes between individuals, but rather to address allegations that a student has breached their contractual obligation to comply with the Student Code of Conduct. The University will provide general information to all parties involved in the disciplinary procedures in order to manage their expectations of what may happen once an allegation has been received.
- 1.11 In the event that there is a conflict between these regulations and any other University regulations, policy or procedure in respect of student conduct, these regulations will take precedence.
- 1.12 These regulations apply to all students, including research students, from the point that the contractual relationship between the student and the University is formed. The regulations apply at all times, and are not restricted to conduct during term time, on University premises, or in respect of University or University-related activities.
- 1.13 These regulations may be applied to any breach of the Student Code of Conduct that is alleged to have occurred after the point that the contractual relationship with the student is formed. The regulations may be applied to such breaches where, on receipt or notification of the allegation, a student is no longer registered at the University.

- 1.14 The University reserves the right to revoke an award conferred on a student under the terms of these regulations, but will normally only do so in cases of proven serious academic misconduct.
- 1.15 The University may withhold the award of a student who is subject to ongoing consideration under these regulations.
- 1.16 The University may refuse admission to any programme of the University, or the provision of any other service or facility, to a student until consideration of an allegation under this procedure is concluded.
- 1.17 Where appropriate, the University reserves the right to refer a concern raised under these regulations for consideration either separately or simultaneously under any other relevant University regulation, policy or procedure at any time.
- 1.18 Any variations to these regulations for students studying with partner institutions will be set out in the relevant student contract and guidance to students. Otherwise, these regulations apply in their entirety.

Allegations of misconduct

- 1.19 An allegation that a student has breached the Student Code of Conduct can be made to any member of staff, including a student's Tutor, the Chaplaincy and Student Wellbeing Officers.
- 1.20 Before an allegation of a breach of the Student Code of Conduct can be investigated, a report should be made in writing to:
 - a. The University Secretariat for allegations of non-academic misconduct; or
 - b. The relevant Programme Convenor or Research Degrees Convenor for allegations of academic misconduct.
- 1.21 An allegation against a student can be made by any individual regardless of their relationship to the University, but the extent to which information about the University's handling of an allegation can be shared will be determined in line with Paragraph 1.40 of these regulations.
- 1.22 Any allegation should include the following information:
 - a. Identification of the student(s); and
 - b. A summary statement of the allegations, including the names of any witnesses.
- 1.23 Allegations of non-academic misconduct will be considered in line with the Non-Academic Misconduct Procedure set out in these regulations.
- 1.24 Allegations of academic misconduct will be considered in line with the Academic Misconduct Procedure set out in these regulations.

Dispensing with further proceedings

- 1.25 The University may suspend or dispense with any further consideration of an allegation under these regulations if it is satisfied that:
 - a. The act or acts allegedly committed by the student do not constitute a breach of any provision of the Student Code of Conduct;
 - b. The available evidence is insufficient to conclude on the balance of probabilities that an allegation is proven;

- c. The allegation is such that it should be referred for consideration under a different University regulation, policy or procedure; or
- d. The allegation is of such a nature that no further proceedings are appropriate.

Precautionary action

- 1.26 Where an allegation arises that a student has breached the Student Code of Conduct, the University has the power to take immediate precautionary action pending consideration of the allegation under these regulation or any other relevant University regulations, policy or procedure. Precautionary action may also be taken by the University pending consideration of an allegation by a third party such as the police, CPS or other official authority.
- 1.27 Precautionary action is a neutral act. It is not a penalty or sanction and will not be used as evidence that a student has breached the University's rules. Any precautionary action taken will be for a specified period, but the University reserves the right to extend this period following a review of the circumstances with respect to the criteria outline in Paragraph 1.28.
- 1.28 Precautionary action may be taken if the University is satisfied that one or more of the following apply:
- a. The nature of the allegation is of such a nature that immediate action is required;
 - b. The individuals concerned in the allegation are a risk to themselves or others;
 - c. The allegation represents a potential or actual threat to the safety, security, health, wellbeing, good order, or reputation of the University, its members, an external organisation or placement provider, or members of the public; or
 - d. Any delay in taking action may result in a further breach of the Student Code of Conduct.
- 1.29 Any precautionary action taken should be both reasonable and proportionate and, as far as is reasonably practicable, balance the rights of all parties involved including the University. Where possible, mitigating steps will be taken to minimise the impact of the precautionary action on all students affected.
- 1.30 Authority to take precautionary action is delegated by Council to the Student Disciplinary Board. The types of precautionary action that can be taken, and the members of the Student Disciplinary Board who are authorised to take it, are specified in Appendix 3.
- 1.31 A student subject to precautionary action will be given the opportunity to request a review of the decision by a member of the Student Disciplinary Board as specified in Appendix 3.
- 1.32 Where precautionary action is taken, the student may be notified in person or in writing. Where originally notified in person, the student should also be informed in writing normally within 48 hours.
- 1.33 In all cases, the student should be informed in writing of the type of action that has been taken and the reasons, how long the conditions will be in place for and whether they may be extended, how they can request a review of the decision, and the support services that are available to them.
- 1.34 The member of staff who has taken precautionary action should contact the University Secretariat immediately and not more than 24 hours after the precautionary action has been taken. Where possible, the University Secretariat should be contacted for advice prior to any precautionary action being taken.
- 1.35 In all circumstances where precautionary action is taken, the original decision-maker should continue to review the conditions in place on an on-going basis.

Allegations involving the police

- 1.36 The University may report an allegation of misconduct to the police, and in doing so will consider the risk the allegation represents to the University community, the impact of reporting on any individuals, any data protection issues and other statutory responsibilities it has, amongst other factors.
- 1.37 The University will cooperate as far as is reasonably practicable with any criminal proceedings and will make all reasonable efforts to avoid taking any action which may impede or jeopardise these proceedings.
- 1.38 Where a police or other external investigation or criminal proceedings have been or may be initiated in relation to an alleged act of misconduct, the University may suspend its consideration of the matter under this or any other regulation (at any stage) until such investigation and/or proceedings have been concluded. The University's consideration of a matter under these regulations may be resumed at any stage should the University deem it to be appropriate in the circumstances.
- 1.39 The University may take action in respect of a student under these regulations notwithstanding the student's conviction or acquittal in criminal proceedings. The University is not bound by the outcome of any criminal prosecution although the University may in its discretion take any penalty imposed by a criminal court or other official authority into consideration in determining any outcome to be imposed under these regulations.

Principles

- 1.40 The disciplinary procedures will assume the following principles:
- a. **Fairness**
The disciplinary procedures will be conducted in accordance with the general principles of fairness and all parties concerned in an allegation will be provided appropriate support.
 - b. **Standard of proof**
The standard of proof required for all decisions taken under these regulations is the balance of probabilities.
 - c. **Records and confidentiality**
The University will process personal data under the Student Disciplinary Regulations because it is necessary for the performance of the contract between the University and the student. Records of disciplinary proceedings will be held in accordance with the University's Data Protection Policy and the Data Protection Act 2018. Records of disciplinary proceedings will normally be held for a period of 6 years after the last action, in line with the University's Record Retention Schedule.

The University may share information about disciplinary proceedings with third parties, including but not limited to employers, placement providers, sponsors, grant providers, research funding bodies, professional statutory and regulatory bodies (PSRBs) and Roehampton Students' Union.

The University considers that, depending on the facts of a particular case, it may have a legitimate interest in sharing information about a disciplinary case with the individual who has reported the allegation or experienced/witnessed the misconduct. This may include sharing the following information:

- Details of any precautionary action taken;
- The process of investigation;
- The decision made in respect of the allegation;
- Any penalties applied.

In deciding whether or not to make such a disclosure, the University will take the following non-exhaustive list of factors into account:

- Whether the disclosure is necessary to ensure the safety, security, health, wellbeing, good order, or reputation of the University, its members, an external organisation or placement provider, or members of the public;
- Whether this objective could be achieved without disclosing the information or by disclosing less information; and
- The impact of the disclosure on the student who has been accused of misconduct.

The student who has been accused of misconduct will be informed if a disclosure is to be made the person who has made the allegation or experienced the misconduct.

An annual report of action taken under the Student Disciplinary Regulations will be presented to Council. No mention will be made in the report of the names of the parties or of any information which might lead to their identification

Support, information and advice

- 1.41 A student is entitled to have a supporter present at any stage of the disciplinary procedures outlined in these regulations. The supporter must be a current registered student of the University, an elected officer or employee of Roehampton Students' Union, a member of the University Chaplaincy or a University Wellbeing Officer.
- 1.42 The role of the supporter is to provide advice and emotional support, but is not normally an advocacy role. Neither the University nor the student will normally be permitted to be represented by a legal practitioner at meetings or hearings held under these regulations. A supporter cannot act both as a witness and as a supporter.
- 1.43 Further advice is available to all parties through the University Secretariat, Roehampton Students' Union, Student Wellbeing Officers and other relevant areas of the University including, where applicable, Disability Services.
- 1.44 In operating these regulations, the University will remain mindful of its legal obligations including its duty of care its obligations to make reasonable adjustments under the Equality Act 2010.

Timescales

- 1.45 The disciplinary procedures will be carried out in as quick and timely manner as possible and normally within 90 days of an allegation being received by the University, although all parties are to accept that additional time may be necessary. Where an allegation is being considered by the police, the CPS or another official authority, it is likely that University's consideration of an allegation will take longer than 90 days to complete.

At each stage in the disciplinary procedures, students will be provided with information about the relevant timescales to which both they and the University will normally be expected to comply.

Impartiality

- 1.46 The University will take appropriate steps to ensure that any investigators and decision-makers under these regulations are impartial.

Attendance at meetings

- 1.47 If a student fails without adequate reason to attend any meeting held under these regulations, the Chair of the Panel or Disciplinary Officer may proceed with the hearing or meeting in the student's absence or, at their discretion, postpone the start of the hearing or meeting.
- 1.48 Any party to a meeting or hearing held under these regulations may attend via telephone or video link.
- 1.49 Where a student fails to exercise their right to attend a meeting, the Disciplinary Officer or Chair of the Panel may at their discretion offer the student an opportunity to make representations in writing.

Questions of procedure

- 1.50 All questions of procedure and evidence which may arise during a hearing, including any challenge to procedures predating a hearing, will be determined by the Chair of the Panel.
- 1.51 A ruling that a procedure contained in these regulations has not been followed will not necessarily result in the annulment of the proceedings if the Chair or Disciplinary Officer deems the error did not cause prejudice to the student, or any prejudice that did result can be remedied without causing undue delay in the proceedings.

Evidence

- 1.52 Evidence which has been obtained in good faith and by reasonable means will be able to be used in any considerations.

Sanctions

- 1.53 In general academic sanctions will not be imposed for non-academic offences. Inevitably however, there may be sanctions imposed for non-academic misconduct which have a direct or in-direct impact on academic study. The relevant Disciplinary Officer or Panel will consider the impact of any non-academic sanctions to be applied on a student's academic study when making their decision.
- 1.54 Failure to comply with a sanction imposed under the Student Disciplinary Regulations is in itself a breach of the Student Code of Conduct, and may be subject to consideration under these regulations.

Debts due and monies paid

- 1.55 Expulsion from the University will not relieve the student from the payment of any debts due to the University.

Non-Academic Misconduct Procedure

- 2.1 Suspected non-academic misconduct should in the first instance be reported to the University Secretariat.
- 2.2 Upon receipt of an allegation, or at any other time, consideration will be given by an appropriate decision-maker as to whether precautionary action under Paragraphs 1.26 – 1.35 of these regulations should be taken.
- 2.3 Secretariat will take one of the following actions:
 - a. Determine that the allegation does not constitute non-academic misconduct, or that there is no case to answer, and take no further action. In this case, no entry regarding the matter will be entered on the student's record;
 - b. Refer the allegation for consideration under Level 1, 2, 3 of this procedure; or
 - c. Refer the allegation for consideration under a different University regulation, policy or procedure.
- 2.4 Appendix 1 provides an indication of the types of allegation that would normally be considered at each level of the procedure.

Level 1 – Information Consideration

- 2.5 Consideration of an allegation at Level 1 may be conducted by the relevant Director or Head of Department, Head of College, College Life Development Officer, Senior Warden or nominee. The member of staff will normally invite the student to an informal meeting. The invitation should include the following information:
 - a. Details of the allegation that has been received;
 - b. That the allegation is being considered at Level 1 of this procedure;
 - c. That the student is entitled to bring a supporter as set out in Paragraph 1.41 of these regulations; and
 - d. The names of any attendees at the meeting.
- 2.6 In the meeting, the member of staff should discuss the allegation of non-academic misconduct with the student and give them an opportunity to respond. The member of staff should consider exploring the following non-exhaustive list of factors with the student:
 - a. The student's understanding of the definitions of non-academic misconduct and the reasons why certain behaviour is not acceptable to the University; and
 - b. The presence of any mitigating factors or other circumstances that may have affected the student's conduct.
- 2.7 Having discussed the allegation, the member of staff will:
 - a. Take no further action;
 - b. Give the student a verbal warning about their future behaviour; or
 - c. Refer the allegation for consideration at Level 2 or Level 3 of the Non-Academic Misconduct Procedure
- 2.8 The member of staff will make a brief record of the meeting and their decision under Paragraphs 2.5 – 2.7.
- 2.9 Consideration of an allegation at Level 1 of the procedure will normally be concluded within 21 days.

Level 2 - Determination by a Disciplinary Officer

- 2.10 The investigation and determination of an allegation at Level 2 should be conducted by a Disciplinary Officer. The Disciplinary Officer may require the student to attend one or more meetings during the investigation. In all cases the student should be advised before the meeting of the following:
- a. Details of the allegation that has been received;
 - b. That the allegation is being considered at Level 2 of this procedure;
 - c. That the student is entitled to bring a supporter as set out in Paragraph 1.41 of these regulations; and
 - d. The names of any attendees at the meeting.
- 2.11 The Disciplinary Officer will invite the student to at least one formal disciplinary meeting, normally at the end of the investigation, giving no less than 3 days' notice. The invitation should include the information set out in Paragraph 2.10, as well as a copy of any relevant information gathered during the course of the investigation.
- 2.12 In the formal disciplinary meeting, the Disciplinary Officer should discuss the allegation of non-academic misconduct with the student and give them an opportunity to respond.
- 2.13 At the end of the investigation, and having conducted the formal disciplinary meeting, the Disciplinary Officer will determine one of the following:
- a. That there is insufficient evidence to conclude that a breach of the Student Code of Conduct has occurred, in which case the allegation will be dismissed;
 - b. That there is sufficient evidence to conclude that a breach of the Student Code of Conduct has occurred, in which case one or more sanctions as set out in Paragraph 2.14 may be applied; or
 - c. That the matter should be referred to a Student Disciplinary Panel under Paragraphs 2.23 – 2.35 of Level 3.
- 2.14 The sanctions that can be imposed by a Disciplinary Officer are as follows:
- a. Formal Warning;
 - b. Any sanction available to a Disciplinary Officer under the student's Accommodation Agreement;
 - c. Exclude the student from any parts of the University including accommodation, events, activities or areas of campus for a limited period of time;
 - d. Require the costs in full of any damage to be met;
 - e. Request a student to write a letter of apology to the affected party;
 - f. Require a student to engage in voluntary activity for the benefit of the local community;
 - g. Require the student to participate in an educational programme, including group programmes; and
 - h. Require the student to attend a prescribed number of meetings, including group meetings, with a relevant member of staff for purposes as defined by the Disciplinary Officer.
 - i. Apply a fine in line with a scheme approved by the University Secretary
 - j. Exclude the student from their University accommodation, either permanently or for a limited period of time, subject to ratification by both the University Secretary and Provost (or nominee).
 - k. Exclude the student from parts of the campus, including but not limited to the Library and University accommodation other than their own, for a limited period of time.
- 2.15 In applying a sanction, the Disciplinary Officer should consider the penalties applied in previous similar cases, the impact on the student, any mitigating circumstances, admission of guilt or responsibility and the level of understanding shown, previous history of misconduct, the level of co-operation from the student, and any evidence of provocation,

amongst other factors.

- 2.16 The Disciplinary Officer should make a written record of the meeting.
- 2.17 The Disciplinary Officer should inform the student in writing of their decision, giving reasons and details of any penalties to be applied, normally within 7 days. The student should be provided with a copy of the written record of the meeting, and should be informed of their right to appeal under the Appeals Procedure set out in these regulations.
- 2.18 The Disciplinary Officer should send a copy of the decision letter to Secretariat.
- 2.19 Determination of an allegation at Level 2 of the procedure will normally be concluded within 28 days.

Level 3 – Determination by a Student Disciplinary Panel

- 2.20 The investigation of an allegation at Level 3 should be conducted by a Disciplinary Officer. The Disciplinary Officer may invite the student to one or more formal meetings, giving no less than 3 days' notice. The invitation should include the following information:
 - a. Details of the allegation that has been received;
 - b. That the allegation is being considered at Level 3 of the procedure;
 - c. A copy of any relevant documentation;
 - d. That the student is entitled to bring a supporter as set out in Paragraph 1.41 of these regulations; and
 - e. The names of any attendees at the meeting.
- 2.21 In each meeting, the Disciplinary Officer should discuss the allegation of non-academic misconduct with the student and give them an opportunity to respond.
- 2.22 The Disciplinary Officer should make a written record of each meeting.
- 2.23 At the end of the investigation, the Disciplinary Officer will determine one of the following:
 - a. That the allegation should be dismissed and no further action taken;
 - b. That the matter should be referred to a Student Disciplinary Panel for determination; or
 - c. That the matter can be determined under the procedure set out in Paragraphs 2.13 – 2.19 of Level 2.
- 2.24 The Student Disciplinary Panel will normally be made up of:
 - a. A nominated staff member of the Student Disciplinary Board as Chair of the Panel; and
 - b. Two other members of the Student Disciplinary Board (one member of staff and one student).
- 2.25 A member of staff will also be present to provide administrative support and act as Clerk to the Panel.
- 2.26 In the event a suitable panel from the full membership of the Student Disciplinary Board cannot be convened, the Chair or Vice-Chair of the Student Disciplinary Board will co-opt additional members.
- 2.27 Decisions of the Student Disciplinary Panel will be by a simple majority. Each member of the Panel will have a vote.
- 2.28 The student will be provided with a copy of all the information and evidence to be considered

by the Panel at least 7 days in advance of the hearing. The student will be invited to provide a written statement advance of the hearing. A copy of the statement will be provided to the Panel and the Disciplinary Officer.

- 2.29 The order of proceedings at a hearing will normally be as follows:
- a. The Chair will introduce the proceedings;
 - b. The Disciplinary Officer will present the allegation, and may call and question witnesses. The Disciplinary Officer and any witnesses will answer any questions from the Panel and the student;
 - c. The student may present their response to the allegations, and may call and question witnesses. The student and any witnesses will answer questions from the Panel and the Disciplinary Officer;
 - d. The Disciplinary Officer will make a closing statement;
 - e. The student may make a closing statement; and
 - f. The Panel will deliberate in private and make a decision.
- 2.30 The student accused of misconduct will not be able to ask questions of any witnesses directly, but may do so via the Chair of the Panel, who may at their discretion rephrase a question or decline to put it to the witness.
- 2.31 The Panel may at the discretion of the Chair require the student alleged to have committed misconduct to observe any witness testimony from a separate room. The accused student will be able to see and hear the witness via video link, and provide questions in writing which will be read to the witness via the Chair of the Panel, who may at their discretion rephrase a question or decline to put it to the witness.
- 2.32 The Panel may at the discretion of the Chair adjourn a hearing and request additional evidence from either party. The Panel will normally reconvene within 7 days, and the parties will be given at least 2 days' notice of the time and date of the reconvened hearing.
- 2.33 The Panel will determine one of the following:
- a. That there is insufficient evidence to conclude that a breach of the Student Code of Conduct has occurred, in which case the allegation will be dismissed; or
 - b. That there is sufficient evidence to conclude that a breach of the Student Code of Conduct has occurred, in which case one or more sanctions as set out in Paragraph 2.34 may be applied.
- 2.34 The sanctions that can be imposed by a Student Disciplinary Panel are as follows:
- a. Any sanction available to a Disciplinary Officer under Paragraph 2.14;
 - b. Any sanction available under the student's Accommodation Agreement;
 - c. Suspend the student's registration at the University for a limited period of time;
 - d. Exclude the student from any parts of the University including accommodation, events, activities or areas of campus, either permanently or for a limited period of time;
 - e. Expel the student, either permanently or for a limited period of time; or
 - f. Impose specified consequences, including suspension or expulsion, to apply in the event of further proven cases of misconduct. Where the further misconduct is admitted, the sanction may be applied without the need for another hearing, but the student will be given an opportunity to provide evidence of any mitigating circumstances.
- 2.35 In applying a sanction, the Student Disciplinary Panel should consider the penalties applied in previous similar cases, the impact on the student, any mitigating circumstances, admission of guilt or responsibility and the level of understanding shown, previous history of misconduct, the level of co-operation from the student, and any evidence of provocation, amongst other factors.
- 2.36 The Clerk to the Panel will inform the student in writing of the Panel's decision, giving

reasons and details of any penalties to be applied, normally within 1 week. The student will be informed of their right to appeal under the Appeals Procedure set out in these regulations. Determination of an allegation at Level 3 of the procedure will normally be concluded within 50 days.

Academic Misconduct Procedure

- 3.1 Suspected academic misconduct should in the first instance be referred to the relevant Programme Convenor, or in the case of a research student, the Research Degrees Convenor.
- 3.2 Upon receipt of an allegation, or at any other time, consideration will be given by an appropriate decision-maker as to whether precautionary action under Paragraphs 1.26–1.35 of these regulations should be taken.
- 3.3 The Programme Convenor or Research Degrees Convenor will take one of the following actions:
 - a. Determine that the allegation does not constitute academic misconduct, or that there is no case to answer, and take no further action. In this case, no entry regarding the matter will be entered on the student's record;
 - b. Where the allegation is very minor or is clearly the result of a lack of knowledge or understanding, refer the allegation for consideration under Level 1 of the procedure;
 - c. Refer the allegation for consideration under Level 2 or Level 3 of this procedure; or
 - d. Refer the allegation for consideration under a different University regulation, policy or procedure.
- 3.4 Appendix 2 provides an indication of the types of allegation that would normally be considered at Level 2 and Level 3 of the procedure respectively.
- 3.5 If the Programme Convenor or Research Degrees Convenor is unclear about which option under Paragraph 3.3 is most appropriate, advice and guidance can be sought from the University Secretariat.

Level 1 – Informal consideration

- 3.6 Consideration of an allegation at Level 1 should normally be conducted by the student's Tutor or Supervisor. The Tutor or Supervisor should invite the student to an informal meeting. The invitation should include the following information:
 - a. Details of the allegation that has been received, including the module and assignment details;
 - b. That the allegation is being considered at Level 1 of this procedure;
 - c. That the student is entitled to bring a supporter as set out in Paragraph 1.41 of these regulations;
 - d. The names of any attendees at the meeting.
- 3.7 In the meeting, the Tutor or Supervisor should discuss the allegation of academic misconduct with the student and give them an opportunity to respond. The Tutor or Supervisor should consider exploring the following non-exhaustive list of factors with the student:
 - a. The student's understanding of the definitions of academic misconduct;
 - b. Whether the student has completed any training regarding academic misconduct; and
 - c. The presence of any mitigating factors or other circumstances that may have affected the student's performance in the work.
- 3.8 Having discussed the allegation, the Tutor or Supervisor will:
 - a. Take no further action and refer the student to the Academic Achievement Team for support;
 - b. Give the student a verbal warning about their future behaviour; or
 - c. Refer the allegation for consideration at Level 2 or Level 3 of the Academic Misconduct

Procedure.

- 3.9 The Tutor or Supervisor will make a brief record of the meeting and their decision under Paragraph 3.8.
- 3.10 Consideration of an allegation at Level 1 of the procedure will normally be concluded within 21 days.

Level 2 – Determination by a Disciplinary Officer

- 3.11 The investigation and determination of an allegation at Level 2 should be conducted by the Departmental Disciplinary Officer. The Disciplinary Officer should investigate the allegation, taking statements, gathering any relevant documentation and materials, and then invite the student to a formal disciplinary meeting, giving no less than 3 days' notice. The invitation should include the following information:
 - a. Details of the allegation that has been received, including the module and assignment details;
 - b. That the allegation is being considered at Level 2 of the procedure;
 - c. A copy of the Turnitin report and any other relevant documentation;
 - d. That the student is entitled to bring a supporter as set out in Paragraph 1.41 of these regulations;
 - e. The names of any attendees at the meeting; and
 - f. Whether or not a viva voce examination will be conducted.
- 3.12 In the disciplinary meeting, the Disciplinary Officer should discuss the allegation of academic misconduct with the student and give them an opportunity to respond.
- 3.13 In determining whether or not academic misconduct has occurred, it may be necessary to conduct a viva voce examination. A viva should be proportionate to the assignment in question. The student should be informed in advance if a viva is to take place in the disciplinary meeting, and a second member of staff should be present to keep a record of the questions asked and the student's responses.
- 3.14 After the disciplinary meeting, the Disciplinary Officer will determine one of the following:
 - a. That there is insufficient evidence to conclude that a breach of the Student Code of Conduct has occurred, in which case the allegation will be dismissed;
 - b. That there is sufficient evidence to conclude that a breach of the Student Code of Conduct has occurred, in which case one or more sanctions as set out in Paragraph 3.15 may be applied; or
 - c. That the matter should be referred to a Student Disciplinary Panel under Paragraphs 3.27 – 3.39 of Level 3.
- 3.15 The sanctions that can be imposed by a Disciplinary Officer are as follows:
 - a. Require the student to remedy the elements of the work that were produced through misconduct and then resubmit for a capped or uncapped mark;
 - b. Award the student a mark of 0 for the work and require the work to be resubmitted for an uncapped mark;
 - c. Award the student a mark of 0 for the work and require the work to be resubmitted for a mark capped at the minimum pass mark;
 - d. Award the student a mark of 0 for the work and require the work to be resubmitted, with the module result capped at the minimum pass mark;
- 3.16 In applying a sanction, the Disciplinary Officer should consider the penalties applied in previous similar cases, the impact on the student, any mitigating circumstances, admission of guilt or responsibility and the level of understanding shown, previous history of

misconduct, the level of co-operation from the student, and any evidence of provocation, amongst other factors.

- 3.17 In all cases where a Disciplinary Officer finds a breach of the Student Code of Conduct to have occurred, students should be referred to the Academic Achievement Team.
- 3.18 The Disciplinary Officer should make a written record of the meeting.
- 3.19 The Disciplinary Officer should inform the student in writing of their decision, giving reasons and details of any penalties to be applied, normally within 7 days. The student should be provided with a copy of the written record of the meeting, and should be informed of their right to appeal under the Appeals Procedure set out in these regulations.
- 3.20 The Disciplinary Officer should send a copy of the decision letter to Academic Services.
- 3.21 Determination of an allegation at Level 2 of the procedure will normally be concluded within 28 days.

Level 3 – Determination by a Student Disciplinary Panel

- 3.22 The investigation of an allegation at Level 3 should be conducted by the Departmental Disciplinary Officer. The Disciplinary Officer should investigate the allegation, taking statements, gathering any relevant documentation and materials, and then invite the student to a formal meeting, giving no less than 3 days' notice. The invitation should include the following information:
 - a. Details of the allegation that has been received, including the module and assignment details;
 - b. That the allegation is being considered at Level 3 of the procedure;
 - c. A copy of the Turnitin report and any other relevant documentation;
 - d. That the student is entitled to bring a supporter as set out in Paragraph 1.41 of these regulations;
 - e. The names of any attendees at the meeting; and
 - f. Whether or not a viva voce examination will be conducted.
- 3.23 In the meeting, the Disciplinary Officer should discuss the allegation of academic misconduct with the student and give them an opportunity to respond.
- 3.24 Whilst investigating an allegation of academic misconduct, it may be necessary to conduct a viva voce examination. A viva should be proportionate to the assignment in question. The student should be informed in advance if a viva is to take place in the disciplinary meeting, and a second member of staff should be present to keep a record of the questions asked and the student's responses.
- 3.25 The Disciplinary Officer should make a written record of the meeting.
- 3.26 After meeting with the student, the Disciplinary Officer will determine one of the following:
 - a. That the allegation should be dismissed and no further action taken;
 - b. That the matter should be referred to a Student Disciplinary Panel; or
 - c. That the matter can be determined under the procedure set out in Paragraphs 3.14 – 3.21 of Level 2.
- 3.27 The Student Disciplinary Panel will be made up of:
 - a. A nominated staff member of the Student Disciplinary Board as Chair of the Panel; and
 - b. Two other members of the Student Disciplinary Board (one member of staff and one

student).

- 3.28 A member of staff will also be present to provide administrative support and act as Clerk to the Panel.
- 3.29 In the event a suitable panel from the full membership of the Student Disciplinary Board cannot be convened, the Chair of the Student Disciplinary Board will co-opt additional members.
- 3.30 Decisions of the Student Disciplinary Panel will be by a simple majority. Each member of the panel will have a vote.
- 3.31 The student will be provided with a copy of all the information and evidence to be considered by the Panel at least 7 days in advance of the hearing. The student will be invited to provide a written statement in advance of the hearing. A copy of the statement will be provided to the Panel and the Disciplinary Officer.
- 3.32 The order of proceedings at a hearing will normally be as follows:
- a. The Chair will introduce the proceedings;
 - b. The Disciplinary Officer will present the allegation, and may call and question witnesses. The Disciplinary Officer and any witnesses will answer any questions from the Panel and the student;
 - c. The student may present their response to the allegations, and may call and question witnesses. The student and any witnesses will answer questions from the Panel and the Disciplinary Officer;
 - d. The Disciplinary Officer will make a closing statement;
 - e. The student may make a closing statement; and
 - f. The Panel will deliberate in private and make a decision.
- 3.33 The student accused of misconduct will not be able to ask questions of any witnesses directly, but may do so via the Chair of the Panel, who may at their discretion rephrase a question or decline to put it to the witness.
- 3.34 The Panel may at the discretion of the Chair require the student alleged to have committed misconduct to observe any witness testimony from a separate room. The accused student will be able to see and hear the witness via video link, and provide questions in writing which will be read to the witness via the Chair of the Panel, who may at their discretion rephrase a question or decline to put it to the witness.
- 3.35 The Panel may at the discretion of the Chair adjourn a hearing and request additional evidence from either party. The Panel will normally reconvene within 7 days, and the parties will be given at least 2 days' notice of the time and date of the reconvened hearing.
- 3.36 The Panel will determine one of the following:
- a. That there is insufficient evidence to conclude that a breach of the Student Code of Conduct has occurred, in which case the allegation will be dismissed; or
 - b. That there is sufficient evidence to conclude that a breach of the Student Code of Conduct has occurred, in which case one or more sanctions as set out in Paragraph 3.37 may be applied.
- 3.37 The sanctions that can be imposed by a Student Disciplinary Panel are as follows:
- a. Any sanction available to a Disciplinary Officer;
 - b. Award the student a mark of 0 for the work and require a retake of the same or a different module; or
 - c. Award the student a mark of 0 for the work with no opportunity to resit or retake the

same or a different module; or

d. Expel the student, either permanently or for a limited period.

3.38 In applying a sanction, the Student Disciplinary Panel should consider the penalties applied in previous similar cases, the impact on the student, any mitigating circumstances, admission of guilt or responsibility and the level of understanding shown, previous history of misconduct, the level of co-operation from the student, and any evidence of provocation, amongst other factors.

3.39 The Clerk to the Panel will inform the student in writing of the Panel's decision, giving reasons and details of any penalties to be applied, normally within 7 days. The student will be informed of their right to appeal under the Appeals Procedure set out in these regulations. Determination of an allegation at Level 3 of the procedure will normally be concluded within 50 days.

Appeals Procedure

- 4.1 A student may request an appeal against the following decisions made under these regulations:
- a. The decision of a Disciplinary Officer or Student Disciplinary Panel under the Non-Academic Misconduct Procedure set out in these regulations; or
 - b. The decision of a Disciplinary Officer or Student Disciplinary Panel under the Academic Misconduct Procedure set out in these regulations;
- 4.2 The appeal may be made against the decision, the sanction/sanctions or both, but must be based on one or more of the following grounds:
- a. There is relevant new material which was not reasonably available at the time of the original decision;
 - b. There has been a failure of due process; or
 - c. That the decision was unreasonable and/or a disproportionate sanction has been allocated.
- 4.3 A party wishing to request an appeal must notify the University Secretariat in writing within 14 days of the date of the official notification of a decision. The notice of appeal must be accompanied by a written statement that identifies precisely the grounds upon which the appeal is based and any supporting evidence.

Determining if grounds for an appeal have been disclosed

- 4.4 The University Secretary & Registrar will determine whether an appeal request has met the requirements identified in Paragraph 4.2. If the University Secretary & Registrar decides that grounds for an appeal have been disclosed, they will take one of the following actions:
- a. In the case of decisions by a Disciplinary Officer:
 - i. Set aside the decision and require the original decision-maker to reconsider the matter in light of any comments from University Secretary & Registrar as appropriate in the circumstances;
 - ii. Set aside the decision and require the allegation of misconduct to be considered afresh;
 - iii. Set aside the decision and inform the student that no further action will be taken; or
 - iv. Uphold the decision, but substitute the original sanction for a less severe sanction.
 - b. In the case of decisions by a Student Disciplinary Panel:
 - i. Refer the appeal for consideration by a Disciplinary Appeals Panel.
- 4.5 If the University Secretary & Registrar decides that no grounds for an appeal have been disclosed, the appeal will be dismissed and a Completion of Procedures Letter will be issued in accordance with Paragraph 4.24.

Rights pending appeal

- 4.6 Where grounds for appeal are disclosed, the University Secretary & Registrar may at their discretion determine that any sanctions imposed by the original decision-maker should be temporarily withdrawn pending further consideration of the allegation.
- 4.7 Where a sanction is temporarily withdrawn, the University Secretary & Registrar may nevertheless determine that precautionary action should be taken under the provisions of Paragraphs 1.25 – 1.35 of these regulations pending further consideration of the allegation.

Hearing by a Disciplinary Appeals Panel

- 4.8 The Disciplinary Appeals Panel will be made up of:
- a. A nominated staff member of the Student Disciplinary Board as Chair of the Panel; and
 - b. Two other members of the Student Disciplinary Board (one member of staff and one student).
- 4.9 All parties will be provided with a copy of all the information and evidence to be considered by the Panel at least 7 days in advance of the hearing. The student will be invited to provide a written statement in advance of the hearing. A copy of the statement will be provided to the Panel and the Disciplinary Officer.
- 4.10 A member of staff will also be present to provide administrative support and act as Clerk to the Panel.
- 4.11 In the event a suitable panel from the full membership of the Student Disciplinary Board cannot be convened, the Chair of the Student Disciplinary Board will co-opt additional members.
- 4.12 Decisions of the Disciplinary Appeals Panel will be by a simple majority. Each member of the Panel will have a vote.
- 4.13 The order of proceedings at a hearing will normally be as follows:
- a. The Chair will introduce the proceedings;
 - b. The student will present their appeal and supporting evidence, and may call and question witnesses. The student and any witnesses will answer questions from the Panel and the Disciplinary Officer;
 - c. The Disciplinary Officer may respond to the appeal, and may call and question witnesses. The Disciplinary Officer and any witnesses will answer any questions from the Panel and the student;
 - d. The University Representative may make a closing statement;
 - e. The student may make a closing statement; and
 - f. The Panel will deliberate in private and make a decision.
- 4.14 The student appealing a finding of misconduct will not be able to ask questions of any witnesses directly, but may do so via the Chair of the Panel, who may at their discretion rephrase a question or decline to put it to the witness.
- 4.15 The Panel may at the discretion of the Chair require the appealing a finding of misconduct to observe any witness testimony from a separate room. The student will be able to see and hear the witness via video link, and provide questions in writing which will be read to the witness via the Chair of the Panel, who may at their discretion rephrase a question or

decline to put it to the witness.

- 4.16 The Panel may at the discretion of the Chair adjourn a hearing and request additional evidence from either party. The Panel will normally reconvene within 7 days, and the parties will be given at least 2 days' notice of the time and date of the reconvened hearing.
- 4.17 The Disciplinary Appeals Panel will take one of the following actions:
- a. Determine that the decision of the Student Disciplinary Panel will remain unchanged;
 - b. Set aside the decision and require the original decision-maker to reconsider the matter in light of any comments from the Disciplinary Appeals Panel as appropriate in the circumstances;
 - c. Set aside the decision and require the allegation of misconduct to be considered afresh;
 - d. Set aside the decision and inform the student that no further action will be taken; or
 - e. Uphold the decision, but substitute the original sanction for a less severe sanction;
- 4.18 In applying a sanction, the Disciplinary Appeals Panel should consider the penalties applied in previous similar cases, the impact on the student, any mitigating circumstances, admission of guilt or responsibility and the level of understanding shown, previous history of misconduct, the level of co-operation from the student, and any evidence of provocation, amongst other factors.
- 4.19 In all cases, the Disciplinary Appeals Panel will confirm whether and when any sanctions withdrawn under Paragraphs 4.6 – 4.7 will become effective.
- 4.20 The Clerk to the Panel will notify the student in writing of the decision of the Panel within 7 days of the hearing and will issue a Completion of Procedures Letter under Paragraph 4.24.
- 4.21 The decision of the Disciplinary Appeals Panel is final.
- 4.22 Determination of an appeal will normally be concluded within 28 days.

The Office of the Independent Adjudicator

- 4.23 Decisions taken under these regulations may be eligible for review by the Office of the Independent Adjudicator for Higher Education (OIA), which is an independent body set up to review student complaints and appeals. More information about the OIA can be accessed at <http://www.oiahe.org.uk/>. The OIA can be contacted at 0118 959 9813 or enquires@oiahe.org.uk.
- 4.24 Where applicable, students will be provided with a Completion of Procedures Letter and information about how to apply to the OIA for a review of a decision taken under these regulations.

Appendix 1 – Classification of Non-Academic Misconduct

This appendix contains a non-exhaustive list of examples of non-academic misconduct that will normally be considered at each level of the Academic Misconduct Procedure. It should be noted that every case is different, and depending on the nature of an allegation it may be appropriate to deal with a concern at a higher or lower level than is indicated below.

Examples of Level 1 misconduct include but are not limited to:

- Low-level anti-social behaviour
- Refusing to provide ID on request
- Smoking tobacco in non-designated outdoor areas (1st offence)
- Low-level inappropriate behaviour caused by intoxication through alcohol

Level 1 may be appropriate where the allegation is very minor, the student has no previous history of misconduct or their involvement in an incident is not clearly established. Level 1 may also be appropriate where a student has committed an act of misconduct normally considered at Level 2, but which they have admitted and demonstrated remorse for.

Examples of Level 2 misconduct include but are not limited to:

- Moderate or sustained low-level anti-social behaviour
- Moderate threatening, offensive or indecent behaviour or language that causes distress to others
- Multiple instances of refusing to provide ID on request
- Smoking tobacco in non-designated outdoor areas (2nd offence)
- Illegal drug use or misuse of legal drugs (1st offence)
- Breaches of Health and Safety of Fire Safety Policies including unauthorised use of candles or naked flames, smoking indoors, tampering with fire prevention and detection equipment and refusing access to University property by staff
- Moderate damage to property (indicative threshold of <£150)
- Theft of property of a low value (indicative threshold of <£150)
- Moderate inappropriate behaviour caused by intoxication through alcohol

Examples of Level 3 misconduct include but are not limited to:

- Possession of an offensive weapon
- Causing or attempting physical harm to others
- Severe threatening, offensive or indecent behaviour or language that causes distress to others
- Illegal drug use or misuse of illegal drugs (2nd offence)
- Sexual misconduct
- The distribution, supply, or provision of illegal drugs or legal highs
- Harassment, bullying or discrimination, including racism, sexism, transphobia, homophobia and others
- Severe breaches of Health and Safety of Fire Safety Policies, including deliberately starting or attempting to start a fire, or repeated instances of relevant Level 2 misconduct
- Significant damage to property (indicative threshold of >£150)
- Theft of property of a high value (indicative threshold of >£150)
- Severe inappropriate behaviour caused by intoxication through alcohol

Appendix 2 – Levels and Penalties for Academic Misconduct

The following sets out the range of penalties that will normally be applied where a student is found to have committed academic misconduct. Whether the upper or lower limit sanction should be applied will depend on the presence of mitigating circumstance or factors set out in Paragraphs 3.16 and 3.38 of the Academic Misconduct Procedure. Any sanction should be appropriate to the circumstances of a particular case and consideration should be given to any evident mitigation. The number of previous offences relates to offences that have received separate consideration under the Student Disciplinary Regulations. If a student is found to have committed academic misconduct in more than one piece of work, but the finding has resulted from a single investigation, this should generally be treated as a single previous offence. Where a student who has already been awarded is found to have committed academic misconduct, the award will normally be rescinded by Senate and a sanction will be applied in accordance with the below scheme.

Level of study	Type of misconduct	Number of previous offences	Appropriate level of procedure	Suggested sanction (upper limit)	Suggested sanction (lower limit)
Undergraduate, Postgraduate Taught	Plagiarism, duplication, falsification, collusion, cheating	0	2	Mark of 0 for work, resit required for work to be capped at pass	Mark of 0 for work, uncapped resit required
		1	2	Mark of 0 for work, resit required with module to be capped at pass	Mark of 0 for work, resit required for work to be capped at pass
		2	3	Permanent expulsion	Mark of 0 for work, required to retake same or different module capped at pass
	Failing to comply with ethical requirements	0	2	Mark of 0 for work, resit required with module to be capped at pass	Mark of 0 for work, resit required for work to be capped at pass
		1	3	Permanent expulsion	Mark of 0 for work, required to retake same or different module capped at pass
	Contract Cheating	0	3	Permanent expulsion	Mark of 0 for work, resit required with module to be capped at pass
Postgraduate Research	Plagiarism, duplication, falsification, collusion, cheating	0	3	Permanent expulsion	Student required to remedy elements of work produced through misconduct
	Failing to comply with ethical requirements	0	3	Permanent expulsion	Student required to remedy elements of work produced through misconduct
	Contract Cheating	0	3	Permanent expulsion	Student required to remedy elements of work produced through misconduct

Appendix 3 – Delegated Authority for Precautionary Action

The following list is non-exhaustive, and may be varied in the circumstances of a particular case.

Type of action	Can be taken by	Can be reviewed by
Exclude a student from the University	Chair/Vice-Chair of SDB, PVC, Secretary & Registrar, Deputy Provosts	Chair/Vice-Chair of SDB
Suspend a student's registration	Chair/Vice-Chair of SDB, PVC, Secretary & Registrar, Deputy Provosts	Chair/Vice-Chair of SDB
Exclude a student from academic University spaces (including lecture halls and the Library)	Chair/Vice-Chair of SDB, PVC, Secretary & Registrar, Deputy Provosts, Deputy Secretary	Chair/Vice-Chair of SDB
Exclude a student from University accommodation	Chair/Vice-Chair of SDB, PVC, Secretary & Registrar, Deputy Secretary	Chair/Vice-Chair of SDB
Require a student to move University accommodation	Chair/Vice-Chair of SDB, PVC, Secretary & Registrar, Deputy Provosts, Heads of College and Accommodation, Deputy Secretary	Chair/Vice-Chair of SDB, PVC, Secretary & Registrar
Exclude a student from non-academic University spaces (except accommodation), including imposing a curfew on access	Chair/Vice-Chair of SDB, PVC, Secretary & Registrar, Deputy Provosts, Heads of College, Deputy Secretary	Chair/Vice-Chair of SDB, PVC, Secretary & Registrar, Deputy Provosts
Exclude a student from University and College events/social spaces, including the University gym	Members of Student Disciplinary Board	Chair/Vice-Chair of SDB, PVC, Secretary & Registrar, Deputy Provosts
Require a student to sign in and out of campus	Members of Student Disciplinary Board	Chair/Vice-Chair of SDB, PVC, Secretary & Registrar, Deputy Provosts
Require a student not to contact another student	Members of Student Disciplinary Board	Chair/Vice-Chair of SDB, PVC, Secretary & Registrar, Deputy Provosts
Require a student to change seminar/lecture groups	Members of Student Disciplinary Board	Chair/Vice-Chair of SDB, PVC, Secretary & Registrar, Deputy Provosts
Exclude a student from RSU events	Roehampton Students' Union	Roehampton Students' Union