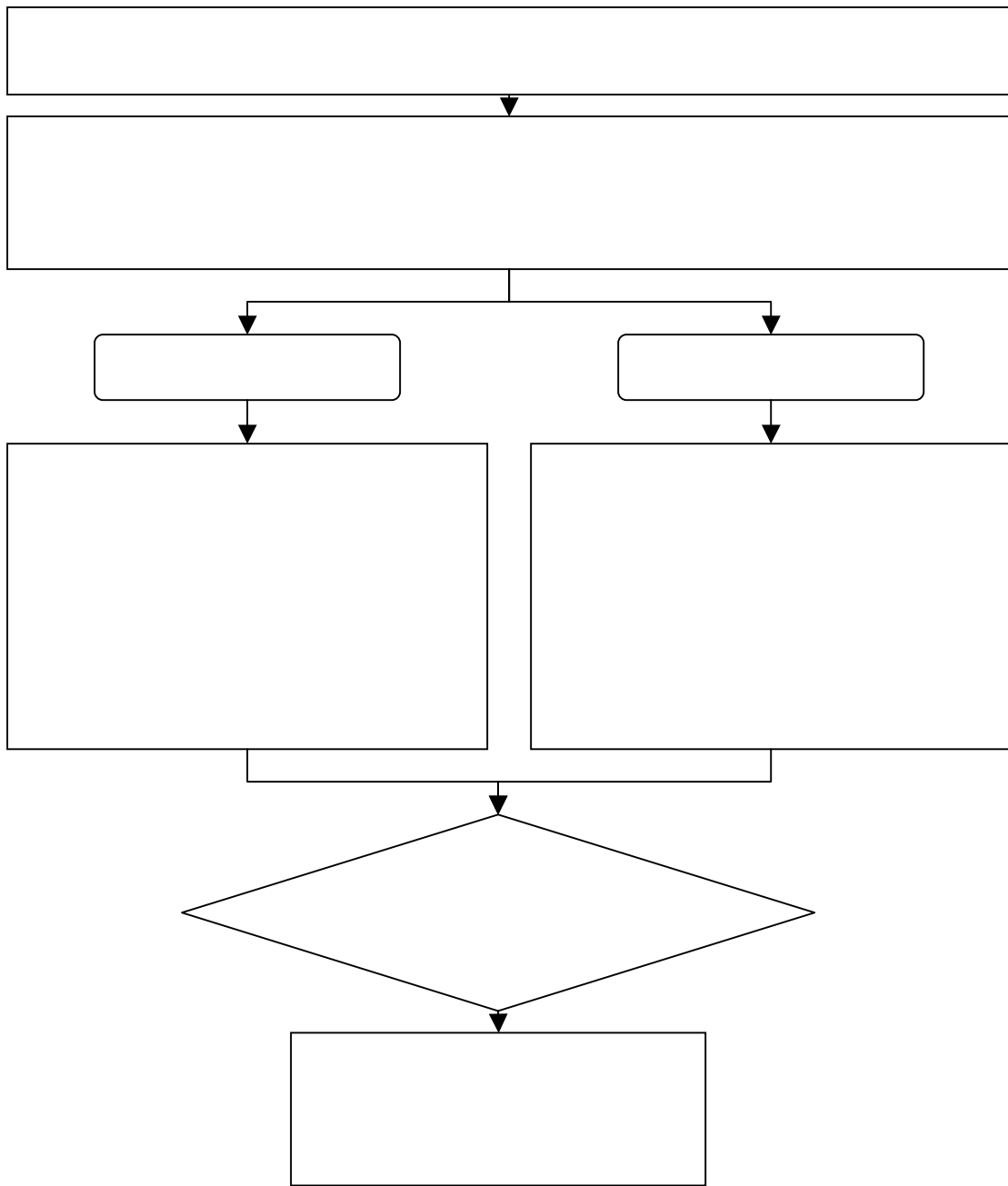


4A Student disciplinary procedure

The power to exclude any student, or to suspend a student pending investigation, is vested in the Vice-Chancellor (or Deputy Vice-Chancellor). Authority to deal with alleged misconduct is delegated by the Vice-Chancellor to the Registrar and Secretary and Heads of School and to such staff as may from time to time be appointed to serve on disciplinary panels. For full details please refer to the following pages and relevant appendices.

The key stages are outlined below.



Student disciplinary procedure

1 The scope of the University's disciplinary procedures

The University of Brighton's disciplinary procedures are based on the following principles:

- Universities are communities whose members work, and often live, together. This requires certain standards of behaviour. It also places obligations on universities which owe a duty of care and responsibility to members of that community.

- Universities are organisations committed to certain standards and values, inherent in their aims, objectives and missions.
- Universities are as much entitled to protect and defend their good names and reputations as other organisations or professions.

1.1 Misconduct and the University's right to take disciplinary action

1.1.1 Students at the university and students taking University of Brighton awards at partner colleges have a duty at all times to conduct themselves according to the university's rules and regulations and to act with good sense, taking due care when using the university's facilities and having due consideration for other members of the university community or visitors to the university's property. All students registered at the university, whether full-time or part-time, sign a declaration on enrolment which states that they agree to be bound by such regulations as are in place, or which may be passed during their careers at the university. Students who are taking University of Brighton awards at partner colleges are also bound by the regulations of the partner college. The university's right to initiate disciplinary action is thus well established. Nevertheless, the student is entitled to a fair hearing in accordance with the rules of natural justice, and will be presumed innocent until judged otherwise through this process; the civil standard of proof (balance of probability) will apply in all internal disciplinary procedures. Two forms of misconduct are distinguished. Serious misconduct is misconduct such that a finding against the student might result in temporary or permanent exclusion from the university or the imposition of a fine on disciplinary grounds. Minor misconduct is misconduct such that these penalties would be inappropriate. A more detailed definition of misconduct is given in Appendix 1: Definition of Misconduct.

1.1.2 There are a number of specific sets of rules, operating within the scope of the university's disciplinary procedures. These cover rules of conduct for students in halls of residence or university-managed housing, and the use of the university's library and media centre, and computing regulations.

1.2 Procedures

1.2.1 Authority to act

1.2.1.1 The Vice-Chancellor

The Articles of Government of the university make the Vice-Chancellor responsible for 'the maintenance of student discipline and ... for the suspension and exclusion of

students on disciplinary grounds'; the Vice-Chancellor is also responsible for 'implementing decisions to expel students for academic reasons' (see chapter 3, section 3G). Further, the Vice-Chancellor has the power temporarily or permanently to exclude a student for indebtedness to the university as detailed in this chapter, section 4D.

While the power to exclude any student, or to suspend pending an investigation, is vested in the Vice-Chancellor (or the Deputy Vice-Chancellor, acting in the absence of the Vice-Chancellor or upon authority delegated by the Vice-Chancellor), the power to investigate and to recommend penalties is delegated as explained below.

1.2.1.2 Delegation of authority

Authority to deal with alleged misconduct is delegated by the Vice-Chancellor to the Registrar and Secretary and Heads of School and to such staff as may from time to time be appointed to serve on disciplinary panels. Only a recommendation for permanent or temporary exclusion from the university requires a recommendation to the Vice-Chancellor (or the Deputy Vice-Chancellor acting on behalf of the Vice-Chancellor).

1.2.2 Allegations of misconduct

Any staff or student member of the university who becomes aware of misconduct by a student is expected and required to report this without delay. The allegation should be brought to the attention of the student's Head of School. The allegation should be made in writing, and with any available evidence enclosed, and a copy sent to the Registrar and Secretary. The Head of School will then decide whether there is a prima facie case to answer. If the Head of School is the person discovering the possible misconduct, he or she should compile a brief written statement summarising the facts.

If, in the judgement of the Head of School, there is a case to answer, the Head of School should refer the matter to the Registrar and Secretary, who will determine whether this appears to constitute serious or minor misconduct (that is, whether there is a possibility of the student being temporarily or permanently excluded or fined).

The Registrar and Secretary will advise the Head of School of their conclusion, and either authorise the Head of School to convene a personal hearing to deal with a case of potential minor misconduct (see section 1.2.5) or authorise the establishment of a formal disciplinary panel to deal with a case of potential serious misconduct (see section 1.2.4).

If the student is on a course which is accredited by a professional body, the Head of School will normally inform the professional body of cases where the student's

alleged action may have infringed the professional code of conduct. Alternatively, if the student is on a placement as part of their course, the Head of School will normally inform the person currently responsible for the student, if the alleged action calls into question the student's suitability to continue on this placement.

In cases where the offence might lead to a serious criminal charge, or where in his/her judgement suspension while the investigation takes place is possible, the Registrar and Secretary should also notify the Vice-Chancellor and the Head of Student Services immediately. If, in the opinion of the Vice-Chancellor, there is due cause to suspend a student with immediate effect pending a formal disciplinary hearing, the Vice-Chancellor may do so. This move is entirely at the discretion of the Vice-Chancellor; suspension pending a formal hearing will not be added to the student's formal record, and does not constitute an indication of guilt. A student who is suspended must be given the opportunity to defend themselves at a formal hearing convened for that purpose.

Allegations should normally be made within 10 working days¹ of the supposed misconduct. When longer has elapsed, a further statement should be added to the allegation, explaining the reason for the delay. It will be for the Registrar and Secretary to decide whether to accept allegations after 10 working days have elapsed.

In general, and for internal purposes, consultations with personal tutors, course leaders, project supervisors and university welfare staff will be regarded as confidential. Only in exceptional circumstances, where the student is deemed to be a danger to themselves, to others or if there is a legal duty, may this confidentiality be broken. Reports to, or discussions with, university officers are not normally on a confidential basis.

1.2.3 General provisions for hearings

A full disciplinary hearing will normally take place within 20 working days of an allegation being made. The date, time and venue of the hearing will be notified to the student in writing at least 10 working days before the day of the meeting, stating whether the case is being treated as minor misconduct (and heard by the Head alone), or as serious misconduct (and heard by a disciplinary panel). It will be open to the student to argue that the case should be treated as minor misconduct rather than serious misconduct; such an objection must be made to the Registrar and Secretary within 3 working days of receipt of the formal notification and must be in writing, stating the reasons. It is also open to the student to request a hearing by a panel if they fear prejudice; such a request must also be made within 3 working days of

¹ A working day does not include Saturdays, Sundays, public holidays or such additional days as the University is deemed to be closed.

receipt of the formal notification. The Registrar and Secretary must reply in writing within 2 working days of receipt of this letter, and may either confirm or amend their original decision.

In all cases, the student is entitled to be accompanied by a friend or advisor. Any papers to be considered at the hearing should be made available to the student (and the student's friend or advisor, as appropriate) at least 3 working days before the hearing. The Panel (or Head of School in cases of minor misconduct) will be free to interview any witnesses deemed appropriate, in addition to any called by the student.

The Panel or Head of School will have available the student's formal record (held in the student's School).

The fact that a student fails to attend a disciplinary hearing for which due formal notice has been given will invalidate neither the proceedings nor the outcome.

1.2.4 Hearing in cases of potential cases of serious misconduct (which may lead to temporary or permanent exclusion or the imposition of a fine)

Allegations of serious misconduct will be heard by a disciplinary panel, and the hearing and the subsequent deliberations of the panel minuted. Normally, this panel should consist of:

- the student's Head of School or Dean as Chair;
- a member of staff from another school within the Faculty;
- a student representative appointed by the Students' Union (who should not be from the same Faculty as the student concerned, or have shared any modules with that student).

In the case of a student taking a University of Brighton award at a partner college, the panel will comprise:

- the Head of School or Dean responsible for the partner college course as Chair;
- a member of staff from the School/Department of the partner college;
- a student representative appointed by the University of Brighton Students' Union (who should not be from the same Faculty as the student concerned, or have shared any modules with that student).

A member of Registry staff will act as Secretary to the panel, to minute the discussion and advise the panel on procedural matters. The precise membership of the panel should be determined by the Registrar and Secretary.

The proposed chair of the disciplinary panel shall appoint an appropriate member of staff to collect information concerning the circumstances leading up to the

commencement of disciplinary action. This person shall prepare a written report, which shall be made available to all members of the panel, and to the student and any friend or advisor.

Appendix 2 explains procedure for cases of serious misconduct which involve a possible serious criminal charge.

1.2.5 Minor misconduct (which may lead to other penalties)

Allegations of minor misconduct will be heard by the student's Head of School. The Head should appoint an appropriate member of staff to collect information concerning the circumstances leading up to the commencement of disciplinary action. This person shall prepare a written report, which shall be made available to the Head of School, and to the student and any friend or advisor, at least 3 working days before the hearing.

During the course of this process, on the basis of further information, the Head of School may decide that the allegation should be regarded as serious misconduct. He or she may then refer the allegation back to the Registrar and Secretary who will convene a disciplinary panel.

1.2.6 Notification of the outcome

1.2.6.1 To the student

At the end of the disciplinary hearing, the student and the student's friend or advisor may be asked to leave the room while the Panel or Head of School considers the verdict. The decision will be based on the evidence, while ensuring that the benefit of any reasonable doubt is given to the student. The student will be informed orally of the decision. The Chair of the Panel or Head of School will inform the student of their decision in writing, normally within 5 working days of the hearing. The penalties which might be imposed are listed in section 1.3, and are discussed in more detail in Appendix 3. The appeals procedure follows in section 1.4. A copy of the letter will be sent to the Registrar and Secretary and to the Head of the student's School if he or she has not chaired the hearing.

1.2.6.2 To a professional body

In the event that the Head of School has informed a professional body or other outside agency of the university's internal disciplinary action, the Head of School will send a copy of this written notification of outcome to this body.

1.2.6.3 To an exchange student's home university

If the student concerned is an exchange student, the Registrar and Secretary will normally send formal written notification of any penalty imposed on a student, together with an explanation of the reason for the imposition of the penalty, to the student's home university.

1.2.6.4 To the student's college

If the student concerned is taking a University of Brighton award at a partner college, the Registrar and Secretary will normally send formal notification of any penalty imposed on a student, together with an explanation of the reason for the imposition of the penalty, to the student's college.

1.2.7 Professional bodies and accreditation

The university acknowledges the right of a professional body to refuse accreditation for a student whose conduct renders them unsuitable for such accreditation, or otherwise to take action against a student whose behaviour infringes a code of professional conduct. If accreditation is refused, a student will normally be permitted to complete their course and to receive the appropriate academic award, but without the professional accreditation. In some cases, however, a student's behaviour may result in the professional or statutory body refusing to allow the student to continue with or otherwise complete some compulsory part of their course (such as a placement). In these cases, the student will be deemed to have disqualified themselves from their course, and the university will accept no responsibility for the student's failure to complete the course.

1.3 Penalties for breaches of disciplinary procedures

The following penalties are available to the university for breaches of its disciplinary regulations:

For serious misconduct:

- permanent exclusion
- temporary exclusion
- a financial penalty

These penalties may only be decided on by a disciplinary panel.

For minor misconduct:

- introduction of a revised contract with the student;
- withdrawal of access to specified services or locations of the university for a specified period of time;

- reprimand.

These penalties may be decided on by either a panel or Head of School.

In cases of temporary or permanent exclusion, the action is one formally taken by the Vice-Chancellor, who will sign a formal letter of exclusion. In cases where the student is taking a University of Brighton award at a partner college, the Vice-Chancellor of the University of Brighton and the Principal of the College will agree formal letters of exclusion from the university and from the College in accordance with their respective statutory authority. However, in all instances where the Vice-Chancellor is merely effecting a decision taken under the approved procedure without direct personal involvement, the chair of the panel – rather than the Vice-Chancellor – will be required to attend any appeal hearing.

The full range of penalties for breaches of disciplinary regulations is discussed in more detail in Appendix 3.

1.4 The right of appeal

A student may appeal against the finding of the panel or Head of School, or against the penalty imposed by the panel or Head of School. An appeal may be made on one or more of the following grounds:

- (i) that certain evidence was submitted which was not considered by the panel or Head of School;
- (ii) that evidence which was not previously submitted, either because it was not available or because the appellant was for valid reasons unwilling to submit it, has become available; (it is only in exceptional circumstances that evidence which was available previously but not submitted will be allowed at a subsequent appeal);
- (iii) that a new witness has expressed a readiness to give evidence, where that witness had either not expressed such a willingness before, or where that witness was not known to be in possession of any material evidence;
- (iv) that a procedural irregularity is deemed to have occurred before or during the hearing which may have affected the findings of the panel or the Head of School;
- (v) that the penalty imposed at the original hearing is out of proportion to the alleged offence.

A simple rehearsal of the arguments from the original investigation and hearing will not be deemed adequate grounds for appeal. In cases where new evidence is to be submitted, or where a new witness is to give evidence, the nature of this evidence must also be stated.

1.4.1 Appeals against permanent exclusion

Students who wish to appeal against permanent exclusion from the university may appeal to the Student Appeals Committee of the Board of Governors. Any appeal must be lodged, in writing, with the Registrar and Secretary within 15 working days of the date of the original hearing and oral notification of the decision, stating the grounds for the appeal and giving notice of any witnesses he or she proposes to call.

If the Registrar and Secretary determines that grounds for an appeal exist he or she will convene a meeting of the Student Appeals Committee, giving the student at least 10 working days notice of the day and time appointed for the appeal hearing. The Student Appeals Committee will consider:

- (a) a statement by the student setting out the grounds for the appeal, and;
- (b) a statement from the Chair of the disciplinary panel setting out the reasons for the exclusion of the student.

The student is entitled to be accompanied by a friend or advisor. The Committee may question the parties concerned, and hear the evidence of any witnesses. The Student Appeals Committee may, after private deliberation, either confirm or rescind the decision to exclude the student. The student will receive oral notification of the decision as soon as practicable after it is made; the Registrar and Secretary will provide written confirmation of the outcome within 5 working days of the appeal hearing.

1.4.2 Appeals against other penalties imposed after a disciplinary hearing (of a panel or Head of School)

Students who wish to appeal against any other penalty imposed after a disciplinary hearing should do so in writing to the Registrar and Secretary stating the grounds for the appeal. If the Registrar and Secretary determines that grounds for an appeal exist, he or she will convene an appeals panel consisting of:

- a member of the Senior Management Team or Dean as Chair;
- an appropriate member of staff (normally not a Dean or Head of School);
- a student appointed by the Students' Union.

No member of the appeals panel may have been involved with the process at any earlier stage, and none may be from the same Faculty as the appellant. In addition, the student representative may not have shared any modules with the appellant. The panel will be drawn from a list of persons which is approved annually for this purpose by Academic Board. The procedure to be used is otherwise the same as that for the Student Appeals Committee of the Board of Governors.