

# STUDENT DISCIPLINARY PROCEDURE

<b>Owned by:</b>	Senate
<b>Maintained by:</b>	Academic Services
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# **Student Disciplinary Procedure**

## **Introduction**

discretion take any penalty imposed by a criminal court into consideration in determining any outcome to be imposed under this procedure.

**12.** Any student subject to this procedure will be entitled to be accompanied by and/or represented at any stage by a staff member, current student of the University, or member of the Advice and Representation Centre in the Union of Brunel Students. Neither the University nor the student will normally be permitted to be represented by a legal practitioner at meetings or hearings held under this procedure.

**13.** Outcomes of any cases considered under this procedure and a record of the proceedings will be kept by the Secretary to the Misconduct and Professional Suitability (MPS) Board.

**14.** The University may disclose the existence of an investigation or the outcome of a case considered under this procedure to relevant external bodies. This may include, but is not limited to, disclosure to employers, placement providers, sponsors, grant providers, research funding bodies or Professional Statutory and Regulatory Bodies (PSRBs).

**15.** Where applicable, the University may withhold granting an award to a student subject to this procedure until its consideration of a matter of concern is complete. This may include withholding information that indicates an award is forthcoming.

**16.** Any reference to a specific member of staff under this procedure (for example, the Academic Registrar) should be read as including alternate reference to delegate or nominee.

**17.** The University may proceed with any steps under this procedure in the absence of the student, or if the student withdraws from the University, or if the student does not engage with the procedure.

**18.** The University may suspend consideration of a matter of concern under this procedure with good reason.

**19.** 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 a matter of concern under this procedure is concluded.

**20.** Communications relating to matters of concern considered under this procedure will address. Any variations to this policy will be communicated to the student.

## **Definitions**

**21.** Concerns that represent a potential or actual threat to the safety, security, good

- e) The possession, use or supply of drugs (including the misuse of prescription drugs or legal highs), or weapons.
- f) Anti-social behaviour, including but not limited to anti-social behaviour as a result of intoxication through alcohol or drugs.
- g) Damaging or misappropriating property.
- h) Theft.
- i) Inappropriate use of IT equipment, the Internet or social media, including breaches of the [Brunel Acceptable Computer Use Policy](#).
- j) Failing to disclose relevant criminal convictions in line with the [Policy on the Acceptance of Ex-Offenders](#).
- k) Preventing or interfering with lawful freedom of speech or belief.
- l) Bringing the University into disrepute.
- m) Obstructing or interfering with a member of the University.
- n) Obstructing or interfering with the good order, functioning or reputation of the University.
- o) Failing to comply with the terms of a temporary suspension and/or exclusion from the University.
- p) Failing to comply with a decision taken or penalty imposed under the Student Disciplinary Procedure and/or the Academic Misconduct Procedure.

### Reporting of concerns

**22.** A concern that a student has committed non-academic misconduct should first be reported to the Clerk to the MPS Board.

**23.** The Clerk to the MPS Board will determine whether the concern falls within the scope of this procedure, and may gather further information in order to do so:

- a. Where the concern does fall within the scope of this procedure, they will appoint an Investigating Officer to investigate the concern.
- b. Where the concern does not fall within the scope of this procedure, they may either dismiss the concern, or refer it for consideration under any other relevant University regulation or procedure.

**24.** It may be necessary to temporarily suspend and/or exclude a student from the University following the report of a concern about non-academic misconduct. Such decisions and any action will be taken in line with *Appendix B*.

### Investigation

**25.** The Investigating Officer will first write to the student(s) involved to notify them of the investigation and 5.32 841.92 reW\*n6.03 Tm0 g0 G[t]-40PW\*p5.3Qq-4(di)6(s)0 g0 G[ ]T&TQ EMC /P A/MC

c) Head of Department.

**26.** The investigation may include the gathering of written, oral and other information from relevant sources.

**27.** The Investigating Officer may request to meet with the student on one or more occasions during the course of investigation and will normally:

- a) Inform the student of the purpose of any such meetings in advance.
- b)

- 35.** The student will be informed that if they do not respond to the allegations within this timeframe, then the referral to the VCR may continue.
- 36.** written response, and may gather additional information, or seek advice or guidance, from the relevant parties either in writing or in person. Where additional information has been gathered by the VCR, the student will be presented with a record and invited to comment in line with the procedure set out in Paragraph 34.
- 37.** Once their consideration of the case is concluded, the VCR will normally take one or more of the following actions:
- a) Dismiss one or more of the allegations, either because the student had no case to answer or because the allegation has not been proven, and determine that no further action should be taken.
  - b) Determine that one or more of the allegations has been proven and that the student has committed non-academic misconduct.
  - c) Refer the case for consideration under another University regulation or procedure.
  - d) Refer the case for consideration at a Disciplinary Panel Hearing.
  - e) Refer the case to an earlier stage of this procedure.
- 38.** Where the VCR considers that the student has committed non-academic misconduct, the VCR will determine which, if any, penalty as set out in Appendix A should be applied.
- 39.** The VCR may take into account any mitigating circumstances presented by the student when applying any of the penalties set out in Appendix A, and will apply a penalty that is appropriate in all the circumstances.
- 40.** The Secretary to the MPS Board will inform the student in writing, normally within 5 working days of the decision, of the outcome of the case and will set out the reasons for the decision.
- 41.** Where the VCR applies a penalty under Appendix A, the student may submit









## Appendix A – Indicative list of penalties for Non-Academic Misconduct

Available To	Penalty
VCR, Hearing Panel	Formal written warning.
VCR, Hearing Panel	Exclusion of the student from specified areas of the University, or from specified University activities (including placements), services, or facilities (including residences) for a defined period.
VCR, Hearing	

## **Appendix B – Temporary Suspension and Exclusion**

**B1.** Circumstances can arise where it is necessary for the University to take precautionary action in order to manage risk to the University, its members, and/or to the wider community. This Appendix sets out how this risk will be managed.

**B2.** The University may in appropriate cases use its powers to temporarily suspend and/or exclude a student for a defined period of time (which may be extended) or until a matter is considered under the relevant University procedures.

**B3.** Where a concern is raised relating to a student which 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, a member of staff may make a recommendation to the Vice-Chancellor or Vice-

suspension/exclusion to continue or whether it should be revoked or extended for a further specified period of time, and whether its terms should be maintained or varied.

**B12.** The student may request a review by the Vice- delegate under Paragraph B11 by making written representations in respect of the terms of the temporary circumstances.

#### Appeals

**B13.** The student will have the opportunity to appeal to the Academic Registrar within 10 working days of the communication of the decision taken by the Vice- to temporarily suspend and/or exclude a student.

**B14.** An appeal to the Academic Registrar should be made on the following grounds:

- a) That there has been a procedural irregularity.
- b) That there was bias on the part of the decision-maker.
- c) That the decision is unreasonable and/or disproportionate.
- d) That there is new material evidence which the student can demonstrate was for good reason not previously available.

**B15.**

- a) Maintain the terms of the temporary suspension and/or exclusion.
- b) Vary the terms of the temporary suspension and/or exclusion.
- c) End the temporary suspension and/or exclusion.

## Appendix C – Delegation of powers relating to temporary suspension or exclusion of students

The arrangements for the delegation of powers of the Vice-Chancellor as set out in in Senate Regulation 6, the Student Disciplinary Procedure (SDP), and/or the Academic Misconduct Procedure (AMP), shall be:

Regulation / Procedure / Paragraph	Action	Action normally taken by	Deputy in the non-availability of normal action-taker
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