

Student Disciplinary Procedure

1. Introduct on

- 1.1 The University expects that all Students will behave respectfully to all members of the University community and in a way that does not interfere with or cause disruption to the normal operations of the University, its community or its reputation. The University community includes other Students, Staff, visitors and third parties, including those in the local community. Students are expected to familiarise themselves and comply with the University's Codes of Student Conduct (as set out in Appendix B) and where a Student's conduct falls below the standards set out in those Codes of Conduct, this may result in disciplinary action as set out in this Procedure.
- 1.2 This Procedure provides a framework for the regulation of Misconduct. Separate rules cover academic misconduct (for example, cheating or plagiarism), which are considered under the <u>University's separate procedures relating to Academic Misconduct</u>
- 1.3 This Procedure applies to all Students of the University. Where a Student of the University is studying at another institution or is studying at the University whilst visiting from another institution, different or additional arrangements may apply. The Student Appeals, Complaints and Discipline team can advise further if required.

1.4



- not treated less favourably. More information about this is set out at Appendix E of this Procedure.
- 3.4 The University will act fairly and reasonably towards all parties in the implementation of this Procedure, and it will be applied consistently throughout the University's Schools and Directorates. Decisions will be made on "the balance of probabilities", meaning that based on the evidence the decision maker(s)



date. Should this happen, the Student will be informed of the reasons for this.

- 3.12 The University may decide not to proceed with a Misconduct investigation where there are insufficient grounds or evidence to do so, and this will be communicated to the Student.
- 3.13 The outcome of Misconduct cases (which may on occasion include the sanction applied) may be shared with the Reporting Party, the Student Welfare Team, relevant internal and external services and appropriate individuals within the Student's School, as appropriate and reasonable. Where it is considered appropriate for welfare reasons, the detailed reasoning of the relevant Committee may be shared with the Reporting Party.

4. Report ng an allegat on of misconduct under the procedure

- 4.1 Allegations of Misconduct should be reported to studentdiscipline@reading.ac.uk.
- 4.2 The University wishes, where it is possible and appropriate to do so, to resolve matters informally and without recourse to this formal Procedure. This means that the Student Appeals, Complaints and Discipline Team will consider whether the allegation can be dealt with informally and, if so, may refer the matter to an appropriate School or Directorate for resolution. A note of such informal resolution, and any guidance given, should be made. If informal resolution is not possible, the University may then commence investigation under this Procedure.
- 4.3 Upon receipt of an allegation of Misconduct, a member of the Student Appeals, Complaints and Discipline Team will decide:
 - 4.3.1 if informal resolution is appropriate (as set out above) and if not;
 - 4.3.2 whether the allegation of misconduct falls within the scope of this Procedure;
 - 4.3.3 whether further information needs to be sought, including from the Reporting Party, before a decision can be made whether to start a process under this Procedure; and
 - 4.3.4 whether the alleged Misconduct should be regarded as a matter of Level 1 Misconduct (to be investigated in accordance with section 6 of this Procedure) or Level 2 Misconduct (to be investigated in accordance with section 7 of this Procedure).
- 4.4 If an allegation of Misconduct relates to breaches of more than one regulation, policy, or code of practice, the Head of Governance will determine the process to be followed. This may include instigating an investigation that can inform a number of University procedures.



5. Categories of Misconduct

- All allegations of breaches of the University's Codes of Conduct will be categorised as either 'Level 1 Misconduct' or 'Level 2 Misconduct'. There are a range of possible sanctions that may be applied based on the category of Misconduct. Misconduct will be categorised as follows:
 - 5.1.1 'Level 2 Misconduct' will involve the most serious allegations of misconduct, which either do or have the potential to seriously affect or damage the University, its reputation or its Staff and Students, visitors or other third parties. This type of misconduct will warrant consideration and possible sanction by a Student Disciplinary Committee Hearing and sanctions for Level 2 Misconduct include exclusion from the University, as well as other sanctions that may have an impact on your academic progress.
 - 5.1.2 Level 2 Misconduct may also include circumstances where:

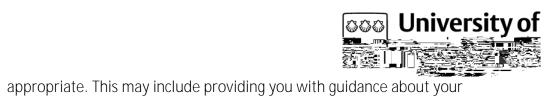
a)



- a) If the alleged Misconduct is a breach of the Rules for the Use of the University Library, it will be considered by the University Librarian (or their nominee).
- b) If the alleged Misconduct is a breach of the Rules for the Use of University Sports Facilities, it will be considered by the Director of Sport and Active Wellbeing (or their nominee).
- c) If the alleged Misconduct occurred in University Accommodation, it will be considered by a member of the Warden team.
- d) If the alleged Misconduct is a breach of the Regulations for the Use of the University's IT Facilities and Systems, it will be considered by the Chief Digital and Information Officer (or their nominee).
- e) If the alleged Misconduct was in relation to the University estate, it will be considered by the Director of Estates (or their nominee).
- f) In all other cases, including allegations of Misconduct away from University premises, the alleged Misconduct will be considered by the Director of Student Services (or their nominee).

The person appointed to investigate and consider a Level 1 Misconduct allegation is referred to in this Procedure as a Level 1 Officer.

- 6.3 How will the allegation be investigated and considered?
 - 6.3.1 The Level 1 Officer will gather together relevant evidence concerning the allegation against you. They will ensure, prior to determining any sanctions to be implemented, that you have been given the opportunity to make written or oral statements to defend yourself against the allegation or, where you wish to admit the offence, to account for the Misconduct and submit mitigation.
 - 6.3.2 Investigative meetings are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.
 - 6.3.3 Where you have been given reasonable notice to attend a meeting to investigate the offence and you have failed to attend or to make written or oral statements without good reason, the Level 1 Officer may proceed to reach conclusions and recommend sanctions as appropriate.
 - 6.3.4 Following their investigation, the Level 1 Officer may decide (on the balance of probabilities) on one of the following courses of action:
 - a) there is no case to answer and that no further action is required;
 - b) there is a case to answer but that informal resolution is reasonable and





more than one active warning, or the Misconduct is in the reasonable opinion of the Level 1 Officer sufficiently serious and of particular concern and/or repeated and/or there are significant aggravating factors such as to warrant a final written warning. It will be entered into their record and will no longer be considered by the University 3 month 48.3 4da8iversity 3 by 3 4da8iversity 3 by 3 4da8iversity 3 by 3 4da8iv(y)9fnE6u



- available to them. Non-attendance at a hearing, without good reason, may be an act of misconduct punishable by a fine.
- 7.1.4 On completion of an investigation, the Investigating Officer will promptly notify the Student Appeals, Complaints and Discipline Team of their findings



ask witnesses to attend the Hearing to support you;

e) That you can bring a Representative to accompany you; and

f)



ensure that all relevant facts are impartially considered by the Committee.

- 7.4.2 Subject to the provisions set out at section 7.3 above at the discretion of the Chair, a Reporting Party may either be interviewed separately or give evidence via a written statement or video or other link (including MS Teams).
- 7.4.3 At the Hearing the Panel will go through the allegations and the evidence that has been gathered. You will be able to respond and present any evidence of your own. The Investigating Officer may be present at the hearing. You will have the opportunity to ask questions of clarification concerning the process and supporting evidence presented.
- 7.4.4 You or the Investigating Officer may ask that relevant witnesses appear at the Hearing, which will be permitted provided that it is reasonable for such witnesses to appear and has been agreed in advance. Examples of this might be to provide a detailed explanation of a matter or to enable the Panel to ask questions, which would not be possible only with a written statement. You and the Investigating Officer will be given the opportunity to respond to any information given by a witness. In appropriate circumstances, where the Chair decides that it is reasonable for you to do so and/or that a fair hearing could not be held otherwise, you and/or the Investigatory Officer may be permitted to ask questions directly of the witness. Aggressive or adversarial questions or questioning will not be allowed. Where witnesses are to be heard, they are only to be present for the duration of their own evidence.
- 7.4.5 The Chair may adjourn the Hearing if it is determined that further investigation is required, such as re-interviewing witnesses in the light of any new points raised at the Hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 7.4.6 The Committee will determine, in light of the evidence presented, whether or not they are satisfied that the evidence before them supports the allegation(s) of Level 2 Misconduct, noting that the standard of proof is on the balance of probabilities. If the Committee is not satisfied that the evidence supports the allegation, the matter will be concluded, and you and, where appropriate, the Reporting Party will be informed in writing within 10 working days.

7.5 What outcomes may apply?

- 7.5.1 If the Committee decides that that the evidence supports the allegation of Level 2 Misconduct, it may impose one or more of the following sanctions:
 -) Issue you with a first written warning. This will be entered in reW*n00088lor()]TJET@0.0



- c) Details of any sanctions being imposed; and
- d) A clear statement of the right to and method for appealing against the decision, as outlined below.
- 7.5.3 The outcome of Misconduct cases (which may on occasion include the sanction applied) may be shared with the Reporting Party, the Student Welfare Team, relevant internal and external services and appropriate individuals within the Student's School, as appropriate and reasonable. Exceptionally, where it is considered appropriate for welfare reasons, the detailed reasoning of the relevant Committee may be shared with the Reporting Party.
- 7.5.4 You may appeal the outcome of a Level 2 Misconduct procedure as set out below.

8. Appeal procedure

- 8.1 How do I raise an appeal against a finding of Level 1 or Level 2 Misconduct?
 - 8.1.1 An appeal of a disciplinary decision taken under this Procedure should be submitted in writing (providing full grounds of appeal and including any supporting evidence) to studentappeals@reading.ac.uk. This must be done within 10 working days of the date you were notified of the outcome. Any appeal not submitted within this timeframe may be rejected. No new evidence can be introduced at this stage unless it falls within section 6.1.1c)(c) of this Procedure below.
 - 8.1.2 Your appeal will be acknowledged in writing within 7 working days. The University aims to complete the appeals process within 28 working days. Where this is not possible, you will be advised in writing of the reasons why not and given a revised timeframe for the conclusion of the appeals process.
 - 8.1.3 An appeal against disciplinary decisions taken under this Procedure will only be considered on the following grounds:

a)



- d) The sanctions imposed were disproportionate.
- 8.1.4 An appeal against a disciplinary decision is a review of the outcome and will not re-hear or re-investigate the case.

8.2 Preliminary review of appeals

- 8.2.1 The Head of Governance will consider your grounds for seeking an appeal and decide whether the appeal:
 - a) was submitted in time (and if not whether there are any disclosed exceptional grounds meaning discretion may be exercised to accept that appeal out of time); and
 - b) meets the grounds set out at section 8.1.3.
- 8.2.2 If the Head of Governance decides that the appeal has not been received within the required time limits or does not meet one of the grounds required under this Procedure then they will write to you within 10 working days of receipt to tell you that the request for appeal has been rejected, setting out the reasons for that decision. In this situation, the original disciplinary decision appealed against will stand.
- 8.2.3 If the Head of Governance makes a decision to reject an appeal at section 8.2.2 of this Procedure then there will be no right of appeal and a Completion of Procedures Letter will be issued at the time you are notified of this decision, setting out the rights of referral to the OIA as set out at section 10 of this Procedure.

8.3 Who will hear appeals?

- 8.3.1 If your request for appeal is accepted by the Head of Governance, then it will be acknowledged within 10 working days, and you will be notified of its referral to the appropriate appeals Committee in accordance with 8.1.2 and 8.4.1 ("Appeal Committee").
- 8.3.2 Appeals against Level 1 Misconduct decisions shall be heard by the Student Disciplinary Committee, it shall normally comprise four of the following post as appointed by the University Secretary or their nominee:
 - a) A Chair, who shall be a member of the University's academic staff, appointed by the University Secretary of their nominee;
 - b) Two further members of University staff; and
 - c) A Reading Students' Union Student Officer
- 8.3.3 Appeals against Level 2 Misconduct decisions shall be heard by the Student Appeal Committee. It shall usually be comprised of four of the following post holders, one of whom shall be designated as Chair:







- reasons for the rejection of the appeal, and confirming your right of referral to the OIA, as set out at section 10 of this Procedure.
- 8.5.4 The outcome of Misconduct cases (which may on occasion include the sanction applied) may be shared with the Reporting Party, the Student Welfare Team, relevant internal and external services and appropriate individuals within the Student's School, as appropriate and reasonable. Exceptionally, where it is considered appropriate for welfare reasons, the detailed reasoning of the relevant Committee may be shared with the Reporting Party.



- 10.
 - 10.1 Once all internal processes have been exhausted, an OIA review is available to students studying on Higher Education courses awarded by a UK provider, including



13.3 Overall responsibility for this Procedure sits with the Head of Governance.

Version Control:	Owner	Reviewed	Approved by	Approval Date	Effective From
1	Governance	Annually	UBTL	July 2019	August 2019
2	Governance	Annually	UBTL	September 2019	September 2019
3	Governance	Annually	UBTLSE	November 2020	November 2020
4	Governance	Annually	UBTLSE	February 2021	February 2021
5	Governance	Annually	UBTLSE	March 2021	April 2021
6	Governance	Annually	UBTLSE	August 2021	September 2021
7	Governance	Every 3 years	UBTLSE - Senate	June 2024	September 2024



Appendix A

Glossary

1. In this Procedure the following defined terms are used:

Misconduct under this Procedure is the improper interference, in the broadest sense, with the proper functioning or activities of the University, or those who work or study at the University, or action which otherwise damages the University. More specific but non-exhaustive examples of types of misconduct are set out in the University's Regulations for Student Conduct and the specific Codes of Conduct (see Appendix B of this Procedure).

Level 1 Misconduct will usually involve allegations that, while serious in nature, do not seriously affect or cause serious damage to the University, its academic reputation or its Staff or Students, visitors or other third parties. Level 1 Misconduct is considered less serious in nature but will warrant formal investigation and possible sanction.

Level 2 Misconduct will usually involve allegations that either do or have the potential to seriously effect or cause serious damage to the University, its reputation or to its Staff and Students, visitors or other third parties. Level 2 Misconduct is considered more serious in nature and warrants investigation and possible sanction by a Student Disciplinary Committee Hearing. Sanctions for Level 2 Misconduct include exclusion from the University, as well as others that may have an impact on a Student's academic progress.

Procedure refers to this Student Disciplinary Procedure.

Reporting Party refers to a person making an allegation of misconduct under this Procedure.

Representative means a person who is supporting a Student who is the subject of any investigation and/or hearing under this Procedure. A Representative can include an adviser from RUSU Advice Service Team, a member of Staff of the University (where this does not raise any conflict of interest), another Student or an RUSU Student Officer. The University has discretion to agree that a Student can be supported and accompanied by a person who does not fall within these categories. If a Student wishes to be accompanied by a person outside of the categories listed above then they must notify the University's Student Appeals, Complaints and Discipline Team of the details of the person requested and their reasons for the request at least 3 working days before any meeting or hearing under this Procedure.

Responding Party refers to a person against whom an allegation of Misconduct is made under this Procedure.



Staff means an employee



Appendix C

Maximum f nes tarif

This tariff provides guidelines for the imposition of financial penalties when common breaches of the University's Codes of Conduct occur. Should the same offence reoccur in a period of six months, the fine may be doubled or where the previous fine was suspended indefinitely it may be reinstated. This tariff is not exhaustive and is provided only as an example of typical fines. Other penalties may be deemed necessary by those responsible for investigating the Misconduct.

Misconduct	Typical Fine	Commentary
Fire safety:		
Deliberate interference withsmoke sensor	£250	Action designed to render alarm system inoperative in the furtherance of other activity.
Deliberate activation of a manual call point or fire	£250	Malicious activation causing nuisance and needlessdeployment of Fire Brigade
alarm Unnecessary activation of	£150	Fire alarm set off by smoking, vaping, candle, cooking inroom etc.
fire alarm as consequence of prohibited or negligent activity	£150	Malicious discharge of fire extinguisher, use of nakedflame in room etc.
Other fire safety offences		
Failure to provide ID	£50	The Regulations require that ID be given when asked. Misconduct occurs if students do not comply promptly.
Failure to attend any		1



Appendix D

Aggravat ng and mit gat ng factors

1 Aggravat ng factors

- 1.1 There may be circumstances in which Misconduct is subject to a more severe sanction due to the presence of aggravating factors. These factors could include, but are not limited to:
 - 1.1.1 Misconduct related to protected characteristics under equality legislation (for example, Equality Act 2010 and racial harassment).
 - 1.1.2 Misconduct which directly or indirectly causes a physical or mental injury.
 - 1.1.3 Misconduct for which a student has received a previous warning or sanction.
 - 1.1.4 Misconduct where there is a power relationship between the Responding Party and the Reporting Party, where this power is abused.
 - 1.1.5 Misconduct which may be considered to constitute domestic abuse.
 - 1.1.6 Misconduct which includes the use of force, violence, threats, or intimidation.
 - 1.1.7 A pattern of Misconduct which has been established previously.
 - 1.1.8



Appendix E

What support is available to students under invest gat on?

- 1. Any Student using this Procedure is entitled to seek advice and support from the Reading Students' Union Advice Service and the University strongly encourages all Students to access this service. Reading Students Union Advisers are professional staff with knowledge and experience of the University's procedures who can offer confidential and independent advice on the process, support Students in the preparation of their case and attend meetings and/or hearings under this Procedure as a Representative. Details of the Reading Students' Union Advice Service can be found at Academic Advice | RSU.
- 2. During all stages of this Procedure, a Student may be accompanied to meetings and/or hearings by a Representative, as defined in Appendix A of this Procedure.
- 3. Where a Student has protected characteristics under the Equality Act 2010 the University can make appropriate adjustments in order to prevent the Student being treated less favourably. This may include holding meetings by MS Teams, video conferencing, telephone conferencing, or other appropriate means. Any Student who may require assistance in using this Procedure should discuss their needs with the University and it will then seek to refer the Student to appropriate support.
- 4. Where a Student has an Individual Learning Plan in place, this should be brought to the Student Appeals Complaints and Discipline team's attention.
- 5. The University acknowledges that its procedures can cause additional worry and stress to Students. Students are encouraged to seek support from any of the University's support services, particularly the <u>Student Welfare Team</u> who can provide immediate support and further signposting for any personal difficulties Students may be facing and who also have a drop-in service where Students can go when feeling distressed and needing direction or guidance.
- 6. If Students are unaware of what their needs might be, or if Students are confused or need some signposting, then the online <u>Wellness Check</u> can be a useful portal for guidance and there are a number of other online support functions, <u>leaflets</u> and workbooks designed for Students which they are encouraged to view.
- 7. Any requests for support will be treated sensitively and confidentially by the University.
- 8. In the event that an investigation raises concerns for the welfare of an individual, the individual appointed to lead the investigation may raise their concerns with the University's Counselling and Wellbeing Team and/or any other appropriate professionals.





with all the information considered as part of the Precautionary Measure process.

- 4.4 If the Deputy Vice-Chancellor considers the Student has demonstrated their grounds and, therefore, the decision was unsound, the appeal will be upheld and referred back for reconsideration of the measure in accordance with correct procedure or in light of the new information.
- 4.5 If the Deputy Vice-Chancellor considers the Student has not demonstrated their grounds, the appeal will be dismissed.
- 4.6 In all cases, the Student will be informed of the decision and provided with a brief written summary of the reasons for the decision.



Appendix G

How does the University deal with unreasonable behaviour and vexat ous conduct?

The University expects all participants in this Procedure to act with respect towards any other party(ies) and in a way that is consistent with the University's applicable Codes of Conduct.

1 Unacceptable Behaviour

- 1.1 Where the behaviour of a Student or their Representative (where applicable) becomes unreasonable and adversely affects the ability of Staff to carry out their duties, the University reserves the right to restrict contact with the Student or their Representative and if appropriate, invoke its Disciplinary Procedure. Wherever possible the University strives to allow the disciplinary to progress to completion.
- 1.2 Examples of unacceptable behaviour might include (but are not limited to):
 - a) Aggressive or abusive behaviour. This could include the threat or use of physical violence, verbal abuse, or harassment towards Staff. This is likely to result in the ending of all direct contact with the Student and/or their Representative and could result in a report being submitted to the police.

b)



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Conf dent ality and data protect on

- 1 The University will process all personal informat on in accordance with its Data Protect on Policy.
- 2 The University is commit ed to dealing with Misconduct mat ers sensit vely and with due respect for the privacy of all part es involved. All part es must treat as conf dent al any informat on communicated to them in connect on with a mat er which is subject to this Procedure, subject to the need to seek appropriate advice and guidance.
- 3 However, it may be necessary to discuss a disciplinary mat er with Staf or other Students to properly invest gate it or implement the outcomes of this Procedure.
- 4 The University will, during or at the conclusion of the Procedure, inform such members of its Staf as it considers necessary, having due regard to all the relevant circumstances, and including, but not limited to, the Student's Head of School and/or Department and their Academic Tutor. The University will also report the outcome (which may on occasion include the sanct on applied), in an appropriate manner, to the Report ng Party and where it is considered appropriate for welfare reasons, the detailed reasoning of the relevant Commit ee may also be shared.
- The University does not normally allow any party to record meet ngs or hearings unless there are except onal reasons why this should be considered, and all part es agree. If the University allows a meet ng or hearing to be recorded, then the University will be responsible for the recording and the preparat on of any minutes. The University will provide a copy to all part es.
- 6 The University reserves the right to refer any breach of the confident ality of this Procedure by any member of Staf or Student for considerat on under its Disciplinary Procedures.

7 Witness guidance – anonymity

- A Responding Party will normally be told the names of any witnesses whose evidence is relevant to their disciplinary investigation (and any hearing), unless the person responsible for considering the allegation exceptionally and reasonably believes that a witness's identity should remain confidential and anonymous.
- 7.2 There should be no normal expectation that the identity of witnesses will be kept confidential and anonymous and witnesses should understand that evidence provided by them will, other than in exceptional circumstances, be provided to the Responding Party who is subject to this Procedure.