Student Disciplinary Procedure

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This procedure outlines the process which will be followed in relation to student misconduct.

Section A: purpose

1. The University is a community and expects all students to conduct themselves with appropriate care and respect for all its members (student, staff or visitors), and to show proper concern for the reputation and environment of the University. Note that this Student Discipline Procedure is intended to address misconduct by students rather than to resolve disputes between individuals.

2. Students are expected to adhere to all University policies as well as the University of Brighton Student Contract and are expected to conduct themselves at all times in a manner which demonstrates respect for the University, its staff, fellow students and the wider community. Failure to do so will be considered as a breach of this Procedure and may result in disciplinary action. Students will also be held responsible for the conduct of any guest whom they bring onto the campus and within halls of residence (and for adhering to their accommodation contract).

3. The purpose of this procedures is to regulate students' behaviour in order to maintain the proper working of the University. Nothing in this procedure prevents a report of criminal conduct being made to the Police or in the context of courses which lead to a
professional qualification, consideration of a student’s fitness to practise under the appropriate procedure.

4. This procedure will be reviewed annually by the Deputy University Secretary.

Section B: definition of misconduct, Student Discipline Officers and sanctions

5. References within this procedure to an office holder shall refer to that office holder or to a nominee.

6. Misconduct is defined as behaviour which interferes with activities or functions of the University, or with those who work or study at the University, or as action which otherwise damages the University’s reputation in the community or more widely.

7. Any student, any other member of the University community, or a member of public may report an instance of misconduct. Such reports can be made to either a Student Discipline Officer or the Head of Student Discipline. If received by any other member of University staff the report will be forwarded appropriately or the Reporting Party signposted to the appropriate officer.

8. Disciplinary action may be taken in relation to misconduct which happens off-campus during activities such as field trips and placements, or other placement organisations, or on social media, or where it affects the reputation of the University in the community.

9. Where an allegation has been made, and depending on the nature and severity of the allegation, this will be dealt with either by a Student Discipline Officer or the Head of Student Discipline.

Student Discipline Officers

10. Student Discipline Officers are members of University staff providing front line services to students who are also empowered to respond to reports made to them. A full list of contacts is available on the Student Contract webpage.

11. Student Discipline Officers are empowered to deal summarily with all disciplinary offences and have authority summarily to impose the sanctions listed at Appendix B.

12. The maximum penalty which may be imposed summarily is £250 for each offence together with the payment of compensation in respect of any injury to the person or damage to property. All or part of a fine may be suspended on condition that the student does not commit a further disciplinary offence and/or on condition that the student engages with identified services to support and demonstrate rehabilitation. The suspended portion of the fine can only be activated if the student commits a further disciplinary offence. In these circumstances it is for the Head of Student Discipline or Disciplinary Panel dealing with that further offence to determine whether the whole or part of that suspended portion should become payable.

13. On receipt of a report, the Student Discipline Officer will undertake an investigation (see section below on investigations). Penalties will only be applied if there are sufficient evidential grounds which are based on the balance of probability.
14. If the severity of the misconduct or the level of appropriate sanction falls outside the Student Discipline Officer’s level of authority, they will refer the matter to the Head of Student Discipline for action.

**Head of Student Discipline**

15. The Head of Student Discipline is responsible for the co-ordination of all reports of student misconduct and for assigning Investigating Officers to investigate alleged cases of misconduct. They are the central contact for all student disciplinary matters.

16. The Head of Student Discipline in consultation with the Deputy University Secretary will refer cases of major misconduct to a Disciplinary Panel for consideration.

17. Where there are instances reported that may constitute a criminal offence, the Head of Student Discipline, in consultation with the Deputy University Secretary, may inform the police.

18. The Head of Student Discipline keeps a register of all student misconduct reports and outcomes of Disciplinary Panels.

19. A student’s record will be kept for the remainder of their time at the University and will be deleted twelve months after the student has left or graduated.

20. Full access to this register will be limited to the Head of Student Discipline and the Deputy University Secretary. Limited access will be provided to other senior colleagues on a case by case basis.

**Deputy University Secretary**

21. The Head of Student Discipline reports to the Deputy University Secretary who has oversight of student misconduct.

22. The Deputy University Secretary will review preliminary investigations presented to them by the Head of Student Discipline to decide whether to recommend that any member of the University Executive Board should take any steps to suspend or exclude a student pending a decision by the Disciplinary Panel or hearing of a case.

23. Where there is a lack of certainty about the appropriate course of action for a report made, the Deputy University Secretary will decide in light of the investigation whether the case should be dismissed or referred to the Head of Student Discipline or the Disciplinary Panel.

24. The Deputy University Secretary will review appeals against outcomes of investigations undertaken by the Head of Student Discipline or decisions made by the Disciplinary Panel.
Section C: Reporting student misconduct

25. Any incident of misconduct which occurs on University property or campus, at a University event (including events held off University property or campus), or which impacts on the harmony of the University community, should be reported.

26. A report may be made about a single student or a group or students. In the latter case the students’ cases may be dealt with as part of a single process or panel hearing.

27. Reports can be made either in person to any Student Discipline Officer, or in writing to any member of University staff who will enable students to submit a report directly to an appropriate Student Discipline Officer.

28. Reports submitted should be sent to the studentdisciplinary@brighton.ac.uk email address which will be monitored by the Head of Student Discipline, who will either refer this to a Student Discipline Officer in the first instance or undertake an investigation.

29. An acknowledgment of the report will be sent via email to the Reporting Party normally within 14 days.

30. It should be noted that unless an outcome of the report is relevant to the Reporting Party, details of the outcome of any informal or formal investigation will not be communicated to them.

31. The University has a duty to act fairly to all students and will ensure that all students receive fair consideration of disciplinary reports made about them including making available information regarding the report.

Section D: Investigation

32. If an investigation is required, the Investigating Officer (either a Disciplinary Officer or the Head of Student Discipline) will meet the Reporting Party and the student about whom the complaint has been made separately and where possible normally within 14 days to ascertain the key facts. Where other witnesses are identified or where it is appropriate to request meetings with other members of the University community, the Investigating Officer will arrange further meetings as necessary.

33. The Investigating Officer will be accompanied by a note taker who will record notes from each meeting and ensuring that the person being interviewed is sent a copy for their review and confirmation that they are an accurate record.

34. The student will normally be expected to attend in person and may be accompanied by a member of the University or a Students’ Union Adviser. In exceptional cases, attendance by video call may be required.

35. Where there is other evidence available, e.g. closed-circuit television, photographs, copies of emails or social media posts etc., these will be included in the investigation.
36. The Investigating Officer will write an investigation report, presenting the facts of the misconduct report clearly, with recommendations regarding appropriate sanctions normally no more than 21 days after the misconduct report was submitted. Where these fall within their jurisdiction they will immediately impose the sanctions and notify the student of the outcome both verbally and in writing.

37. Where the recommendations fall outside the scope of the Investigating Officer or where the misconduct is deemed to be major, these shall be referred to the Head of Student Discipline for review and response within 7 days or directly to a Disciplinary Panel (see section E below).

Section E: formal disciplinary hearing

38. Where an allegation of major misconduct is deemed to be outside the authority of a Student Discipline Officer or the Head of Student Discipline and requires further review, a formal Disciplinary Panel will be convened. In such an instance, the following process will be followed:
   a. The Head of Student Discipline will schedule and convene the Panel to meet normally within 30 days of the misconduct report being received and provide full support to Panel (including taking an accurate set of minutes), noting the outcome as agreed
   b. The Head of Student Discipline will ensure that all papers (including the original investigation report and all evidence associated with it) will be sent to the Disciplinary Panel and student involved at least 7 days before the Panel is scheduled to meet, and ensure that any witnesses required by the University to attend are notified.
   c. Membership of the Panel shall be approved by the Deputy University Secretary and will consist of a Chair, one staff member and one student member nominated by the President of the Students’ Union.
   d. The student will normally be expected to attend in person and may be accompanied by a companion or adviser from the Students’ Union. Only in exceptional cases will attendance by video call be permitted.
   e. The student’s companion may ask questions and may address the Panel but may not answer questions directed to the student by the Panel.
   f. Provided the Panel is satisfied that notice of hearing has been given, if the student fails to attend the Panel may proceed in their absence.
   g. The student will be entitled to call witness evidence but must give 7 days’ advance warning of witnesses. It will be the student’s responsibility to arrange for their witness to attend.
   h. All parties will be given the opportunity to ask questions either directly or, at the discretion of the Chair, through the Chair.
   i. Only exceptionally will witnesses be permitted to be called via video call.
   j. The Panel will review the evidence, invite the Investigating Officer (if different from the Head of Student Discipline) to present the case, and invite the student(s) against whom the allegation of misconduct has been made to present their case. The Panel will also invite any witnesses in support of the allegation or, at the request of the student(s), as a witness of support.
   k. When taking into account the circumstances and evidence presented around the misconduct case, the Panel will not normally consider previous offences.
or the history of the student(s) until it is necessary to decide upon an appropriate penalty

I. After hearing any statements and reviewing any evidence presented, the Panel will reach a decision (with appropriate sanctions outlined) which will be formally communicated to the student(s) in writing within 7 days after the Panel has met

m. The Panel will not take the student’s previous disciplinary history into account until it has reached a decision on the student’s liability. It will be appropriate, however, to take previous disciplinary matters into account when deciding upon the appropriate penalty to be imposed

n. The Panel will give reasons for the penalty selected, will explain how any mitigating evidence is taken into account, and for a penalty that involves time away from studies, will take into account any health condition of the student or the impact on progression

o. The Reporting Party may be advised that appropriate disciplinary action has been taken, but the details of any sanction(s) imposed will be treated as confidential

p. The Head of Student Discipline will ensure that appropriate actions are undertaken to implement the advised sanctions and note the misconduct report on the University’s database of student misconduct

q. A high level outcome summary of the hearing will be sent by email to the student’s Head of School and copied to the Director of Student Operations and Support and the Head of Residential and Hospitality Operations (where appropriate) who may wish to arrange a further meeting with the student to determine if appropriate support should be made available to them and to consider the impact of any outcome on the student’s course of study or accommodation

39. Any student subject to a disciplinary hearing is entitled to a reasonable investigation and fair hearing. Students who find themselves the subject of disciplinary proceedings may seek independent advice from the Students’ Union and have the right to be represented by a Students’ Union representative or other member of the University community. Representation by a lawyer or other paid adviser is not permitted.

40. It should be noted that this is not a legal process and accordingly the standard of proof will be on the balance of probabilities.

41. Students will be assured of the appropriate degree of confidentiality during the investigation and Disciplinary Panel, unless there are professional conduct/fitness to practise implications, complaints involving crime, or risk to self or others.

42. Where a misconduct report has involved the police and criminal proceedings are underway, the University will not seek to undertake a formal disciplinary hearing until the outcomes of the police investigation and/or criminal proceedings are known. However, where appropriate and as is deemed to be reasonable, the University will conduct a risk assessment to identify and inform the implementation of any precautionary measures that may be required to mitigate any immediate threats or dangers and to reduce the chance of further harm to any student.
43. Precautionary measures may include imposing conditions such as: non-contact agreements; requiring students to move accommodation; suspension from studies; or restricting access to University facilities including certain accommodation blocks or sports facilities, or from attending a placement.

Section F: right of appeal

44. Appeals may be submitted for one of the following reasons:
   a. There is a material irregularity or failure in the conduct of the original investigation or hearing
   b. There is evidence of bias or prejudice during the original investigation or hearing
   c. Relevant material or evidence has come to light since the Investigation Officer or Panel reached its original decision
   d. The penalty applied is excessive or unreasonable

45. Appeals against outcome from Investigating Officer:
   a. Students may appeal a decision reached by an Investigating Officer by submitting in writing within 14 days the reason for their appeal to the Head of Student Discipline. Where the Investigating Officer is the Head of Student Discipline, appeals must be submitted to the Deputy University Secretary.
   b. The Head of Student Discipline will review the evidence and consider if the decision and/or sanction recommended is appropriate.
   c. Where the sanction is deemed to be appropriate, the Head of Student Discipline will advise the student by email within 14 days of receipt of the appeal that the original outcome is upheld and their appeal has been unsuccessful.
   d. Where the sanction is deemed to be excessive or inappropriate, the Head of Student Discipline will revise the sanction accordingly and advise the student by email within 14 days, advising the Investigating Officer of the outcome.

46. Appeals against the outcome from the Disciplinary Panel:
   a. Students may appeal a decision made by a Disciplinary Panel by emailing the Deputy University Secretary via studentdisciplinary@brighton.ac.uk within 14 days of the outcome, stating clearly the grounds for appeal as noted in clause 44 above.
   b. The Deputy University Secretary will determine whether the appeal is made on appropriate grounds. Where no appropriate grounds are identified, the appeal will be dismissed. Where there appear to be sufficient grounds worthy of further consideration, the matter will be referred for consideration by a member of the University Executive Board who will determine whether the appeal is upheld and, if so, whether the disciplinary allegations against the student should be dismissed or referred for reconsideration by the Disciplinary Panel or by the appropriate officer under this procedure.
   c. The member of the University Executive Board will email the student with their decision within 14 days, sending a copy to the Deputy University Secretary.
47. The Student will be advised of the right and process to bring a complaint to the Independent Adjudicator for Higher Education (“OIA”) once the University’s internal procedure has been exhausted.

Section G: confidentiality and disclosure

48. Information disclosed during or resulting from disciplinary proceedings will be treated with the appropriate degree of confidentiality. Students on professional courses should be aware that initiation of and findings from investigations that have a bearing on their courses may be communicated to their professional body and be subject to local Fitness to Practise procedures.

49. Any student or member of staff should feel confident that they can raise issues of concern and that these will be taken to be in good faith and can be made without fear of recrimination.

50. The Head of Student Discipline will retain a record of all disciplinary cases, both those resolved locally and those which proceed to a hearing, in a secure and relevant filing system, and in accordance with the University’s Record Retention Policy.

51. The University will collect aggregated data about student disciplinary cases and submit a report to the Academic Board at appropriate intervals for the purpose of assuring the operation of this Student Disciplinary Procedure.
Appendix A: examples of misconduct

The following is a non-exhaustive list of examples of misconduct:

(i) disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the university, whether on university premises or elsewhere;

(ii) obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of the university or any authorised visitor to the university;

(iii) physical misconduct including violent, indecent, disorderly, threatening or offensive behaviour or language (whether expressed orally or in writing, including electronically) whilst on university premises or engaged in any university activity;

(iv) Sexual misconduct including rape, sexual assault, unwanted conduct of a sexual nature such as unwanted physical advances or touching.

(v) making an unauthorised recording of academic activities including lectures;

(vi) distributing or publishing information in any medium which is offensive, intimidating, threatening, indecent or illegal or is calculated to make others fearful, anxious or apprehensive;

(vii) fraud, deceit, deception or dishonesty in relation to the university or its staff or in connection with holding any office in the university or in relation to being a student of the university;

(viii) action likely to cause injury or impair safety on university premises;

(ix) possession of a firearm or replica firearm or other item which may be used as an offensive weapon on University premises, including halls of residences. The restriction on firearms applies whether or not the firearm is licensed.

(x) personal use, dealing or supply of drugs.

(xi) breaches of, or other failure to comply with University Regulations, Procedures or Policies including but not limited to Health & Safety and Equality & Diversity Policies

(xii) harassment or discrimination on the grounds of sex, race or disability, in respect of any student, member of staff or other employee of the university or any visitor to the university;

(xiii) breach of the provisions of the university's Code of Practice on Freedom of Speech (available in all university libraries) or other rules or regulations of the university;

(xiv) damage to, or defacement of, university property or the property of other members of the university community caused intentionally or recklessly, and misappropriation of such property;
(xv) misuse or unauthorised use of university premises or items of property including computer misuse;

(xvi) conduct which constituted a criminal offence where that conduct:

(a) took place on university premises; or

(b) affected or concerned other members of the university community; or

(c) may damage the good name of the university.

(xvii) behaviour which brings the university into disrepute;

(xviii) failure to cooperate in a disciplinary investigation including failing to disclose name and other relevant details to an officer or employee of the university in circumstances where it is reasonable to require that such information be given;

(xix) failure to comply with a previously-imposed penalty under these regulations.

(xx) behaviour which is inconsistent with membership of the University community and/or the values of the University

Appendix B: Penalties

A University Disciplinary Officer shall have the power to administer the following sanctions on a summary basis:

- Formal warning
- Written apology
- Fines between £50 - £250
- Cost of making good the damage
- Temporary suspension of authority to use specified University premises or facilities, or to attend a University event
- Restrictions/conditions

A University Disciplinary Panel shall have all the sanctions above open to it and in addition:

- Unlimited fine
- Order the withdrawal of facilities (e.g. computing facilities, library etc) for an appropriate period
- Require the payment of compensation in respect of injury to the student or damage to property
- Impose conditions breach of which will be misconduct under this Procedure
- Suspend or exclude the student from the University or any part of its premises either for a fixed term or permanently

Updated AVW 16.7.20