



# **Student Discipline Policy and Procedures**

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### Student Discipline Policy

### Student Discipline Procedures

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#### Recommended Reading

- Overview of the Procedures: Sections 1, 2, 3, 10 and 15
- Procedures for the consideration of Minor offences: Sections 2, 3, 4, 6, 10 and 14
- Procedures for the consideration of Major offences: Sections 2, 3, 7, 8, 10 and 14
- Procedures for the consideration of Category A offences: Sections 2, 3, 7, 8, 10 and 14
- Procedures for the consideration of Category B offences: Sections 2, 3, 5, 6, 10 and 14
- Independent Review: Section 9

## Student Discipline Policy

The primary purposes of the University are the advancement and application of knowledge and the education of its students; its central activities are teaching, learning and research. These purposes can be achieved only if the members of the University community can live and work beside each other in conditions which permit freedom of thought and expression within a framework of respect for the rights of other persons. In order to achieve and maintain such conditions, to protect from disruption the University's essential activities, and to ensure academic standards, there are in place structures and procedures for ensuring that the necessary steps can be taken where behaviour falls short of that expected from students.

The behaviour of the vast majority of the University's students is exemplary. To deal with unacceptable behaviour the University has a *Student Discipline Policy and Procedures* (hereinafter referred to as Procedures) that apply to all students of the University irrespective of their mode or place of study. The Procedures cover both academic and non-academic misconduct, and can lead to a range of sanctions as set out in the Procedures. The Procedures protect the University and its community, deter those who interfere with its work and activities, and ensure that where necessary appropriate sanctions can be imposed. Students agree to abide by the University's Ordinances, Regulations, policies, procedures and rules when they enrol and this is the University's expectation.

The Senate is responsible for regulating the discipline of students of the University and this is achieved through the Procedures which provide rigorous, fair, transparent and consistent processes for investigating and considering reported incidents involving alleged misconduct and for imposing penalties where appropriate. The Procedures outline specific responsibilities and actions for appropriate members of staff of the University and appropriate bodies investigating alleged offences and applying disciplinary penalties. The Senate has responsibility for the Policy and Procedures.

The purpose of the Procedures is to regulate student behaviour in order to secure the proper working of the University in the broadest sense. In support of this goal, students are expected to conduct themselves at all times in a manner which:

- i) Demonstrates respect for staff, fellow students, and University property;
- ii) Enhances the reputation of the University;
- iii) Is sensitive to a culturally diverse environment;
- iv) Demonstrates active engagement in the learning process, a commitment to University-level study, and determination to succeed.

The Procedures mean that:

- i) Students can be assured that any instances involving alleged misconduct will be investigated and considered under robust, consistent and transparent procedures and decision making processes;
- ii) Academic and professional services staff of the University can be assured that procedures are in place to deal with instances when students who do not abide by the University's Ordinances, Regulations, policies, procedures, rules and expectations, and that appropriate action will be taken where required.

The University's Procedures take into account the need to:

- i) Deal with disciplinary incidents in a way which is proportionate to their severity;
- ii) Make provision for informality and flexibility in proceedings so that matters can be considered at the local level and at an early stage where appropriate;
- iii) Ensure, as far as possible, that all parties involved are on an equal footing procedurally and able to participate fully in proceedings;
- iv) Avoid delay as far as is compatible with fairness and the proper consideration of the matters involved.

The University embraces a positive attitude towards the promotion of equality and diversity. The Student Discipline Policy and Procedures apply equally to all students irrespective of colour, age, disability, ethnic origin, gender, marital status, civil partnership, nationality, race, religion, sexual orientation.

## **Note on Terminology**

References in the Policy and Procedures to:

- 'staff' means staff of the University or of Heriot-Watt University Malaysia.
- 'the University' means the University or Heriot-Watt University Malaysia.

## Student Discipline Policy and Procedures

### 1. Introduction

- 1.1 The Senate is responsible for regulating the discipline of students of the University. *Regulation 50: Student Discipline* (hereinafter referred to as Regulation 50) sets out the provisions for regulating student discipline. Any actions under the disciplinary procedures are undertaken on behalf of the Senate under a structure and system of delegated authority.
- 1.2 The Procedures contain details of processes for the consideration of alleged breaches of student discipline and are made in accordance with the provisions of Regulation 50. The Procedures provide clear and concise information for both staff and students on disciplinary procedures. Regulation 50 and the Procedures are designed to regulate behaviour within the University for the benefit of all its members.  
  
Students are expected to make themselves familiar with the Procedures that apply to them. The Procedures are available at: <http://www1.hw.ac.uk/registry/discipline.htm>.
- 1.3 Regulation 50 makes provision for the Procedures for regulating student discipline.
- 1.4 Any person involved in the consideration of alleged misconduct and in reaching decisions under the *Procedures* should have had no previous involvement in matters relating to the case under consideration.
- 1.5 If a member of staff making a decision in accordance with the *Procedures* is unable to act for any reason a member of the staff shall be nominated to deputise. The member of staff nominated to deputise shall be nominated by the person for whom they are deputising or by that person's line manager. A member of staff nominated to deputise shall not be permitted to nominate a member of staff to deputise of their behalf. If a member of staff required to make a decision in accordance with the *Procedures* is unable to act for the reason set out in Paragraph 1.4, the University Discipline Committee shall approve a member of the staff to deputise.
- 1.6 These Procedures apply to all students of the University. With regard to students of the University studying at Heriot-Watt University Malaysia, the Registrar General Malaysia may issue directions from time to time under Section 46 of the Private Higher Educational Institution Act 1996 [Act 555].
- 1.7 Students shall not engage in misconduct which, for the purposes of Regulation 50 and the Procedures, means improper interference, in the broadest sense, with the proper functioning of activities or property of the University or of those who work for, study at or are visiting the University, or any action which otherwise damages the University reputationally or materially, whether or not this takes place on University premises. Without affecting the generality of these Procedures, Section 2 below set out specific examples of behaviour which will be considered misconduct.
- 1.8 The Senate reserves the right to add to or amend the Regulations and Procedures from time to time as in its absolute discretion it deems appropriate, and with immediate effect. Such amendments will be publicised on the University website.
- 1.9 In the case of a criminal offence committed on or off the University premises, the involvement of the Police will not prevent the University from taking action in accordance with Regulation 50 and the Procedures or imposing its own penalties, where such action is deemed appropriate. The University may take any appropriate action before, during or after any Police investigation. A finding of guilt or acquittal in a criminal court shall not preclude the University from taking disciplinary action under the Procedures in respect of the same incident.
- 1.10 The University Discipline Committee will oversee the processes outlined in these Procedures and, acting with the delegated authority of the Senate, and in consultation with relevant staff, shall be responsible for approving the nominated members of staff, who in addition to those specified in the Procedures, shall investigate and consider alleged cases of misconduct.

- 1.11 All communications with a student will be sent to the most recent correspondence address held on the student record system and/or to the student's University email address.
- 1.12 Procedures for a student who does not respond to correspondence or attend meetings in connection with an alleged offence are as follows:
- (a) Should a student indicate in advance of a meeting that he or she is unable to attend the meeting on the scheduled date, only one further attempt should be made to reschedule the meeting in order to enable the student's attendance;
  - (b) If a student does not attend a meeting and does not communicate with the member of staff or Chair who has called the meeting concerning any reason for his/her non-attendance, the member of staff or Chair will consider whether the meeting should proceed in the absence of the student. In deciding whether or not to proceed in the absence of the student, the member of staff shall take account of the seriousness of the allegations and whether they could lead to expulsion or suspension, the cost of arranging a further meeting, and the possible detriment to the student and/or the University by the meeting being delayed.
  - (c) Where the student has provided a reason for his/her non-attendance, the member of staff or Chair will consider whether in all the circumstances the reason provided is reasonable and the meeting should be reconvened.
  - (d) Where a meeting is to be reconvened the student should be notified again in writing of the details of the meeting.
  - (e) Procedures may be varied in the cases of alleged offences deemed to require immediate consideration.
- 1.13 **Standard of Proof:**  
In considering alleged disciplinary offences the standard of proof required is that it is more likely than not that something is or is not the case (the 'balance of probability', or civil justice) rather than 'beyond all reasonable doubt' (as in criminal justice).
- 1.14 The definitions and categories of non-academic misconduct and academic misconduct are set out in Sections 2 and 3 below.
- 1.15 The composition of the committees established to consider disciplinary matters are set out in *Regulation 50: Student Discipline*.
- 1.16 In all disciplinary cases, the rules of natural justice (the right to a fair hearing) shall be observed.
- 1.17 A student against whom an allegation has been made under the Procedures may seek the assistance of a third party. The University will only deal with a third party providing assistance to a student where there is written and signed authorisation by the student to allow this to happen. The student remains the responsible person with respect to any allegation under consideration. The student is not permitted to appoint someone to act on his or her behalf.
- 1.18 In accordance with existing University practice, students do not have the right to legal representation under the *Procedures*.
- 1.19 A student against whom an allegation has been made may wish to contact the Student Union Advice Hub to seek advice, support and assistance. If such assistance is sought it remains the responsibility of the student to prepare and submit any evidence or statement for consideration and to liaise directly with the relevant member of staff or body.
- 1.20 The University monitors and evaluates the effectiveness of its student discipline procedures to ensure that they are fair and functioning as intended, and to consider the types of cases being identified. An anonymous summary of cases and their outcomes is reported to the Senate on an annual basis.
- 1.21 Unless the context requires otherwise, in the Procedures words in the singular shall include the plural and words in the plural shall include the singular.

## Student Discipline Policy and Procedures

### 2. Definitions of Misconduct

- 2.1 Misconduct means improper interference, in the broadest sense, with the proper functioning of activities or property of the University, or those who work for, study at or are visiting the University; or any other action which otherwise damages the University. Any behaviour that contravenes the University's Ordinances, Regulations, policies, procedures or rules, or is dangerous, or is against the law, constitutes misconduct. Behaviour defined as misconduct shall include acts occurring in person, by telephone, and by electronic or other indirect means, including via public internet sites and social networking sites. A case of misconduct will be referred to as an offence.
- 2.2 The following shall constitute misconduct:
- (a) Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere;
  - (b) 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;
  - (c) Violent, indecent, disorderly, threatening or offensive behaviour or language whilst engaged in any University work, study or activity (whether expressed orally, in writing or electronically);
  - (d) Acts of dishonesty including fraud, deceit and deception 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 (for example falsifying or misusing University records or documents, including identity cards, transcripts and certificates of any kind);
  - (e) Action likely to cause injury, impair safety or raise false alarm on University premises;
  - (f) Harassment (of any kind) of any student, member of staff, or any authorised visitor to the University;
  - (g) Use of offensive or improper language or to behave in an offensive or improper way or display unwanted conduct which, on the grounds of colour, age, disability, ethnic origin, gender, marital status, civil partnership, nationality, race, religion or sexual orientation, has the effect of (i) violating another person's dignity or (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for students or employees of the University or visitors to the University;
  - (h) Breach of the provisions of the University's rules, regulations or policies;
  - (i) Damage to, or defacement of, University property (including property on loan to the University) or the property of other members of the University community (including an institution attended as part of a programme of study) caused intentionally or recklessly, and misappropriation of such property;
  - (j) Misuse or unauthorised use of University premises or items of property, including IT facilities or safety equipment;
  - (k) Deliberately doing, or failing to do, anything which thereby causes the University to be in breach of statutory obligations;
  - (l) Conduct which constitutes a criminal offence where that conduct:
    - (i) takes place on University premises, or
    - (ii) affects or concerns other members of the University, or
    - (iii) damages the good name of the University, or
    - (iv) itself constitutes misconduct within the terms of these Procedures.

For the avoidance of doubt, the University may proceed under these Procedures notwithstanding the instigation or outcome of any criminal proceedings. However, the University reserves the right to defer action pending any criminal investigation or prosecution.

- (m) Failure to inform the University of being cautioned or arrested for, or charged with a criminal offence, including motoring offences (except parking or speeding offences which are subject to fixed penalties);
- (n) Making false, frivolous, malicious or vexatious complaints or appeals;
- (o) Behaviour which brings the name of the University into disrepute (without prejudice to the right to fair and justified comment and criticism);
- (p) Failure, upon request, to disclose the name and other relevant details or to show identification to an employee of the University in circumstances when it is reasonable to require that such information be given;
- (q) Misconduct in research;
- (r) Offences involving academic misconduct including plagiarism, collusion and examination irregularities (a fuller description of academic misconduct is set out below) ;
- (s) Failure to comply with a previously-imposed penalty under these Procedures within a reasonable time;
- (t) Any misconduct prior to a student's enrolment at the University, which was not previously known to the University, which raises questions about his/her qualifications on entry or fitness to remain a student of the University, poses a threat to any person or the discipline and good order of the University, or raises questions about a student's fitness to be admitted to and practice any particular profession to which a student's programme leads directly;
- (u) Any other act or behaviour which may be reasonably interpreted as a disciplinary offence notwithstanding the lack of equivalent examples.

2.3 The definitions of misconduct given above are demonstrative only and do not prevent the appropriate member of staff or the appropriate body of the University from considering and adjudicating upon the conduct or action of any student which is thought *prima facie* to constitute a breach of discipline.

2.4 With respect to students following a programme offered by the University at a partner institution, in the case of alleged academic misconduct relating to a University award, the case must be dealt with by the University. Cases of alleged non-academic misconduct shall be dealt with in accordance with any agreement in place between the University and the partner institution. The University must be notified of all discipline cases of a non-academic nature which have academic or reputational consequences for the University or a partner institution. In such cases the Chair of the University Discipline Committee and the Head of the partner institution (or his/her nominee) shall agree the appropriate course of action to be taken.

### ***Academic Misconduct***

2.5 Academic misconduct is a form of cheating that occurs when a student tries to obtain or obtains an unfair academic advantage. The University will not accept academic misconduct in any form and the seriousness with which cheating is viewed will be reflected in penalties which are imposed.

2.6 For the purposes of the University's disciplinary procedures, plagiarism is defined as the presentation by a student of work for assessment which is not his/her own, in the sense that all or part of the work has been copied from that of another person (whether published or not) without attribution. Any student who knowingly permits another student to plagiarise his/her own work will be regarded as

having breached the University's disciplinary procedures. Self-plagiarism, which is when a student resubmits work that he/she originally completed and submitted for another purpose, without acknowledgment of this, is regarded as academic misconduct (unless resubmission was permitted).

- 2.7 The University recognises the benefits of discussion of assignments requiring a group response; such activities are normal in any academic community. The offence of plagiarism takes place when, having had the opportunity of advice and guidance, a student submits for marking work which he or she knows contains matter taken from other sources and for which no attribution is given according to the conventions normally adopted in academic writing.
- 2.8 Plagiarism constitutes one form of academic misconduct. Guidance on how to avoid plagiarism will be provided for students as part of their induction to all programmes.
- 2.9 The University reserves the right to utilise electronic plagiarism detection systems. The use of these systems allows the student and the University to check systematically for plagiarism, thus ensuring that all students' work is original. These systems search the world wide web and extensive databases of reference material and content submitted by others to identify any duplication of submitted work.
- 2.10 Any student who during any part of the assessment process copies, steals or appropriates the work of another, or who introduces into an examination room any materials or other aids not explicitly permitted under the rubric of the examination, or who uses other unfair method to gain an advantage in an assessment, will be deemed guilty of academic misconduct. This applies to all work submitted as part of the assessment process, in whatever year, and whether produced under formal examination conditions or as part of a programme of continuous assessment. Any student who knowingly assists others to cheat will also be regarded as being guilty of academic misconduct.
- 2.11 Examples of academic misconduct include the following:
- (a) Plagiarism: work that has been copied from that of another person (whether published or not) without attribution, or the presentation of another's work as if it were his/her own. This includes copying text from a website without acknowledgement or simply changing a few words on an assignment, without referencing.
  - (b) Purchasing Material/Work Undertaken by Others and Presenting as Own Work: the use of services to produce student work for assessment (such services may try to persuade students that this is an entirely normal and acceptable practice).
  - (c) Selling Material: Selling or offering to sell, by whatever means, material, or using other inducements, to assist a student in producing work for assessment.
  - (d) Failure to Reference: the inclusion of several sentences or more from another person's work which have not been referenced in accordance with the University's required conventions on academic referencing and citation. This may be intentional or unintentional, for example as the result of poor referencing or study skills.
  - (e) Self-plagiarism or Duplication: copying work that was originally completed and submitted by the student and resubmitted for another purpose without acknowledgment of this, unless resubmission was permitted.
  - (f) Collusion: where a student undertakes work with or for others, without acknowledgement (e.g. submits as entirely his/her own work, completed in collaboration with another person).
  - (g) Falsifying Data: that is where a student presents data based on work which a student claims to have carried out but which he or she has invented or obtained by unfair means.
  - (h) Examination Misconduct: unauthorised materials being in the vicinity of a student during an examination or the use of such materials, the use of electronic devices not permitted during an examination, or any other conduct not permitted under the University's Regulations, policies and procedures on examinations.
  - (i) Dishonest Practice: this covers any form of practice which attempts to deceive others but which is not specifically identified by the above.

## ***Misconduct and the Law***

- 2.12 The University has a duty of care to its staff and students and therefore should be informed of any alleged criminal activity by its students. If at any time during his/her enrolment a student is cautioned or arrested for, or charged with a criminal offence, including motoring offences (except parking or speeding offences which are subject to fixed penalties) he or she shall be required to report this immediately and to report on the progress of any criminal proceedings to the Academic Registrar. If a student is sent for trial, the Academic Registrar must be kept informed at all stages either by the student or by his/her solicitor. If a student is convicted then this must also be reported along with details of any penalty or sentence imposed. The form for reporting such matters to the Academic Registrar is available at: <http://www1.hw.ac.uk/registry/discipline.htm>. Failure on behalf of a student to inform the University will be regarded as misconduct.
- 2.13 The University may report to the police any allegation that a criminal offence has been committed.
- 2.14 The University encourages any student who has been the victim of an alleged criminal offence whilst enrolled at the University to report this to the police, and, if relevant, to the University.
- 2.15 Where alleged misconduct constitutes a criminal offence, the University may investigate or take disciplinary action whether or not the matter has been referred to the police and whether or not criminal proceedings have begun or been completed.
- 2.16 The University may, at its discretion, suspend any internal investigation or disciplinary action on any alleged criminal misconduct to await the outcome of any criminal proceedings. The decision whether or not to suspend the University disciplinary process is taken collectively by the Academic Registrar and Chair of the University Discipline Committee and would be reported to the University Discipline Committee.
- 2.17 The University may investigate and take disciplinary action on alleged misconduct whatever the outcome of any external proceedings about the same matter and irrespective of whether external proceedings have been concluded. Where a student is convicted of or cautioned or warned for an offence, this may be relied upon as evidence in any University proceedings provided that the circumstances leading to that conviction are directly relevant to those proceedings.
- 2.18 Any sentence or order pronounced by a court may be taken into account in the imposition of any disciplinary penalty.

## **Student Discipline Policy and Procedures**

### **3. Categories of Disciplinary Offences and Procedures for Preliminary Consideration**

3.1 Offences are categorised below:

- (a) Academic Misconduct: subdivided as Category A or Category B offences on the basis of the apparent gravity of the offence and the penalty that could be imposed if an allegation is substantiated;

In the following circumstances alleged offences falling into the categories listed will be classified as Category A offences:

- i) A repeat of a previous offence;
- ii) Where the penalty to be imposed might require a student to withdraw from the University;
- iii) In the case of any student other than a postgraduate student, where an allegation has been considered as a Category B offence, and where the penalty imposed might alter the final award;
- iv) In the case of a postgraduate student, when an allegation has been considered as a Category B offence, if as a consequence of the penalty imposed there would be no opportunity for a student to complete the programme of study.

- (b) Non-academic Misconduct: subdivided into Major or Minor offences on the basis of the apparent gravity of the offence and the penalty that could be imposed if an allegation is substantiated.

3.2 The University shall have the right to investigate any allegation of misconduct against a student and may take disciplinary action where it decides, on the balance of probabilities, that a disciplinary offence (as defined above) has been committed.

3.3 The Procedures and responsibility for the initial consideration of cases in determining the classification of the offence are set out below. It is the duty of every member of staff, in whose opinion a breach of discipline may have occurred, to report the incident as soon as possible to the relevant member of staff with responsibility for considering the allegation.

3.4 Based upon the nature of the incident, responsibility for the consideration of cases in determining the categorisation of an alleged offence is summarised below:

Nature of case	Member of staff to whom a report should be submitted for consideration	Category of offence that may be determined
Academic nature as defined in Section 2 above	<p>Head of School of a student's School or his/her nominee.</p> <p>A Head of School may delegate authority to a member of the academic staff in the School with appropriate experience for the purpose of the procedures. It is envisaged that such authority would be delegated to one or two individuals in each School.</p> <p>For a student located at the Dubai Campus or the Malaysia Campus the case would normally be considered by an appropriate nominee of the Head of the student's School who is based at the Campus.</p> <p>For a student who is not enrolled with a particular School, the University Discipline Committee will assign a Head of School to consider a case of alleged academic misconduct.</p> <p>A case of alleged misconduct in a course offered by a School other than a student's home School should be referred for consideration by the Head of the student's home School and the penalty applied, if an allegation is substantiated, should be agreed in consultation with the School offering the course.</p> <p>For the purposes of these Procedures the person conducting the consideration of the case shall be referred to as the Head of School.</p>	Category A or B
Misuse of Information Services facilities	<p>Director of Information Services or his/her nominee</p> <p>If the student is located at the Dubai Campus or the Malaysia Campus the case will normally be considered by a nominee of the Director of Information Services who is based at the Campus.</p>	Major or Minor
Incidents involving traffic offences at the Scottish Campuses	Security and Operations Manager or his/her nominee	Major or Minor
Incidents involving unacceptable behaviour of a non-academic nature not covered above	<p>Academic Registrar or his/her nominee</p> <p>For a student located at the Dubai Campus: The Vice-Principal (Dubai) or his/her nominee.</p> <p>For a student located at the Malaysia Campus: The Vice-Principal (Malaysia) or his/her nominee.</p>	Major or Minor
<b>Cases Requiring Immediate Consideration: See Section 7.</b>		
<p><b>Scottish Borders Campus:</b> For incidents involving the unacceptable behaviour of students at the Scottish Borders Campus, the University's disciplinary procedures will be followed in all instances except the following:</p> <ul style="list-style-type: none"> <li>• For offences involving students of Borders College, occurring in areas of the Campus occupied by Heriot-Watt University or involving Heriot-Watt University staff and/or students, such cases should be referred to the designated member of staff of Borders College for action;</li> <li>• For offences involving students of both the University and of Borders College, either on the Campus or elsewhere, the University Academic Registrar and the designated member of staff of Borders College shall consult and decide the appropriate course of action to be undertaken, and the disciplinary procedures to be applied (i.e. the University's and/or the College's procedures).</li> </ul>		

3.5 Any member of staff reporting a case of alleged misconduct should normally submit an Incident Report Form to the relevant member of staff above. Incident Report Forms are available at <https://intranet.hw.ac.uk/ps/registry/ar/studentdisc/Pages/default.aspx>. For incidents of a non-academic nature reports may be submitted on *Safeguard* (an electronic health and safety incident management system). A written record should be maintained of meetings held with students involved in cases of alleged misconduct. Any documentation on a matter of alleged misconduct, including letters, emails, photographs or reports, may need to be disclosed to relevant parties during the consideration of a case of alleged misconduct and, therefore, should be factual and balanced. All records of individual cases should be retained in accordance with the University Records Management Policy.

In cases of alleged academic misconduct, an Incident Report Form must be used and all required evidence and documentation must be included with the submission. Examples of evidence and documentation are as follows:

- (a) Plagiarism: the student's work showing plagiarised material; the Turnitin report; copies of sources of material, relevant pages of the Student Handbook;
- (b) Examination Misconduct: examination script(s); confiscated material; Examination Report Form from the invigilator.
- (c) Collusion: copy of student's works showing relevant material; work alleged to have been copied, relevant pages of the Student Handbook.

Original evidence should be submitted. All evidence submitted should be clearly referenced with relevant extracts marked in dark ink. Additional evidence may be sought at any stage during the process of consideration of an alleged breach of discipline.

- 3.6 Work in which alleged academic misconduct has been identified should be withdrawn from the assessment process until any investigation into alleged misconduct has been concluded. A student should be informed that this has occurred.
- 3.7 When an examination irregularity occurs, the student must hand over to the invigilator any unauthorised material and will normally be permitted to continue with the examination. The invigilator will retain the confiscated material at the conclusion of the examination and return it to the Academic Registry with the Examination Report Form. The Invigilator's Handbook contains guidance for invigilators on the procedures to follow in the event of an examination irregularity.
- 3.8 Any student against whom an allegation is being made will be informed if a case is being submitted for consideration by an appropriate member of staff of the University. Such a student should fully co-operate with the University during the investigation of an allegation of misconduct and should be prepared to attend meetings if required in connection with the investigation into allegations of misconduct.
- 3.9 A student undertaking a programme of study at an Approved Learning Partner, collaborative partner, or other recognised partner institution or organisation, or by distance learning, is expected to be available for interview, if required, by means of teleconferencing.
- 3.10 A preliminary review of an alleged offence shall be carried out by the relevant member of staff as soon as possible. The relevant member of staff will either:
- (a) Dismiss the allegation;
  - (b) Carry out a detailed investigation.
- 3.11 If the member of staff believes that the student(s) should be suspended whilst an investigation is carried out, the member of staff shall make such a recommendation to the Chair of the University Discipline Committee. Such a suspension should only be imposed if it is considered in the best interests of the University, its staff or students, or the student concerned, or is necessary to ensure an effective investigation.

- 3.12 If a written statement is requested as part of a disciplinary process, and is not received within five working days, consideration of the case may proceed in the absence of such a statement.
- 3.13 Arrangements for recording cases on the student discipline sharepoint log and, where appropriate, penalties on the University's student record system: Cases should be logged on the sharepoint log and the student records system following the procedures available on the of the Academic Registry website at: <https://intranet.hw.ac.uk/ps/registry/ar/studentdisc/Pages/default.aspx>
- 3.14 Penalties imposed that include voiding a course or part thereof, and allowing reassessment in the course, will require a student to pay the relevant reassessment fee. When a course is voided, any further reassessment will be classed as the subsequent opportunity.
- 3.15 Tariffs of penalties for academic and non-academic misconduct are detailed in Appendix A. They provide a point of reference for appropriate staff and bodies with responsibility for imposing penalties and show recommended penalties based upon the circumstances presented.
- 3.16 Offences of an academic nature identified following graduation and involving academic misconduct in academic work which contributed towards a University award will be considered under the University's Student Discipline Policy and Procedures. In such cases even if they have graduated the term 'student' in the Procedures shall mean the person against whom an allegation is being made.

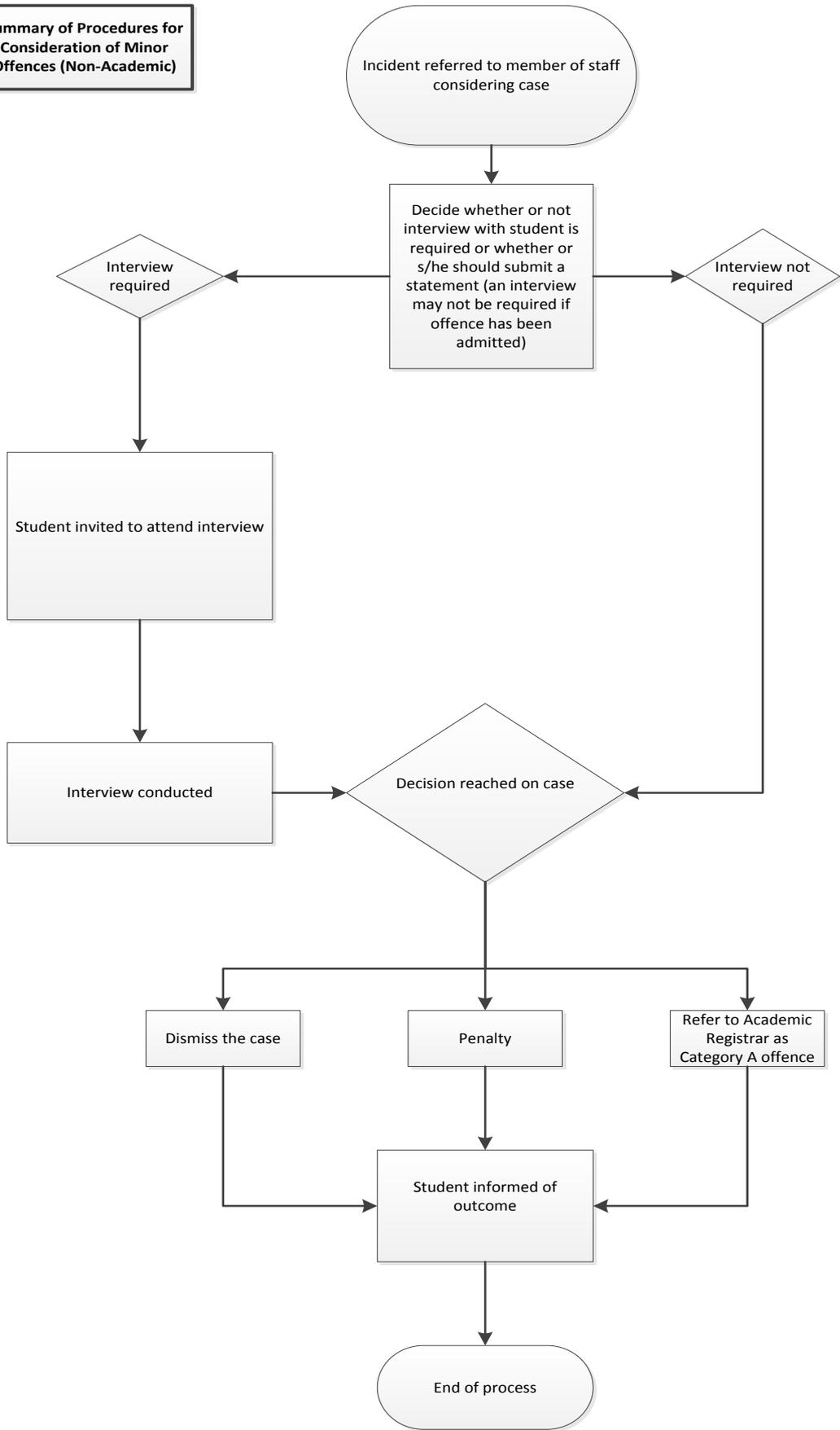
## **Student Discipline Policy and Procedures**

### **4. Procedures for the Consideration of Minor Offences (Non-Academic offences)**

- 4.1 The appropriate member of staff of the University defined in Section 3 above shall consider disciplinary matters involving alleged Minor offences.
- 4.2 The member of staff dealing with the case will be responsible for all official correspondence and communication in connection with the consideration and disposal of the case. The member of staff shall be responsible for recording the case in accordance with paragraph 4.14.
- 4.3 Before making a decision with regard to a case which has been deemed to be Minor in nature, the member of staff dealing with the case will decide whether or not the student involved should be interviewed and whether or not it would be helpful for the student to submit a statement regarding the case. The member of staff may choose not to hold an interview in cases where a student has admitted an offence and this has been recorded on the report into the incident.
- 4.4 If an interview is to take place the student should be invited in writing to attend unless the circumstances of the case require an interview to take place as soon as possible, in which case a verbal invitation will be issued. Wherever possible the student should be notified in advance of the meeting of:
- (a) Details of the alleged offence (usually contained in the Incident Report Form);
  - (b) The evidence under consideration;
  - (c) A request for a statement from the student;
  - (d) Details of the website containing the Procedures;
  - (e) Details of the date, time and place set for the meeting.
- 4.5 The member of staff may invite witnesses to attend the interview to provide additional information where relevant. In such circumstances a student may be accompanied, if he or she so wishes, by one other individual who is a student of the University or a member of staff of the University or a representative of the Student Union. Under no circumstances may a student be represented by an external organisation. Only in exceptional circumstances shall the expenses of those attending be reclaimable.
- 4.6 The member of staff of the University dealing with the case is responsible for the maintenance of all records relating to the interview. He or she shall make arrangements for a record of the meeting to be taken.
- 4.7 If, following a request to attend an interview, a student does not respond to the request, the member of staff considering the case shall consider it in the absence of the student in accordance with paragraph 1.12.
- 4.8 A suggested procedure for the interview is as follows:
- (a) Establish and confirm the names and identities of everyone present at the meeting;
  - (b) Ascertain whether the student wishes to speak for himself or herself;
  - (c) Explain the allegation and the procedures and ensure that the student understands these;
  - (d) Give the student an opportunity to admit or deny the allegation, explain his/her view and offer extenuating circumstances in defence of his/her actions;
  - (e) Put questions to the student regarding the allegation;
  - (f) Ask the student and the person accompanying them to leave the room while the evidence and the student's statement are considered;
  - (g) The standard of proof shall be the balance of probabilities;
  - (h) In determining any penalty the student's previous record should be taken into account;
  - (i) Once a decision has been reached, the student and the person accompanying him/her will be invited back into the room and will be informed of the decision that has been made on the case and that written confirmation of the decision and any penalty imposed will be provided.

- 4.9 In considering a case the member of staff shall take into account the criteria set out in the tariff of penalties, and all the surrounding circumstances, including any past offences or penalties imposed on the student which are relevant to the case. The academic consequences of any penalty to be imposed will also be taken into consideration.
- 4.10 The member of staff considering the case is empowered to impose a penalty based upon the tariff of penalties in Appendix A. Financial penalties for Minor offences may be imposed up to a maximum of £250.
- 4.11 If at any stage the member of staff decides that the alleged offence is of a Major nature, he or she should forward the case to the Academic Registrar for consideration by the University Discipline Committee.
- 4.12 The student will receive written notification normally within ten working days of the decision of the member of staff considering the case. Every reasonable effort will be made to meet this time limit. Where it is not met the student will receive an explanation for the delay. The notification shall include a statement of facts held to be proved, the substance of any findings that such facts constitute a breach of discipline, and a record of any penalty imposed. A copy of the written notification should be submitted to a student's Head of School and to the Academic Registrar. In addition a copy of the written notification should be sent to other relevant staff whom it is considered should be aware of the penalty. Confidentiality will be maintained as appropriate.
- 4.13 The student's record on the University student record system and the student discipline sharepoint log should be modified by the member of staff considering the case as appropriate in accordance with the procedures referred to in paragraph 3.13.
- 4.14 A record must be kept of each case considered as a Minor offence including the evidence considered, the notes of the interview with the student, and correspondence.
- 4.15 A student has the right of appeal against the decision of a member of staff on a Minor offence. Details of the procedure for the submission and consideration of an appeal are set out in Section 6.

**Summary of Procedures for Consideration of Minor Offences (Non-Academic)**



## **Student Discipline Policy and Procedures**

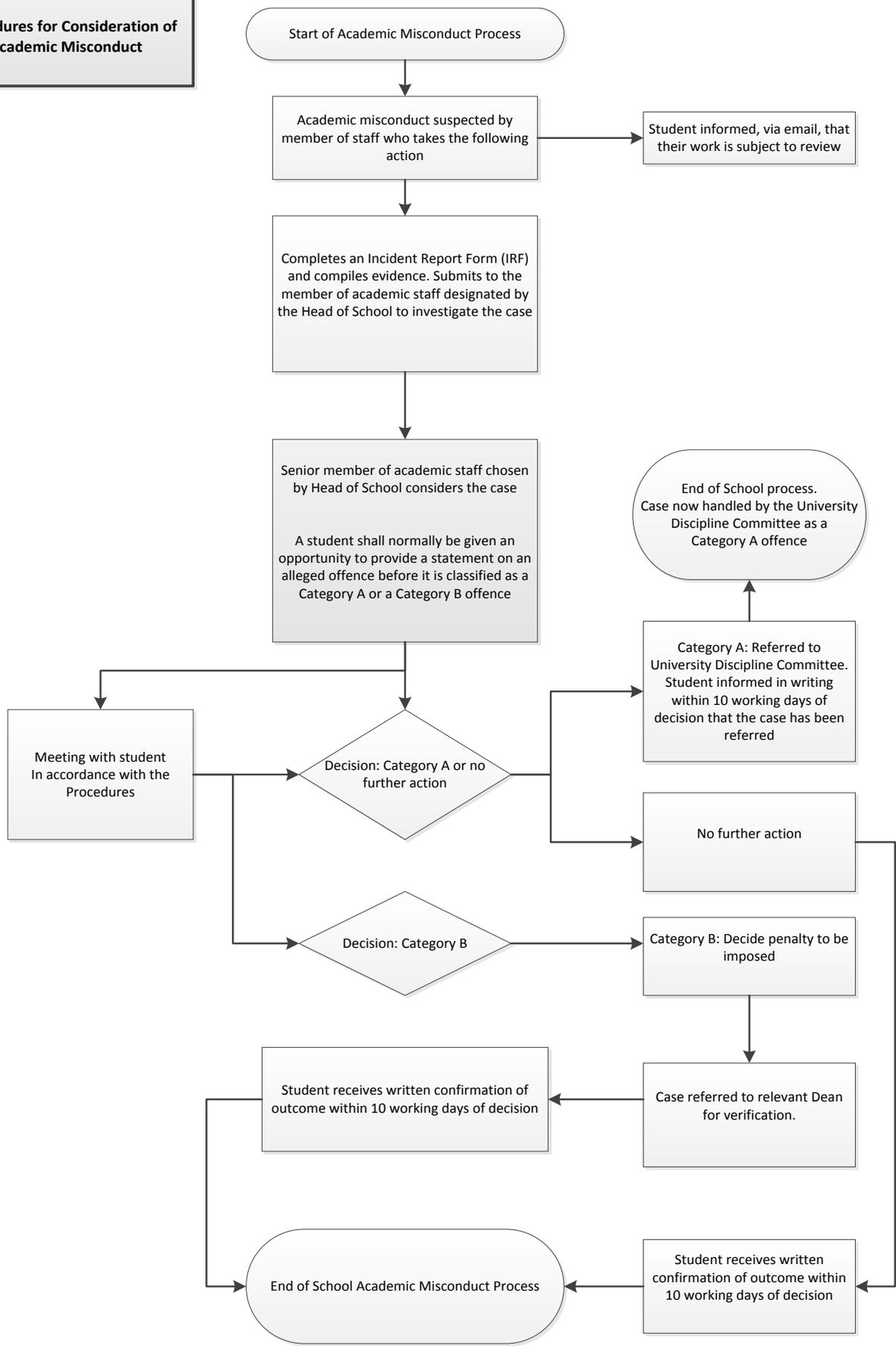
### **5. Procedures for the Consideration of Category B Offences (Academic offences)**

- 5.1 In the first instance each case involving alleged academic misconduct as defined in Section 3 will be considered as a Category B offence and will be dealt with by the Head of the student's home School as defined in Section 3. Any investigation should establish whether or not academic misconduct has taken place and whether or not it should be classified as a Category A or Category B offence.
- 5.2 If the Head of School has had previous involvement in any matter relating to the alleged academic misconduct this shall be disclosed and he or she shall appoint a member of academic staff with appropriate experience to conduct the consideration of the case ensuring that the member of staff has had no previous involvement with the case.
- 5.3 The criteria for determining whether an alleged offence is a Category A or Category B offence are set out in Section 3. To assist in determining the category of offence, confirmation should be sought from the Academic Registry on whether or not the student against whom an allegation is being made has previously been found guilty of a Category A or Category B offence. A student shall normally be given an opportunity to provide a statement on an alleged offence before it is classified as a Category A or a Category B offence. A case shall be deemed to be a Category A offence if the relevant criteria are met and, as such, shall be referred to the University Discipline Committee.
- 5.4 As part of the process of determining the category of an alleged offence, the Deans may be consulted.
- 5.5 Any case of alleged academic misconduct referred to the Head of School should be presented on an Incident Report Form with all relevant information and documentation as detailed in paragraph 3.5 above.
- 5.6 Having decided on the category of the offence, the Head of School will write to the student to inform him/her of the category. In the case of a Category A offence, the student will be informed of the reasons for reaching the decision and the referral of the case to the University Discipline Committee. For cases determined to be Category B offences, the Head of School will write to the student advising him/her that the case will be considered as a Category B offence.
- 5.7 Category B offences will be considered by the Head of School and one other member of academic staff selected by the Head of School. The member of academic staff selected should not be the student's Mentor or Programme Director and should not be directly involved with the course in which the alleged offence has occurred. In a case involving a course offered by another School the member of academic staff should be from the School in which the course is offered but should not be directly involved with the course in which the alleged offence has occurred. Normally the student will be expected to be present when the case is considered. A student undertaking a programme of study at an Approved Learning Partner, collaborative partner or other recognised partner institution or organisation, or by distance learning, is expected to be available for interview, if required, by means of teleconferencing.
- 5.8 If, following a request to attend an interview, a student does not respond to the request, the member of staff considering the case shall consider it in the absence of the student in accordance with paragraph 1.12.
- 5.9 The student should be invited in writing to attend the meeting at which the case will be considered and should be given notice of at least five working days. The following should be included with the notice:
  - (a) Details of the alleged offence (usually contained in the Incident Report Form);
  - (b) The evidence under consideration;
  - (c) A request for a statement from the student;
  - (d) Details of the website containing the Procedures;

- (e) Details of the date, time and place set for the meeting;
  - (f) The right to be accompanied at the meeting.
- 5.10 For the meeting, a student may be accompanied, if he or she so wishes, by one other individual who is a student of the University or a member of staff of the University or a representative of the Student Union. Under no circumstances may a student be represented by an external organisation. Only in exceptional circumstances shall the expenses of those attending be re-claimable.
- 5.11 The Head of School may invite witnesses to attend the interview to provide additional information where relevant. In such circumstances a student may be accompanied, if he or she so wishes, by one other individual who is a student of the University or a member of staff of the University or a representative of the Student Union. Under no circumstances may a student be represented by an external organisation. Only in exceptional circumstances shall the expenses of those attending be re-claimable.
- 5.12 A suggested procedure for the interview is as follows:
- (a) Establish the names and identities of everyone present at the meeting;
  - (b) Ascertain whether the student wishes to speak for himself or herself;
  - (c) Explain the allegation and the procedures and ensure that the student understands these;
  - (d) Give the student an opportunity to admit or deny the allegation, explain his/her view and offer extenuating circumstances in defence of his/her actions;
  - (e) Put questions to the student regarding the allegation;
  - (f) Ask the student and the person accompanying them to leave the room while the evidence and the student's statement are considered;
  - (g) The standard of proof shall be the balance of probabilities;
  - (h) In determining any penalty the student's previous academic record should be taken into account;
  - (i) Once a decision has been reached, the student and the person accompanying him/her will be invited back into the room and will be informed of the decision that has been made on the case, highlighting that the decision will be subject to the Dean's verification and, as such, it is possible that the decision could change. The student will be informed that written confirmation of the decision and any penalty imposed will be provided.
- 5.13 The Head of School is responsible for the maintenance of all records relating to the meeting. He or she shall make arrangements for a record of the meeting to be taken.
- 5.14 Once the case has been considered and a decision reached, and where appropriate a penalty agreed, the case will be referred to the relevant Dean for verification and to ensure consistency of practice and penalties imposed. The Dean will be provided with the relevant information to verify the penalty and will decide what information he or she requires in order to verify a penalty. The Dean will not normally consider a case involving a student in his/her own School. Such cases will be referred to another Dean for consideration.
- 5.15 If a Dean disagrees with the decision reached by the School, the Dean will meet with the staff involved in the consideration of the case to discuss the case with a view to reaching a shared decision.
- 5.16 Once the Dean has verified the decision the student will normally receive written notification from the School within ten working days of the decision. Every reasonable effort will be made to meet this time limit. Where it is not met, the student will receive an explanation for the delay. The notification should include a statement of the facts held to be proven, the substance of any findings that such facts constitute a breach of discipline, and a record of any penalty imposed. The appellant will also be advised of his/her right of appeal.
- 5.17 The student's record on the University student record system and the student discipline sharepoint log should be modified by the School as appropriate in accordance with the procedures referred to in paragraph 3.13.

- 5.18 A record must be kept of each case considered as a Category B offence including the evidence considered, the notes of the interview with the student, and correspondence.
- 5.19 A student has the right of appeal against the decision reached by a School on a Category B offence. Details of the procedure for the submission and consideration of an appeal are set out in Section 6.

**Procedures for Consideration of Academic Misconduct**



## Student Discipline Policy and Procedures

### 6. Appeals for Minor Offences (Non-Academic) and Category B (Academic) Offences

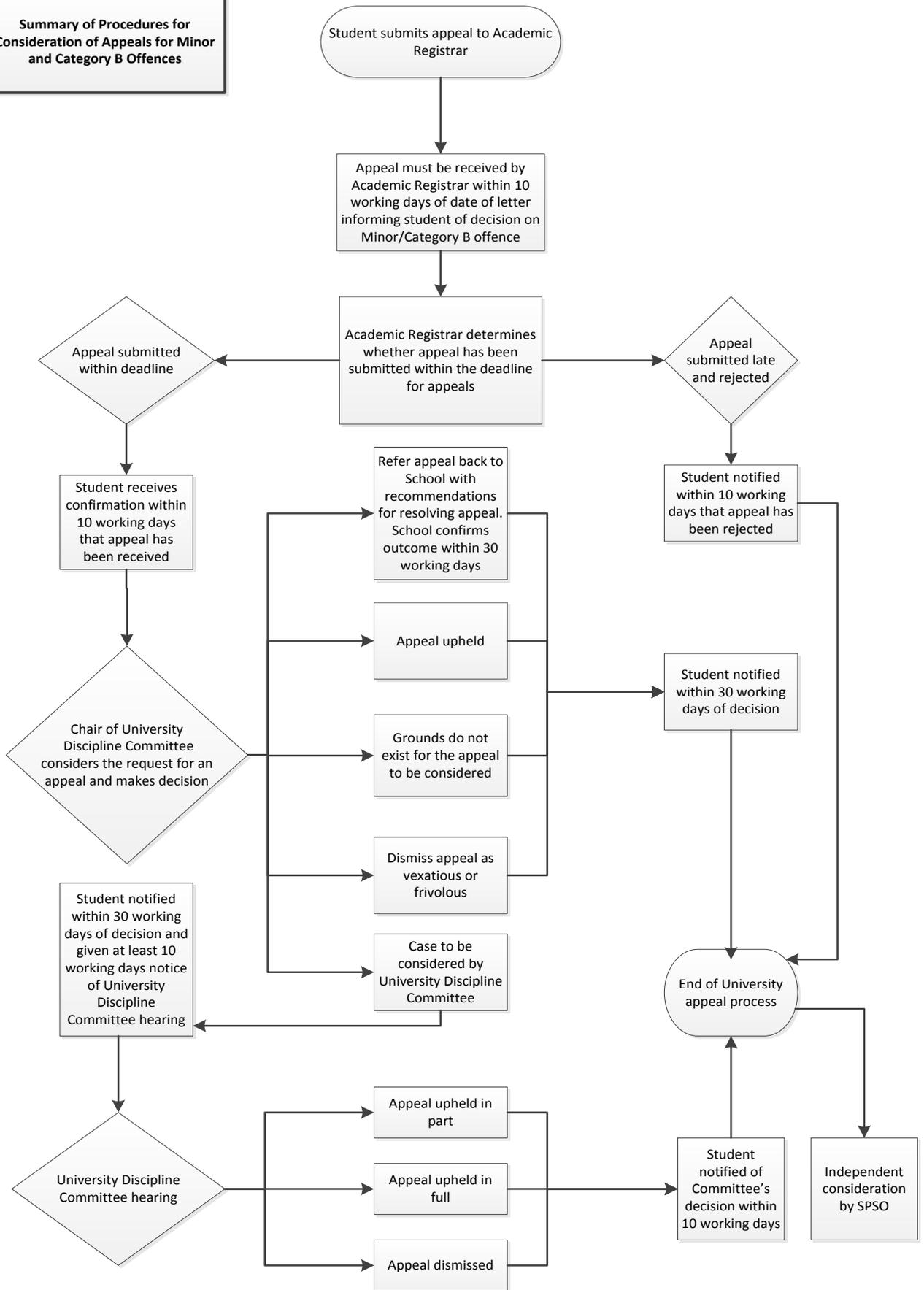
- 6.1 A student has the right of appeal against the decision on a Minor offence or a Category B offence made in accordance with these Procedures. An appeal can be submitted on one or more of the following grounds:
- (a) There was a procedural irregularity in the process undertaken;
  - (b) The decision reached was manifestly perverse (this will not apply in the case of an offence admitted by a student);
  - (c) The penalty imposed was not commensurate with the seriousness of the offence;
  - (d) New evidence has been made available that could not be available at the time of the previous consideration of the case and which is felt to have a material effect on the decision made on the case.
- 6.2 The appeal should be made in writing to the Academic Registrar within ten working days of the date of the letter informing a student of a decision made. The appeal must state the grounds for appeal as contained in paragraph 6.1, and must specify whether or not the student accepts the statement of facts held to be proven. The burden of proof is on the student to demonstrate the reason for the appeal. The Academic Registrar will acknowledge receipt of the appeal within ten working days. An appeal may be rejected by the Academic Registrar if it is not submitted within the time limit set out above. If the appeal is rejected for this reason the student will be informed within ten working days of the receipt of his/her letter of appeal. If the appeal relates to a decision made by the Academic Registrar, the Secretary of the University shall assign another member of staff to manage the appeal process.
- 6.3 The Chair of the University Discipline Committee shall consider any request for an appeal and shall have the following powers:
- (a) To refer the case back to the member of staff who considered the case previously. The Chair shall provide recommendations for resolving the appeal. The member of staff will confirm the outcome within thirty working days of the case being referred back to him/her;
  - (b) To determine that the appeal be upheld;
  - (c) To determine that there is a case to be considered by the University Discipline Committee;
  - (d) To determine that on the basis of the appeal submission, grounds do not exist for the appeal to be considered and that there is not a case requiring further investigation;
  - (e) To determine that the appeal is vexatious or frivolous and to dismiss it as such.
- 6.4 In the case of 6.3 (a), (b), (d) and (e), the Academic Registrar will write to the student within thirty working days of receipt of the appeal to advise him/her of the Chair's decision and the reasons for the judgement.
- 6.5 Where a case is to be referred to the University Discipline Committee in accordance with paragraph 6.3 (c), the appeal hearing should take place as soon as practicable. The Academic Registrar will appoint a Clerk who will notify the student that his/her appeal is valid under 6.3 above and who will be responsible for making the arrangements for the hearing and the maintenance of all records relating to the hearing.
- 6.6 In appeals referred to the University Discipline Committee, the Clerk will write to the student at least ten working days prior to the hearing to confirm the arrangements for the hearing. The student will be provided with:
- (a) A statement of the grounds upon which his/her appeal is to be considered;
  - (b) A copy of any documents to be considered in connection with the appeal including any record of the meeting at which the original decision was made on the case;
  - (c) Notification of the right to be accompanied by a person of the student's choice as detailed in paragraph 6.8.

- (d) A statement to the effect that new witnesses may be called in support of the grounds of appeal and that the University has the right to call witnesses on its behalf;
  - (e) A summary of the student's academic record;
  - (f) The date, time and place of the hearing, and those who will be present;
  - (g) Details of the web site at which the Procedures are located.
- 6.7 If, following a request to attend a hearing, a student does not respond to the request the appeal shall be considered in the absence of the student in accordance with paragraph 1.12.
- 6.8 For the hearing a student may be accompanied, if he or she so wishes, by one other individual who is a student of the University or a member of staff of the University or a representative of the Student Union. Under no circumstances may a student be represented by an external organisation. Only in exceptional circumstances shall the expenses of those attending be re-claimable. The student must confirm, at least five working days prior to the hearing, the name of any individual accompanying him/her and in what capacity he or she is accompanying the student.
- 6.9 A copy of any evidence intended for the University Discipline Committee should be submitted by the student to the Clerk at least five working days prior to the hearing.
- 6.10 A member of staff or a Warden may be required to attend a hearing either as a witness or to clarify circumstances related to an incident or to advise the Committee on the impact of proposed penalties.
- 6.11 The University Discipline Committee may seek the assistance of a suitably qualified person at a hearing where it is considered to be beneficial. The student should be advised of such attendance at least five working days prior to a hearing. Such persons are not entitled to participate in Committee decisions, but may provide advice to the University Discipline Committee at the invitation of the Chair.
- 6.12 The student will be informed at least five working days prior to the hearing of the names of any witnesses who will appear at the request of the University and will be supplied with a copy of any additional evidence which the University intends to present for the hearing. In accordance with legal guidance a student will be warned that such information may not be released to a third party without a prior written request to, and authorisation from, the University.
- 6.13 The University Discipline Committee may seek the assistance of a suitably experienced member of staff, not previously involved in a case, to provide information on a programme structure or the feasibility of any academic penalty as appropriate. Such a person will not be entitled to participate in Committee decisions, but would provide advice to the University Discipline Committee at the invitation of the Chair either during a hearing or when the Committee is sitting in private to discuss the case in advance of the hearing or in reaching its decision following the hearing.
- 6.14 A student who is undertaking a programme of study overseas will not normally be expected to attend a hearing and arrangements may be made for the hearing to be conducted by means of teleconferencing where this is required and is practicable. Any student who is required to attend a hearing (whether by electronic means or in person) will be liable for payment of travel and any other expenses incurred. Only in exceptional circumstances shall the expenses for attending be re-claimable.
- 6.15 When conducting a hearing the University Discipline Committee will comprise at least three members of the Committee who have not previously had any involvement in the case under consideration. This ensures that there is no conflict of interest in relation to the student(s) involved.
- 6.16 The University Discipline Committee will receive copies of the documentation provided for the student as detailed in paragraph 6.6 and any statement submitted by the student or witnesses. The papers for the University Discipline Committee will be treated as strictly confidential, save in exceptional circumstances where the University Discipline Committee, with the agreement of the student, decides otherwise.
- 6.17 The suggested procedure for the hearing is as follows:

- (a) The University Discipline Committee will meet in private prior to the hearing to agree the issues to be addressed and the details of how the hearing will be conducted. The Clerk shall be present.
- (b) A record will be kept of all persons attending the hearing and whether or not the student has elected to be accompanied, or if the student has failed or declined to attend the hearing and the Chair's decision in accordance with paragraph 1.12, including the reasons for it;
- (c) The hearing will be conducted fairly but will not seek to replicate a court of law and will ensure that all relevant facts are considered by the Committee. A suggested procedure is as follows:
- (d) The Chair will:
  - Establish the names and identities of everyone present at the hearing and confirm the names of any witnesses who will be supplying evidence.
  - Explain the powers of the University Discipline Committee and summarise the process to date, the procedures for the hearing, the evidence received and indicate that all submissions have been shared with all the members present. When a submitted item has not been shared due to issues of confidentiality, this will be intimated at this stage.
  - Explain the purpose of the hearing,
  - Explain the possible outcomes of the hearing.
  - Explain that wherever possible the University Discipline Committee will wish to hear directly from the student.
- (e) The Chair will invite the appellant or the person accompanying him/her to make a statement in response to the opening remarks in relation to the procedures that will be followed or to seek clarification on matters of procedure.
- (f) The Chair will present the appeal, including submission of written or verbal statements from witnesses. The Chair may assign a member of the University Discipline Committee to lead on a case;
- (g) Members of the University Discipline Committee shall have the right to put questions to any persons attending the hearing;
- (h) The Chair and the Committee members will ask the student and the person accompanying him/her questions about the appeal;
- (i) The Chair will invite the student or the person accompanying him/her to present his/her case;
- (j) The University Discipline Committee will, if bound to do so by the requirements of natural justice in the circumstances of the case, give a student and the University Discipline Committee the opportunity to question witnesses;
- (k) The student and the person accompanying him/her will be given an opportunity to address questions through the Chair to anyone present at the hearing;
- (l) Where witnesses are to be heard they are only to be present for the duration of their own evidence;
- (m) Any witnesses submitting a written statement should be in attendance to answer any questions unless there are exceptional circumstances or the parties agree otherwise;
- (n) The Chair will invite the student or the person accompanying him/her to make a final statement;
- (o) Once the Chair is satisfied that the University Discipline Committee has completed its questioning and the student has had a full opportunity to convey information to the University Discipline Committee the Chair will then ask everyone except the members of the University Discipline Committee to withdraw;
- (p) The University Discipline Committee shall sit in private to discuss the case and make its decision. The Clerk shall be present. At this stage in the proceedings the member of staff referred to in paragraph 6.13 may be invited to provide information on a programme structure or the feasibility of any penalty that the Committee may consider imposing for academic misconduct. In determining any penalty to be imposed the Committee will take into account the criteria set out in the tariff of penalties and all the surrounding circumstances.
- (q) The standard of proof shall be the balance of probabilities;
- (r) Once the University Discipline Committee has reached its decision, the student and the person accompanying him/her will be invited back into the room and the Chair will inform the student of the findings of the University Discipline Committee as follows:
  - That the appeal is upheld in part;
  - That the appeal is upheld in full;
  - Any penalty imposed;
  - That the appeal is dismissed.

- (s) Inform the student that written confirmation of the decision will be provided;
  - (t) The hearing is closed at this point.
- 6.18 At any stage the University Discipline Committee may adjourn, continue or postpone a hearing for an appropriate period where there is good reason. Where an adjournment takes place that may affect the timetable for communicating the final decision, all parties will immediately be informed by the Clerk.
- 6.19 If for good reason there is any delay in the University Discipline Committee reaching a decision the Chair shall invite the student and the person accompanying him/her back into the room and will give an indication to those present of when the decision will be available and will confirm that a written decision will be sent to the student as soon as possible.
- 6.20 The Clerk will provide the student with written notification of the decision of the University Discipline Committee normally within ten working days of the decision being made. Every reasonable effort will be made to meet this time limit. Where it is not met, the student will receive an explanation for the delay. The notification shall include a statement of facts held to be proved, the substance of any findings that such facts constitute a breach of discipline, and a record of any penalty imposed. A copy of the written notification will be submitted to a student's Head of School and the Academic Registrar. In the case of academic offences, the Head of Registry Operations will receive a copy of the letter. In addition a copy of the letter will be sent to other relevant staff whom it is considered should be made aware of the penalty (e.g. the member of staff who submitted the case, the relevant School Director of Administration). The letter to the student will confirm the right of the student of referral to the Scottish Public Service Ombudsman as detailed in paragraph 6.25.
- 6.21 A copy of the letter will be placed in the student's file and retained in accordance with the University Records Management Policy.
- 6.22 The Chair may amend the procedures for the hearing to take account of varying circumstances. The Chair is responsible for ensuring that the hearing is conducted in a fair manner.
- 6.23 A student may be required to meet all or any of the expense of a hearing if at the conclusion of the hearing the Committee considers that the statement of facts in the decision is correct and that the appeal against such a statement of facts has been on frivolous grounds. Only in exceptional circumstances will the University consider contributing towards a student's expenses.
- 6.24 The student's record on the University student record system and the student discipline sharepoint log should be modified as appropriate by the Academic Registry in accordance with the procedures referred to in paragraph 3.13.
- 6.25 There is no further appeal available for Minor or Category B cases and there remains no further recourse to action through the internal University procedures. However, there is an opportunity for independent consideration of a case by the Scottish Public Service Ombudsman (SPSO) which can investigate whether an appeal has been handled appropriately by the University. A student will be advised, at the appropriate stage in the appeal process, of their right of referral to the Scottish Public Service Ombudsman (SPSO).

**Summary of Procedures for Consideration of Appeals for Minor and Category B Offences**



## Student Discipline Policy and Procedures

### 7. Procedures for the Consideration of Major (Non-Academic) Offences and Category A (Academic) Offences

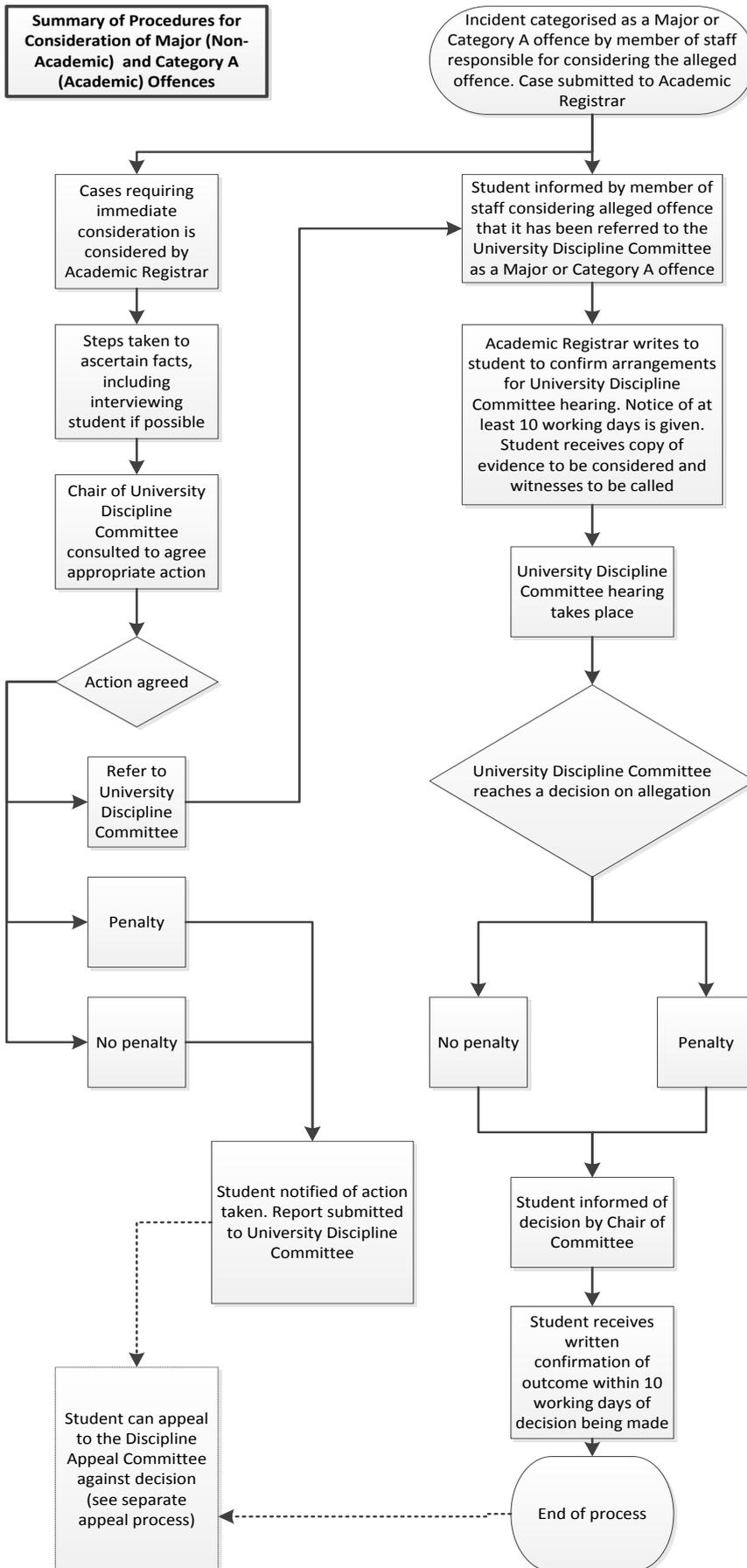
- 7.1 If the member of staff responsible for considering an alleged offence as defined in Section 3 decides that it should be considered as a Major or Category A offence it will be referred to the University Discipline Committee for consideration. Cases referred to the University Discipline Committee should be submitted to the Academic Registrar.
- 7.2 Cases Requiring Immediate Action:
- (a) When an incident has been deemed to be a Major Offence and requires immediate action because of the potential disruption or danger posed, or for any other valid reason, the Academic Registrar will consult with the Chair of the University Discipline Committee to agree appropriate action to be taken. In the absence of the Chair, one of the Deans, or in the absence of the Deans another member of the University Discipline Committee, will agree the appropriate action to be taken.
  - (b) Steps will be taken to ascertain the facts of the case prior to immediate action being taken. Following the immediate action taken, a report will be made to the University Discipline Committee in the form of a summary of the case, indicating the reasons for immediate consideration and including details of the action taken.
  - (c) When a student has been causing serious behavioural concerns resulting in the possibility of associated danger or disruption to staff or students of the University or the general public, the University's duty of care to others needs to be taken into account. It may be necessary to suspend a student from his/her studies and/or exclude him/her from the University while appropriate means of addressing the situation are considered. Relevant professional advice should be sought where appropriate.
  - (d) The student will receive written notification of the decision of the Chair of the University Discipline Committee. A copy of the written notification should be submitted to the Secretary of the University, the student's Head of School and any other relevant staff whom it is considered should be made aware of the penalty;
  - (e) The student's record on the University student record system and the student discipline sharepoint log should be modified as appropriate by the Academic Registry in accordance with the procedures referred to in paragraph 3.13.
  - (f) Any student who wishes to appeal against a decision made under paragraph 7.2 should appeal to the University Discipline Appeal Committee in accordance with the procedures set out in Section 8.
- 7.3 The Academic Registrar will appoint a Clerk to the University Discipline Committee who is responsible for making the arrangements for the hearing of a case and the maintenance of all records relating to the hearing.
- 7.4 In cases referred to the University Discipline Committee under paragraph 7.1, the Clerk will write to the student at least ten working days prior to the hearing to confirm the arrangements for the hearing. The student will be provided with:
- (a) Details of the alleged offence including the reason why the case has been classified as a Category A offence;
  - (b) A copy of any evidence under consideration;
  - (c) Notification of the right to be accompanied by a person of the student's choice as detailed in paragraph 7.6;
  - (d) A statement to the effect that witnesses may be called in support of the allegation and that the student has the right to call witnesses in support of his/her case;
  - (e) A summary of the student's academic record;
  - (f) The date, time and place of the hearing, and those who will be present;
  - (g) Details of the website at which the Procedures are located.

With the consent of the student the notice period of ten working days may be reduced.

- 7.5 If, following a request to attend a hearing, a student does not respond to the request the case shall be considered in the absence of the student in accordance with paragraph 1.12.
- 7.6 For the hearing a student may be accompanied, if he or she so wishes, by one other individual who is a student of the University or a member of staff of the University or a representative of the Student Union. Under no circumstances may a student be represented by an external organisation. Only in exceptional circumstances shall the expenses of those attending be re-claimable. The student must confirm, at least five working days prior to the hearing, the name of any individual accompanying him/her and in what capacity he or she is accompanying the student.
- 7.7 A copy of any evidence intended for the University Discipline Committee should be submitted by the student to the Clerk at least five working days prior to the hearing.
- 7.8 A member of staff or a Warden may be required to attend a hearing either as a witness or to clarify circumstances related to an incident or to advise the Committee on the impact of proposed penalties.
- 7.9 The University Discipline Committee may seek the assistance of a suitably qualified person at a hearing where it is considered to be beneficial. The student should be advised of such attendance at least five working days prior to a hearing. Such persons would not be entitled to participate in Committee decisions, but would provide advice to the University Discipline Committee at the invitation of the Chair.
- 7.10 The student will be informed at least five working days prior to the hearing of the names of any witnesses who will appear at the request of the University and will be supplied with a copy of any additional evidence which the University intends to present for the hearing.
- 7.11 The University Discipline Committee may seek the assistance of a suitably experienced member of staff, not previously involved in a case, to provide information on a programme structure or the feasibility of any academic penalty as appropriate. Such a person will not be entitled to participate in Committee decisions, but will provide advice to the University Discipline Committee at the invitation of the Chair either during a hearing or when the Committee is sitting in private to discuss the case in advance of the hearing or in reaching its decision following the hearing.
- 7.12 A student who is undertaking a programme of study overseas will not normally be expected to attend a hearing and arrangements may be made for the hearing to be conducted by means of teleconferencing where this is required and is practicable. Any student who is required to attend a hearing (whether via electronic means or in person) will be liable for payment of travel and any other expenses incurred. Only in exceptional circumstances shall the expenses of those attending be re-claimable.
- 7.13 When conducting a hearing the University Discipline Committee will comprise at least three members of the Committee who have not previously had any involvement in the alleged offence. This ensures that there is no conflict of interest in relation to the student(s) involved. The composition of the University Discipline Committee is set out in Regulation 50.
- 7.14 The University Discipline Committee will receive copies of the documentation provided for the student as detailed in paragraph 7.4 and any statement submitted by the student or witnesses. The papers for the University Discipline Committee will be treated as strictly confidential, save in exceptional circumstances where the University Discipline Committee, with the agreement of the student, decides otherwise.
- 7.15 The suggested procedure for the hearing is as follows:
- (a) The University Discipline Committee will meet in private prior to the hearing to agree the issues to be addressed and the details of how the hearing will be conducted. The Clerk shall be present.

- (b) A record will be kept of all persons attending the hearing and whether or not the student has elected to be accompanied, or if the student has failed or declined to attend the hearing and the Chair's decision in accordance with paragraph 1.12, including the reasons for it;
- (c) The hearing will be conducted fairly but will not seek to replicate a court of law and will ensure that all relevant facts are considered by the Committee.
- (d) If the allegations involve several students, the Chair may decide to hear the allegations at one hearing subject to there being no reasonable objection from the student; A suggested procedure is as follows:
- (e) The Chair will:
  - Establish the names and identities of everyone present at the hearing and confirm the names of any witnesses who will be supplying evidence.
  - Explain the powers of the University Discipline Committee and summarise the process to date, the procedures for the hearing, the evidence received and indicate that all submissions have been shared with all the members present. When a submitted item has not been shared due to issues of confidentiality, this will be reported at this stage.
  - Explain the purpose of the hearing.
  - Explain the penalties which are possible outcomes of the hearing if the allegation of misconduct is upheld.
  - Explain that wherever possible the University Discipline Committee will wish to hear directly from the student.
- (f) The Chair will invite the appellant or the person accompanying him/her to make a statement in response to the opening remarks in relation to the procedures that will be followed or to seek clarification on matters of procedure.
- (g) The Chair will present the alleged case against the student, including submission of written or verbal statements from witnesses. The Chair may assign a member of the University Discipline Committee to lead on a case;
- (h) Members of the University Discipline Committee shall have the right to put questions to any persons attending the hearing;
- (i) The Chair and the Committee members will ask the student and the person accompanying him/her questions about the alleged offence;
- (j) The Chair will invite the student or the person accompanying him/her to present his/her case;
- (k) The University Discipline Committee will, if bound to do so by the requirements of natural justice in the circumstances of the case, give a student and the University the opportunity to question witnesses;
- (l) The student and the person accompanying him/her will be given an opportunity to address questions through the Chair to anyone present at the hearing;
- (m) Where witnesses are to be heard they are only to be present for the duration of their own evidence;
- (n) Any witness submitting a statement should be in attendance to answer questions unless there are exceptional circumstances or the parties agree otherwise;
- (o) The Chair will invite the student or the person accompanying him/her to make a final statement;
- (p) Once the Chair is satisfied that the University Discipline Committee has completed its questioning and the student has had a full opportunity to convey information to the University Discipline Committee, the Chair will ask everyone except the members of the University Discipline Committee to withdraw.
- (q) The University Discipline Committee shall sit in private to discuss the case and make its decision. The Clerk shall be present. At this stage in the proceedings the member of staff referred to in paragraph 7.11 may be invited to provide information on a programme structure or the feasibility of any penalty that the Committee may consider imposing for academic misconduct. In determining any penalty to be imposed, the Committee will take into account the criteria set out in the tariff of penalties and all the surrounding circumstances.
- (r) The standard of proof shall be the balance of probabilities;
- (s) Once the University Discipline Committee has reached its decision, the student and the person accompanying him/her will be invited back into the room and the Chair will inform the student of the University Discipline Committee's decision on the case and any penalty imposed;
- (t) Inform the student that written confirmation of the decision will be provided;
- (u) The hearing is closed at this point.

- 7.16 At any stage the University Discipline Committee may adjourn, continue or postpone a hearing for an appropriate period where there is a good reason. Where an adjournment takes place that may affect the timetable for communicating the final decision, all parties will immediately be informed by the Clerk.
- 7.17 If for good reason there is any delay in the University Discipline Committee reaching a decision the Chair shall invite the student and the person accompanying him/her back into the room and will give an indication to those present of when the decision will be available and will confirm that a written decision will be sent to the student as soon as possible.
- 7.18 The Clerk shall provide the student with written notification of the decision of the University Discipline Committee normally within ten working days of the decision being made. Every reasonable effort will be made to meet this time limit. Where it is not met, the student will receive an explanation for the delay. The notification shall include a statement of facts held to be proved, the substance of any findings that such facts constitute a breach of discipline, and a record of any penalty imposed. A copy of the written notification will be submitted to a student's Head of School and the Academic Registrar. In the case of academic offences, the Head of Registry Operations will receive a copy of the letter. In addition a copy of the letter will be sent to other relevant staff whom it is considered should be made aware of the penalty (e.g. the member of staff who submitted the case, the relevant School Director of Administration).
- 7.19 A copy of the letter will be placed in the student's file and retained in accordance with the University Records Management Policy.
- 7.20 The Chair may amend the procedures for the hearing to take account of varying circumstances. The Chair is responsible for ensuring that the hearing is conducted in a fair manner and does not replicate a court of law.
- 7.21 The student's record on the University student record system and the student discipline sharepoint log should be modified as appropriate by the Academic Registry in accordance with the procedures referred to in paragraph 3.13.
- 7.22 A student has the right of appeal against the decision reached by University Discipline Committee in the case of a Major offence or Category A offence. Details of the procedure for the submission and consideration of an appeal are set out in Section 8.



## Student Discipline Policy and Procedures

### 8. Appeals for Major Offences and Category A Offences

- 8.1 A student has the right of appeal against the decision of the University Discipline Committee on a Major offence or Category A offence considered in accordance with these Procedures. An appeal can be submitted on one or more of the following grounds:
- (a) There was a procedural irregularity in the process undertaken;
  - (b) The decision reached was manifestly perverse (this will not apply in the case of an offence admitted by a student);
  - (c) The penalty imposed was not commensurate with the seriousness of the offence;
  - (d) New evidence has been made available that could not be available at the time of the previous consideration of the case and could have been expected to have materially affected the decision made on the case.
- 8.2 The appeal should be made in writing to the Academic Registrar within ten working days of the date of the letter informing a student of a decision made. The appeal must state the grounds for appeal as contained in paragraph 8.1, and must specify whether or not the student accepts the statement of facts held to be proven. The burden of proof is on the student to demonstrate the reason for the appeal. The Academic Registrar will acknowledge receipt of the appeal within ten working days. An appeal may be rejected by the Academic Registrar if it is not submitted within the time limit set out above. If the appeal is rejected for this reason the student will be informed within ten working days of receipt of the appeal by the Academic Registrar. If the appeal relates to a decision made by the Academic Registrar, the Secretary of the University shall assign another member of staff to manage the appeal process.
- 8.3 The Vice-Principal of the University shall consider any request for an appeal and shall have the following powers:
- (a) To refer the case back to the University Discipline Committee. The Vice-Principal shall provide recommendations for resolving the appeal. The University Discipline Committee will confirm the outcome within thirty working days of the case being referred back to it;
  - (b) To determine that the appeal be upheld;
  - (c) To determine that there is a case to be considered by the Discipline Appeal Committee;
  - (d) To determine that on the basis of the appeal submission, grounds do not exist for the appeal to be considered and that there is not a case requiring further investigation;
  - (e) To determine that the appeal is vexatious or frivolous and to dismiss it as such.
- 8.4 In the case of 8.3 (a), (b), (d) and (e), the Academic Registrar will write to the student within thirty working days of receipt of the appeal to advise him/her of the Vice-Principal's decision and the reasons for the judgement.
- 8.5 Where a case is to be referred to the Discipline Appeal Committee in accordance with paragraph 8.3 (c), the appeal hearing should take place as soon as practicable. The Academic Registrar will appoint a Clerk who will not have been involved in any previous consideration of the case. The Clerk will notify the student that his/her appeal is valid under 8.1 above and who will be responsible for making the arrangements for the hearing and the maintenance of all records relating to the hearing.
- 8.6 In appeals referred to the Discipline Appeal Committee, the Clerk will write to the student at least ten working days prior to the hearing to confirm the arrangements for the hearing. The student will be provided with:
- (a) A statement of the grounds upon which his/her appeal is to be considered;
  - (b) A copy of any documents to be considered in connection with the appeal including any record of the meeting at which the original decision was made on the case;
  - (c) Notification of the right to be accompanied by a person of the student's choice as detailed in paragraph 8.8.

- (d) A statement to the effect that new witnesses may be called in support of the grounds of appeal and that the University has the right to call witnesses on its behalf;
  - (e) A summary of the student's academic record;
  - (f) The date, time and place of the hearing, and those who will be present;
  - (g) Details of the web site at which the Procedures are located.
- 8.7 If, following a request to attend a hearing, a student does not respond to the request, the appeal shall be considered in the absence of the student in accordance with paragraph 1.12.
- 8.8 For the hearing a student may be accompanied, if he or she so wishes, by one other individual who is a student of the University or a member of staff of the University or a representative of the Student Union. Under no circumstances may a student be represented by an external organisation. Only in exceptional circumstances shall the expenses of those attending be re-claimable. The student must confirm, at least five working days prior to the hearing, the name of any individual accompanying him/her and in what capacity he or she is accompanying the student.
- 8.9 A copy of any evidence intended for the Discipline Appeal Committee should be submitted by the student to the Clerk at least five working days prior to the hearing.
- 8.10 A member of staff or a Warden may be required to attend a hearing either as a witness or to clarify circumstances related to an incident or to advise the Committee on the impact of proposed penalties.
- 8.11 The Discipline Appeal Committee may seek the assistance of a suitably qualified person at a hearing where it is considered to be beneficial. The student should be advised of such attendance at least five working days prior to a hearing. Such persons are not entitled to participate in Committee decisions, but may provide advice to the Discipline Appeal Committee at the invitation of the Chair.
- 8.12 The student will be informed at least five working days prior to the hearing of the names of any witnesses who will appear at the request of the University and will be supplied with a copy of any additional evidence which the University intends to present for the hearing.
- 8.13 The Discipline Appeal Committee may seek the assistance of a suitably experienced member of staff, not previously involved in a case, to provide information on a programme structure or the feasibility of any academic penalty as appropriate. Such a person will not be entitled to participate in Committee decisions, but would provide advice to the Discipline Appeal Committee at the invitation of the Chair either during a hearing or when the Committee is sitting in private to discuss the case in advance of the hearing or in reaching its decision following the hearing.
- 8.14 A student who is undertaking a programme of study overseas will not normally be expected to attend a hearing and arrangements may be made for the hearing to be conducted by means of teleconferencing where this is required and is practicable. Any student who is required to attend a hearing (whether by electronic means or in person) will be liable for payment of travel and any other expenses incurred. Only in exceptional circumstances shall the expenses of those attending be re-claimable.
- 8.15 When conducting a hearing the Discipline Appeal Committee will comprise three members who have not previously had any involvement in the case under consideration. This ensures that there is no conflict of interest in relation to the student involved. The composition of the Discipline Appeal Board is set out in Regulation 50.
- 8.16 The Discipline Appeal Committee will receive copies of the documentation provided for the student as detailed in paragraph 8.6 and any statement submitted by the student or witnesses. The papers for the Discipline Appeal Committee will be treated as strictly confidential, save in exceptional circumstances where the Discipline Appeal Committee, with the agreement of the student, decides otherwise.

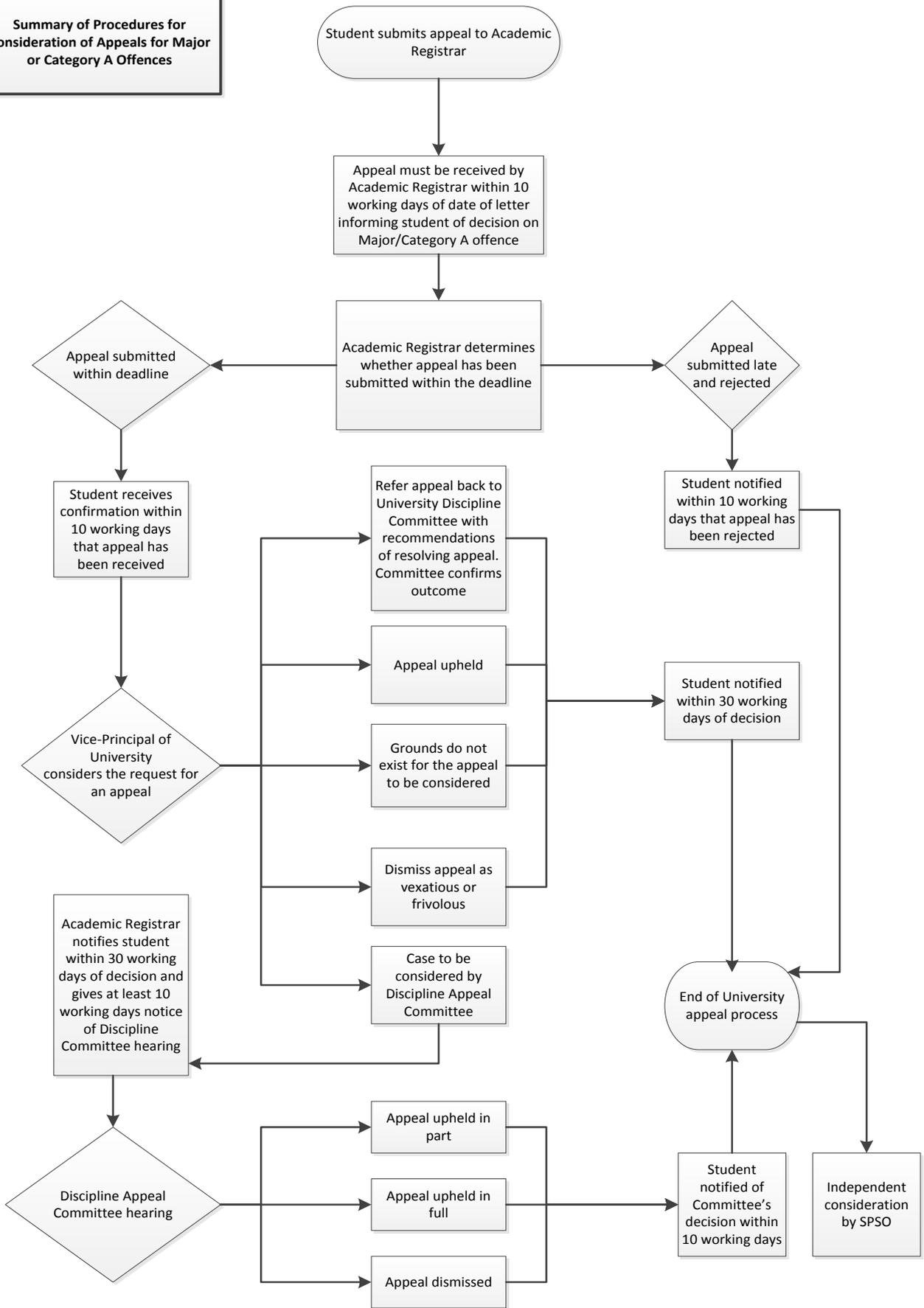
8.17 The suggested procedure for the hearing is as follows:

- (a) The Discipline Appeal Committee will meet in private prior to the hearing to agree the issues to be addressed and the details of how the hearing will be conducted. The Clerk shall be present.
- (b) A record will be kept of all persons attending the hearing and whether or not the student has elected to be accompanied, or if the student has failed or declined to attend the hearing and the Chair's decision in accordance with paragraph 1.12, including the reasons for it;
- (c) The hearing will be conducted fairly but will not seek to replicate a court of law and will ensure that all relevant facts are considered by the Committee. A suggested procedure is as follows:
- (d) The Chair will:
  - Establish the names and identities of everyone present at the hearing and confirm the names of any witnesses who will be supplying evidence.
  - Explain the powers of the Discipline Appeal Committee and summarise the process to date, the procedures for the hearing, the evidence received and indicate that all submissions have been shared with all the members present. When a submitted item has not been shared due to issues of confidentiality, this will be intimated at this stage.
  - Explain the purpose of the hearing,
  - Explain the possible outcomes of the hearing.
  - Explain that wherever possible the Discipline Appeal Committee will wish to hear directly from the student.
- (e) The Chair will invite the appellant or the person accompanying him/her to make a statement in response to the opening remarks in relation to the procedures that will be followed or to seek clarification on matters of procedure.
- (f) The Chair will present the appeal, including submission of written or verbal statements from witnesses. The Chair may assign a member of the Discipline Appeal Committee to lead on a case;
- (g) Members of the Discipline Appeal Committee shall have the right to put questions to any persons attending the hearing;
- (h) The Chair and the Committee members will ask the student and the person accompanying him/her questions about the appeal;
- (i) The Chair will invite the student or the person accompanying him/her to present his/her case;
- (j) The Discipline Appeal Committee will, if bound to do so by the requirements of natural justice in the circumstances of the case, give a student and the University the opportunity to question witnesses;
- (k) The student and the person accompanying him/her will be given an opportunity to address questions to anyone present at the hearing;
- (l) Where witnesses are to be heard they are only to be present for the duration of their own evidence;
- (m) Any witnesses submitting a written statement should be in attendance to answer any questions unless there are exceptional circumstances or the parties agree otherwise;
- (n) The Chair will invite the student or the person accompanying him/her to make a final statement;
- (o) Once the Chair is satisfied that the Discipline Appeal Committee has completed its questioning and the student has had a full opportunity to convey information to the Discipline Appeal Committee the Chair will then ask everyone except the members of the Discipline Appeal Committee to withdraw;
- (p) The Discipline Appeal Committee shall sit in private to discuss the case and make its decision. The Clerk shall be present. At this stage in the proceedings the member of staff referred to in paragraph 8.13 may be invited to provide information on a programme structure or the feasibility of any penalty that the Committee may consider imposing for academic misconduct. In determining any penalty to be imposed the Committee will take into account the criteria set out in the tariff of penalties, and all the surrounding circumstances, including any past offences or penalties imposed on the student which are relevant to the case including the student's academic and non-academic record;
- (q) The standard of proof shall be the balance of probabilities;
- (r) Once the Discipline Appeal Committee has reached its decision, the student and the person accompanying him/her will be invited back into the room and the Chair will inform the student of the findings of the Discipline Appeal Committee as follows:
  - That the appeal is upheld in part;
  - That the appeal is upheld in full;

- Any penalty imposed;
  - That the appeal is dismissed.
- (s) The hearing is closed at this point.

- 8.18 At any stage the Discipline Appeal Committee may adjourn, continue or postpone a hearing for an appropriate period where there is good reason. Where an adjournment takes place that may affect the timetable for communicating the final decision, all parties will immediately be informed by the Clerk.
- 8.19 If for good reason there is any delay in the Discipline Appeal Committee reaching a decision the Chair shall invite the student and the person accompanying him/her back into the room and will give an indication to those present of when the decision will be available and will confirm that a written decision will be sent to the student as soon as possible.
- 8.20 The Clerk will provide the student with written notification of the decision of the Discipline Appeal Committee within ten working days of the decision being made. The notification shall include a statement of facts held to be proved, the substance of any findings that such facts constitute a breach of discipline, and a record of any penalty imposed. A copy of the written notification will be submitted to a student's Head of School and the Academic Registrar. In the case of academic offences, the Head of Registry Operations will receive a copy of the letter. In addition a copy of the letter will be sent to other relevant staff whom it is considered should be made aware of the penalty (e.g. the member of staff who submitted the case, the relevant School Director of Administration. The letter to the student will confirm the right of the student of referral to the Scottish Public Service Ombudsman as detailed in paragraph 8.25 below.
- 8.21 A copy of the letter will be placed in the student's file and retained in accordance with the University Records Management Policy.
- 8.22 The Chair may amend the procedures for the hearing to take account of varying circumstances. The Chair is responsible for ensuring that the hearing is conducted in a fair manner.
- 8.23 A student may be required to meet all or any of the expense of a hearing if at the conclusion of the hearing the Committee considers that the statement of facts in the decision is correct and that the appeal against such a statement of facts has been on frivolous grounds. Only in exceptional circumstances will the University consider contributing towards a student's expenses.
- 8.24 The student's record on the University student record system and the student discipline sharepoint log should be modified as appropriate by the Academic Registry in accordance with the procedures referred to in paragraph 3.13.
- 8.25 Following the conclusion of the procedures set out above there remains no further recourse to action through the internal University procedures. However, there is an opportunity for independent consideration of a case by the Scottish Public Service Ombudsman (SPSO) which can investigate whether it has been handled appropriately by the University. A student will be advised, at the appropriate stage in the appeal process, of their right of referral to the Scottish Public Service Ombudsman (SPSO).

**Summary of Procedures for Consideration of Appeals for Major or Category A Offences**



## Student Discipline Policy and Procedures

### 9. Independent Review

- 9.1 Following the conclusion of the procedures set out above there remains no further recourse to action through the internal University procedures. However, there is an opportunity for independent consideration of a case by the Scottish Public Service Ombudsman (SPSO) which can investigate whether it has been handled appropriately by the University. A student will be advised, at the appropriate stage in the appeal process, of their right of referral to the Scottish Public Service Ombudsman (SPSO).
- 9.2 The SPSO will only consider issues relating to administrative failure. Before submitting an appeal to the SPSO on the basis of administrative failure, an appellant must have exhausted all the appeal processes in the University and have received the University's final response, which will refer to the role of the SPSO. Referral to the SPSO should take place within twelve months of receipt of the final response from the University.
- 9.3 For further information on the SPSO contact:
- The Scottish Public Service Ombudsman  
4 Melville Street  
Edinburgh  
EH3 7NS  
UK
- Telephone: 0870 011 5378  
Email: [enquiries@scottishombudsman.org.uk](mailto:enquiries@scottishombudsman.org.uk)  
Website: [www.scottishombudsman.org.uk](http://www.scottishombudsman.org.uk).
- 9.4 In the case of students studying at the Malaysia Campus, following the conclusion of the University's Procedures, additional external procedures may apply. Students will be informed of such procedures as required.

## Student Discipline Policy and Procedures

### 10. Penalties

- 10.1 A list of penalties and their relevance to Minor and Major offences and Category A and B offences is set out below and is indicative of the types of penalties which may be applied; other forms of penalty may also be considered where these are deemed to be more appropriate.
- 10.2 A student who is deemed to be in breach of discipline may be liable to one or more of the following penalties:
- (a) A reprimand/oral warning (for Minor or Category B offence).
  - (b) A reprimand/official written warning (for Minor, Major, Category A or Category B offence).
  - (c) A fine to be paid within a stipulated period (for Minor or Major offence).
  - (d) A requirement to make good, to the satisfaction of the University, any damage or injury caused to the property of the University or an institution attended as part of a course of study (for Minor or Major offence).
  - (e) Suspension from attendance on a programme of study for a stipulated period (for Major or Category A offence).
  - (f) Exclusion, suspension or disqualification from examinations (for Category A or Category B offence).
  - (g) Where an offence could have resulted in an improvement in academic performance, reduction in marks/grades awarded in one or more of the assessments, with re-assessment as a further opportunity. The mark for any reassessments may be capped (for Category A or Category B offence).
  - (h) Where an offence could have resulted in an improvement in academic performance, annulment of one or more of the assessments, with re-assessment as a further opportunity. The mark for any reassessments may be capped (for Category A or Category B offence).
  - (i) Where an offence could have resulted in an improvement in academic performance, annulment of one or more of the assessments, with no reassessment opportunity (for Category A or Category B offence).
  - (j) Where an offence could have resulted in an improvement in academic performance, a reduction in classification of degree to be awarded (for Category A or Category B offence).
  - (k) Revocation of an award, having determined that there is good cause to do so (Category A or Major offence). Revocation of an award also includes the deprivation of all privileges connected with the award.
  - (l) Exclusion or suspension from facilities, services or privileges of the University for a stipulated period (for Major offence). The terms of exclusion may be subject to qualification, such as a requirement that the student has the right to return to campus to undertake examinations or must have no contact with a named person who is a member of the University community. Where behaviour poses a threat to the safety of persons or to University property, a student may be excluded or suspended pending the hearing of a disciplinary case.
  - (m) Expulsion from the Halls of Residence for a stipulated period. Malicious or repeated tampering with safety equipment or fire alarm activations by a student will normally result in automatic expulsion from the Residences. Where behaviour poses a threat to the safety of persons or to University property, a student may be excluded or suspended pending the hearing of a disciplinary case (for Major offence).

(n) Expulsion from the University (for Major or Category A offence).

## **Student Discipline Policy and Procedures**

### **11. Records and Reports**

- 11.1 Full notes should be taken of all proceedings and responsibility for recording proceedings shall be as follows:
- (a) Cases considered as Minor offences: the member of staff or nominee considering the case;
  - (b) Cases considered as Category B offences: the Head of School or nominee considering the case;
  - (c) Cases considered by the University Discipline Committee: the Academic Registrar or nominee;
  - (d) Cases considered by the Discipline Appeal Committee: the Academic Registrar or nominee.
- 11.2 With regard to the nature of reports on proceedings, the following should be observed:
- (a) Reports should be sufficiently full to reflect the reasoning by which conclusions and recommendations have been reached;
  - (b) Reports should be sufficiently comprehensive to allow the appropriate member of staff or Committee, depending upon the stage of appeal, to use them as a basis for any further review of a case;
  - (c) Reports should be compiled with all due regard for confidentiality.
- 11.3 The Clerk to a committee must ensure that minutes and reports on meetings of a committee are agreed by the members of the committee.
- 11.4 The student's record on the University student record system and the student discipline sharepoint log should be modified as appropriate by the Academic Registry in accordance with the procedures referred to in paragraph 3.13.
- 11.5 All records of individual cases should be retained in accordance with the University Records Management Policy.
- 11.6 An annual report on discipline cases considered under the Procedures will be submitted by the University Discipline Committee to the Senate via the Senate Business Committee.

### **12. Modification of Procedures**

- 12.1 Any modifications made to these Procedures will be made in accordance with Regulation 50.

### **13. Further Information**

- 13.1 Further guidance on appeals is available at:  
<http://www1.hw.ac.uk/registry/discipline.htm>
- 13.2 This document can be provided in other formats (such as large print, audio and Braille) if required by contacting: [disability@hw.ac.uk](mailto:disability@hw.ac.uk) or 00 44 (0) 131 451 3386.

## Student Discipline Policy and Procedures

### 14. Tariff of Penalties: The tariff of penalties provides examples of penalties that may be imposed for particular offences.

#### Academic Misconduct

<p><b>Penalties</b> (One penalty or a combination of penalties may be imposed)</p> <p>Aspects of case to be taken into consideration when determining penalty:</p> <ul style="list-style-type: none"> <li>• Level of Study</li> <li>• Extent of offence</li> <li>• Intent</li> <li>• Awareness of rules</li> <li>• Mitigating or extenuating circumstances</li> <li>• Previous history or record</li> <li>• Consequences of penalty imposed</li> </ul>	<p>Issue a written warning referring to unacceptable behaviour and, where appropriate, reworking of relevant materials</p>	<p>Resubmission of work or resitting an examination</p> <p>[This penalty should normally be applied only in cases where it is clear that student had acted in ignorance]</p>	<p>Setting an additional examination or assessment</p> <p>The mark awarded for the examination or assessment should normally be capped so that any reassessment does not result in a higher mark being awarded</p> <p>An assessment can be capped at the pass mark for a course</p> <p>[This penalty may be imposed in addition to another penalty]</p>	<p>Void a course and require reassessment or re-examination, as appropriate, of the whole module normally only where this is available within the standard programme structure. A voided course counts as an assessment opportunity</p> <p>The mark awarded for any reassessment should normally be capped at the pass mark. There should be no opportunity for a student to gain any academic advantage from such a reassessment.</p>	<p>Void course and one other (normally at the same stage) completed successfully and require reassessment or re-examination in both courses normally only where this is available within the standard programme structure (courses that have already contributed towards progression from one stage to the next should not be voided). A voided course counts as an assessment opportunity</p> <p>The mark awarded for any reassessment should normally be capped at the pass mark. There should be no opportunity for a student to gain any academic advantage from such a reassessment.</p>	<p>No further assessment permitted.</p> <p>[This may result in student being required to withdraw from the University with a different award to the one for which they were studying or with no award]</p>
<p><b>Category of Offence for Which Penalty Applicable</b></p>	<p>Category B</p>	<p>Category A or Category B</p>	<p>Category A or Category B</p>	<p>Category A or Category B</p>	<p>Category A or Category B</p>	<p>Category A</p>

<b>Offences</b> (the examples shown are for the most commonly occurring offences)						
<b>Plagiarism</b> (see Section 2 of the Procedure for further information)						
<b>Reason: Misunderstanding</b> First offence for an undergraduate student in level 1 or 2 (e.g. copying of material with a reference to source but failure to identify quote)	✓	✓	✓			
First offence for an undergraduate student in level 3 or above and postgraduate student (e.g. copying of material with a reference to source but failure to identify quote)			✓	✓	✓	
<b>Reason: Misuse</b> First offence for an undergraduate student in level 1 or 2 (e.g. over-reliance on sources without sufficient evidence of student's own work)		✓	✓	✓		
First offence for undergraduate student in levels 3 or above and postgraduate student (e.g. over-reliance on sources without sufficient evidence of student's own work)			✓	✓	✓	
<b>Reason: Intentional Cheating</b> First offence for undergraduate student in level 1 or 2 (e.g. Copying of material and failure to reference)			✓	✓	✓	
<b>Reason: Intentional Cheating</b> First offence for undergraduate student in level 3 and above and postgraduate student (e.g. Copying of material and failure to reference)			✓		✓	✓

<b>Collusion</b> (see Section 2 of the Procedures for further information)						
<b>Reason: Misunderstanding</b> First offence for undergraduate student in level 1 or 2 (e.g. Evidence of students working together in preparatory study)	✓	✓	✓			
First offence for undergraduate student in level 3 and above and postgraduate student (e.g. Evidence of students working together in preparatory study)			✓	✓	✓	
<b>Reason: Intentional Cheating</b> First offence for undergraduate student in level 1 or 2 (e.g. Evidence of students having worked together on submitted work)		✓	✓	✓		
<b>Reason: Intentional Cheating</b> First offence for undergraduate student in level 3 and above and postgraduate student (e.g. Evidence of students having worked together on submitted work)				✓	✓	✓
<b>Examination Irregularity</b> (see Section 2 of the Procedures for further information)						
<b>Reason: Minor Breach</b> of Regulations relating to examinations (e.g. in possession of mobile telephone during an examination with no evidence of use of phone)	✓	✓	✓			
<b>Reason: Major Breach</b> of Regulations relating to examinations (e.g. communicating with another individual during an examination; unauthorised material found in an examination whether evidence or not of use)			✓	✓	✓	✓
<b>Note:</b> The examples of offences and penalties given above are a guide and it is expected that Schools and the University Discipline Committee will apply the relevant penalty for an offence which has been proven. Under appropriate circumstances other penalties may be applied where they can be justified and where, in the case of Category B offences, approval of the Dean is given.						

## Non-academic Misconduct

<b>Penalties</b> (One penalty or a combination of penalties may be imposed)  Aspects of case to be taken into consideration when determining penalty: <ul style="list-style-type: none"> <li>• First or repeat offence</li> <li>• Extent of offence</li> <li>• Time of the incident</li> <li>• Level of disturbance</li> <li>• Student's level of co-operation with staff</li> <li>• Awareness of rules</li> <li>• Mitigating or extenuating circumstances</li> <li>• Level at which the case is being considered</li> <li>• Consequences of penalty imposed</li> <li>• Intent</li> </ul>	Verbal warning (normally for first offences only)	Written warning	Pay a fine within defined period  (for Minor offences a fine of up to £250 may be imposed)	Pay compensation for damage and/or cost	Make good any damage to property or make an apology	Exclusion from any of the University's facilities, services or privileges for a defined period (may be subject to conditions)	Suspension from the University for a defined period (may be subject to conditions)	Expulsion from the University
<b>Category of Offence for Which Penalty Applicable</b>	Minor	Minor	Minor or Major	Minor or Major	Minor or Major	Minor or Major	Major	Major
<b>Offences</b> (the examples shown are for the most commonly occurring offences)								
Violent, indecent, disorderly, threatening or offensive behaviour or language whilst engaged in any University work, study or activity (whether expressed orally, in writing or electronically)	✓	✓	✓			✓	✓	✓
Example: Excessive noise	✓	✓	£50 for first offence £100 for repeat offence		✓	✓	✓	
Example: Disorderly behaviour	✓	✓	£50 for first offence £100 for repeat offence		✓	✓	✓	✓
Example: Disrespectful behaviour (including verbal abuse)	✓	✓	£50 for first offence £100 for repeat offence		✓	✓	✓	✓
Example: Fighting		✓	✓			✓	✓	✓

Action likely to cause injury, impair safety or raise false alarm on University premises	✓	✓	✓			✓	✓	
Example: Exposure of others to danger	✓	✓	✓			✓	✓	
Harassment (of any kind) of any student, member of staff, or any authorised visitor to the University	✓	✓	✓			✓	✓	✓
Acts of dishonesty including fraud, deceit and deception 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 (for example falsifying or misusing University records or documents, including identity cards, transcripts and certificates of any kind)	✓	✓	✓	✓	✓	✓	✓	✓
Misuse or unauthorised use of University premises or items of property, including IT facilities or safety equipment	✓	✓	✓	✓	✓	✓	✓	✓
Damage to, or defacement of, University property (including property on loan to the University) or the property of other members of the University community (including an institution attended as part of a programme of study) caused intentionally or recklessly, and misappropriation of such property	✓	✓	✓	✓	✓	✓	✓	✓
Example: Malicious damage to University property			£50-100 plus cost of repair	✓	✓	✓	✓	✓
Behaviour which brings the name of the University into disrepute (without prejudice to the right to fair and justified comment and criticism)	✓	✓	✓			✓	✓	✓
Failure, upon request, to disclose the name and other relevant details or to show identification to an employee of the University in circumstances when it is reasonable to require that such information be given	✓	✓	✓			✓		
Example: Refusal to produce matriculation card when requested to do so by Warden/Security/other relevant staff member		✓	£50 for first offence £100 for repeat offence			For third offence		
Breach of the provisions of the University's rules, regulations or policies	✓	✓	✓			✓	✓	✓
Example: Possession or use of illegal substances*			✓			✓	✓	✓
Example: Breach of Residence Rules		✓	£50-100 depending on offence			✓	✓	✓
Example: Not evacuating room in reasonable time during fire drill		✓	£50 for first offence			Expulsion from	✓	

			£100 for repeat offence			Residences for third offence		
Example: Tampering with fire detector heads			£250	✓		Expulsion from Residences for second offence		
Example: Failure to attend a discipline meeting or hearing without informing appropriate staff		✓	£50					
Example: Traffic offences on University premises	✓	✓	✓	✓	✓	✓	✓	✓
Conduct which constitutes a criminal offence. In such cases the police may be notified (the involvement of the Police will not prevent the University from taking action in accordance with the University procedures or imposing its own penalties, where such action is deemed appropriate. The University may take any appropriate action before, during or after any Police investigation).	✓	✓	✓	✓	✓	✓	✓	✓
Example: Breach of fire regulations such as misuse of fire alarm or fire fighting equipment			✓	✓	✓	✓	✓	✓
Example: Assault			✓		✓	✓	✓	✓
*Offences involving possession or use of illegal substances: Guidance should be sought from the Director of Student Support and Accommodation prior to consideration of an alleged offence. The Police may be notified of such cases.								

15. Outline of Student Discipline Procedures

