B3: Student disciplinary regulations

Academic year 2017/18
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Figure 1: Disciplinary procedures
Figure 2: Managed Exclusion Order procedures

Concerns identified and investigation completed

Is further action necessary?

No action needed END

Application to Director of Student Services and Administration (DSS) for MEO

DSS decision

No action needed END

DSS applies for MEO to Vice-Provost

Vice-Provost decision

No action needed END

MEO applied to student

Student decision

Accept MEO END

Appeal MEO

Provost decision

Appeal rejected MEO remains

End CoP issued

Appeal successful MEO amended or removed
Introduction and scope

1. These Student disciplinary regulations apply to a student who fulfils one or more of the following criteria:
   - those registered to study for a University of Surrey award or the award of academic credits, whether studying on campus or at a distance
   - those registered for a non-award-bearing programme or non-credit bearing course offered by the University
   - those registered as a student with another organisation operating in collaboration with the University and using University facilities, for example, Surrey International Study Centre (SISC)

   Students registered with one of the University’s Associated or Accredited Institutions to study for an award of the University, or students on distance learning programmes at partner institutions located outside the UK do not come within the scope of these Regulations.

2. Under University Statute 3, the President and Vice-Chancellor has general responsibility for ensuring the good order of the University. The discharge of responsibility for overseeing and managing student conduct is delegated by the President and Vice-Chancellor to:
   - Authorised Persons in respect of initial investigations of misconduct; and
   - Disciplinary Panels and Disciplinary Appeal Panels in respect of major offences which includes complex cases requiring further investigation and/or where legal representation is requested (see Regulation 14 below)

3. For the purposes of these Regulations Authorised Persons are:
   (i) where the misconduct occurs in Faculties, the relevant Executive Dean of Faculty or their nominee;
   (ii) where the misconduct occurs in residential accommodation overseen by University Wardens and persons with equivalent roles, the Senior Warden, the Deputy Warden, other Wardens and persons with equivalent roles;
   (iii) where the misconduct occurs in the Library, the Director of Library and Learning Support Services or their nominee;
   (iv) where the misconduct occurs in University managed accommodation under a Headed Tenancy Scheme, the Director of Student Accommodation or their nominee;
   (v) where the misconduct is in connection with parking on University premises, the Director of Traded Services and Business Support or their nominee;
   (vi) where the misconduct is in connection with road traffic on University premises, the Head of Security or their nominee;
   (vii) where the misconduct takes place on the University's licensed premises, the Licensees of those premises, including the Director of Catering Services and the Licensees of the University of Surrey Students’ Union (USSU);
   (viii) where the misconduct involves the University’s computer systems, or misconduct on a social network (as defined in the Student Social Media Policy), the Chief Information Officer or their nominee;
   (ix) for misconduct that occurs elsewhere on University premises, the Head of Security or their nominee;
(x) the misconduct that occurs off the University campus, the Head of Security or their nominee.

For serious and complex cases the initial investigation can also be carried out by the Head of Security or their nominee. In cases where there would be a conflict of interest for the named Authorised Person to investigate an instance of misconduct, the investigation will normally be carried out by the Head of Security or their nominee.

4. In these Regulations the term Authorised Person includes the Authorised Person's nominee.

**Exceptional circumstances**

5. These Regulations describe the procedures that are used in dealing with student disciplinary matters. In exceptional circumstances it may be appropriate to follow different procedures, for example, where strict application of the Regulations would result in substantial unfairness to the student or the student is in some way at risk because of health or disability. Such cases will be rare and should each be treated on their merits.

**The conduct the University expects of its students and staff**

6. The University of Surrey Student Charter sets out the general standards of conduct the University expects of its students. When students register or re-register to study with the University they agree to abide by its general Regulations, the regulations that apply to their programme of studies, any applicable local regulations (for example, the Conditions of Residence), and these Regulations, which further specify the acts of misconduct and offences that the University penalises (see Regulation 8 below). Students are responsible for the conduct of their visitors, including those they have expressly or impliedly invited onto the University's premises.

7. The University expects its students and staff to uphold its regulations and to report infringements of its regulations to an Authorised Person.

8. The following list is illustrative of the acts that the University considers to be misconduct:

   (i) a proven criminal offence and the failure to disclose charges and convictions when required to do so;

   (ii) any conduct that brings the University into disrepute;

   (iii) disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University;

   (iv) obstruction of, or improper interference with, the functions, duties or activities of any member of the University, or any visitor to the University;

   (v) use of violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language to any member of the University or visitor to the University;

   (vi) harassment of any member of the University, or any visitor to the University;

   (vii) causing damage or harm to members of the University, or any visitor to the University;

   (viii) fraud, deceit, deception or dishonesty in relation to the University its members and visitors to the University;

   (ix) theft, misappropriation or misuse of University property, or the property of the University's members or visitors;
(x) misuse or unauthorised use of University premises or University Managed Houses;
(xi) damage to University property, or University Managed Houses, or the property of the University’s staff, students or visitors, caused intentionally or recklessly;
(xii) action or inaction likely to cause injury or impair safety on University premises or at University Managed Houses;
(xiii) failure to respect the rights of others to freedom of belief and freedom of speech;
(xiv) breach of a University code, rule or regulation which includes but is not limited to:
  • a Managed Exclusion Order
  • Misuse of Drugs by Students Policy
  • Student Social Media Policy,
  • Conditions of Residence for students in University-managed accommodation
  • Faculty regulations
  • IT Acceptable Use Policy;
  • Parking Regulations – Stag Hill and Manor Park;
(xv) failure to disclose personal details to a member of staff of the University in circumstances in which it is reasonable to require that such information be given.¹
(xvi) a breach of the Students’ Union Core Constitution or byelaws;
(xvii) failure to comply with a reasonable instruction relating to prior disciplinary action, including the non-payment of fines;
(xviii) being intoxicated and incapable.

Burden of proof
9. In student disciplinary matters it is for the University to show that it is more likely than not that the student committed the offence. The burden of proof switches to the student at the appeal stage.

Standard of proof
10. In student disciplinary matters the standard of proof applied is that of the balance of probability; that on the evidence put forward it is more likely than not that the student committed the offence.

Confidentiality
11. The University deals with student disciplinary matters in confidence, to the extent that this is compatible with making enquiries and holding meetings to consider the matter. Information collated in relation to the student’s case, including that submitted by the

¹ Students of the University are required to give their names, their home and University addresses and to produce their identity card or other reasonable means of establishing both student status and identity, when asked to do so by any member of staff. The student identity card remains the property of the University. It must be produced by the student on demand and may be withdrawn at any time without notice.
student, will not be shared unless an exception to data sharing and confidentiality requirements exist. For example, when individuals are at risk of harm to themselves or others. Information may also be shared in order to process other student-facing regulations. For example the Regulations for academic appeals or Regulations for fitness to study. All those involved observe the requirements of confidentiality in all matters to do with student discipline and information to which the University, the University of Surrey Students' Union or their staff are party. A student with any concerns about confidentiality can discuss them with the Students’ Union.

**Fitness to practise and the requirements of Professional, Statutory and Regulatory Bodies**

12. Many of the University’s programmes of study are subject to accreditation by Professional, Statutory or Regulatory Bodies (PSRBs). Some of these require the University to inform them where a student's conduct calls into question their fitness to work within a particular profession, including conduct that poses a threat to the well-being or safety of others. The University may also be required by its agreements with PSRBs to notify them of misconduct that calls into question the student's integrity, such as criminal acts (even when not notified to the police) or dishonesty.

13. Where the University takes action under these Regulations to deal with alleged misconduct or offences that are subsequently found to have occurred, it reserves the right to take separate action to deal with the same matter under its Regulations for fitness to practise and to use evidence compiled as part of a University disciplinary procedure in any fitness to practise hearing.

**Legal representation**

14. Where a student who is alleged to have committed an offence informs the relevant Authorised Person that they wish to be legally represented before the Authorised Person has made their decision, the Authorised Person refers the matter to the Office of Student Complaint, Appeals and Regulation (OSCAR). In such cases OSCAR will normally write to the student to inform them that the misconduct will be dealt with under the procedures relating to major offences, as set out in these Regulations and that the University will be similarly legally represented before the Disciplinary Panel. In these circumstances it may take longer to convene the Panel.

**Authorised Persons and disciplinary procedures – minor offences**

15. Where an Authorised Person is acquainted with or identifies matters of actual or possible misconduct under these Regulations they are required to make enquiries, including of the student, to establish whether, on the balance of probabilities, misconduct has taken place and whether any such misconduct constitutes a minor or major offence.

16. Where an Authorised Person has satisfied themselves that misconduct has taken place, that it constitutes a minor offence and that the offence has been committed by the student, they will inform the student of their decision and apply one or more of the penalties listed below as appropriate:

(i) a verbal warning;

(ii) a written warning advising the student about their future conduct;

(iii) a fine of any value up to £200, all or part of which may be suspended;

(iv) a penalty in the form of a temporary ban on entering any University premises for no more than 48 hours;

(v) a final written warning where a student has previously received a written warning or where the nature of the misconduct makes it appropriate;
(vi) confiscation without compensation, of items prohibited by local rules and regulation;
(vii) a requirement to move to a new University residence;
(viii) seizure and retention of items for a specified period for the purpose of maintaining the safety and wellbeing of others;
(ix) a requirement to offer an apology;
(x) a requirement not to contact other individuals.

17. When the Authorised Person has made their decision on a matter they record their decision and the penalty imposed. They send one copy of the completed documentation to the student, one copy to OSCAR for its records, and retain a copy for their own records.

18. Penalties that are imposed by an Authorised Person in the form of fines are paid by students direct to the University through the University's on-line facility for fine payments or through the University's Cashiers. Fines are payable within 28 days of being levied.

19. Where an Authorised Person, having considered the information and evidence available to them, considers that matter requires more detailed investigation, or that the misconduct that has been identified might constitute a major offence, they will refer it to OSCAR. Repeated offences, including repetition of the same minor offence or an accumulation of different minor offences, may be dealt with by the University as a single matter that merits treatment as a major offence.

20. Under these Regulations, the imposition of a penalty or penalties by an Authorised Person shall not prevent the University from seeking to recover compensation from the student or students for the costs of any repairs to University property or University Managed Houses.

Appeal against a decision or a penalty imposed by an Authorised Person

21. In an appeal against the imposition of a penalty by an Authorised Person it is for the student to show, with reference to evidence, that on the balance of probabilities one or more of the following applies:

- that there is fresh relevant evidence that was not available to the Authorised Person at the time they imposed the penalty for good reasons and that this evidence should be considered
- that the Authorised Person exhibited bias or prejudice towards the student in the way that they handled the matter that led to the imposition of the penalty
- that the penalty imposed by the Authorised Person was not proportionate to the offence for which the student was penalised; it is for the student to show that there are grounds to challenge the decision against which they are appealing.

22. Appeals against a decision and/or a penalty imposed by an Authorised Person must be made within five working days using the University's standard form, copies of which can be found on the OSCAR web pages. The standard form sets out the grounds for an appeal that the student must establish (see Regulation 21 above). Appeals against a penalty imposed by an Authorised Person that are received by OSCAR are dealt with by a Case Officer.

23. Where, after making enquiries, the Case Officer is able to show that there are sufficient grounds and evidence for the student's appeal against a penalty imposed by an Authorised Person to be upheld, the Case Officer writes to the Director of Student Services and Administration to make that recommendation. Where the
Director is satisfied that this recommendation is sound they direct the Case Officer to write to the student and the Authorised Person, explaining the grounds for upholding the appeal.

24. Where, after making enquiries, the Case Officer finds that the student's appeal does not meet the criteria outlined in Regulation 21 above, and is not supported by evidence, they write to the Director of Student Services and Administration, setting out why the student's appeal should be dismissed. Where the Director is satisfied that this recommendation is sound, they direct the Case Officer to write to the student dismissing their appeal and explaining the grounds for the dismissal. The Case Officer's letter to the student also explains that they can appeal against this dismissal.

**Challenging the dismissal of an appeal against a penalty imposed by an Authorised Person**

25. Where a student's appeal against a penalty imposed by an Authorised Person has been dismissed by the Director of Student Services and Administration on the advice of OSCAR, the student may challenge the dismissal where they can show, with reference to independent supporting evidence, that one of the following applies:

- that OSCAR or the Director of Student Services and Administration failed to follow the University's Regulations, or failed to follow them with due care
- that in reaching their finding OSCAR or the Director of Student Services and Administration exhibited bias or prejudice against the student
- that there is fresh relevant evidence that was not available to OSCAR or the Director of Student Services and Administration at the time for good reasons but that has since come to light and should be considered

26. The challenge must be submitted to the Vice-Provost (Education and Students) via OSCAR within ten working days of the student being notified of the dismissal of their original appeal. The student's challenge must state the grounds for the appeal as set out in Regulation 25 above, and provide relevant supporting evidence.

**Investigating a challenge to the dismissal of an appeal against a penalty imposed by an Authorised Person**

27. Where a challenge is received an OSCAR Case Officer investigates the matter and reports back to the Vice-Provost (Education and Students). The penalty imposed by the Authorised Person remains in force until the Case Officer has completed their investigation and the Vice-Provost (Education and Students) has ruled on the matter.

28. In their investigation, the Case Officer reviews the evidence provided by the student and the grounds for their challenge. They may also meet the student to confirm the grounds for their challenge and the evidence they have put forward.

29. Where the Case Officer is able to establish that the dismissal of the student's appeal was unfair, contrary to the University's Regulations, or has the appearance of bias against the student, or that the student has not put forward grounds for their challenge and/or supporting evidence, they advise the Vice-Provost (Education and Students) accordingly.

30. The Vice-Provost (Education and Students) considers the report and recommendations of the Case Officer, and makes a ruling. The Case Officer conveys the ruling in writing, to the student, the Director of Student Services and Administration and other members of the University who need to know the outcome of the student's challenge, such as the Authorised Person who imposed the penalty. The letter of the Case Officer to the student states that it is a Completion of
Procedures letter for the student's challenge to the dismissal of their appeal against a penalty imposed by an Authorised Person and advises them how they may complain about this matter to the Office of the Independent Adjudicator.

Disciplinary procedures for misconduct linked to an alleged major offence

Enquiries and investigations

31. Disciplinary matters may be referred to OSCAR under the conditions described in Regulations 14, 19, and 23 above. All such matters are assigned by OSCAR to a Case Officer, who will manage the matter and undertake the necessary enquiries.

32. In all cases referred to OSCAR matters are investigated fairly and enquiries are made in proportion to the seriousness of the matter. Enquiries should establish whether, on the balance of probabilities, misconduct has taken place.

33. While a matter is being dealt with by OSCAR the responsible Case Officer
   - determines, with the advice of the Director of Student Services and Administration and of the Head of Security, whether a Managed Exclusion Order should be sought from one of the Vice-Provosts (see Regulations 39-45 below)
   - handles the associated correspondence and contacts with the student and other parties to the case
   - makes enquiries into the circumstances of the matter, including any extenuating circumstances put forward by the student, and gathers written evidence and statements from the student, the relevant Authorised Person or Persons, and other parties with information that is directly relevant to the matter.

Misconduct, offences, and police or criminal proceedings

34. If in the course of their work and enquiries it becomes apparent to an Authorised Person or a Case Officer that an alleged misconduct may also constitute a criminal offence they will consult with the Director of Student Services and Administration and the Head of Security to determine whether the matter has been or needs to be referred to the police and whether to continue with their investigations.

35. Where the University and the police or other authorities are simultaneously enquiring into the same alleged misconduct the University will normally confer with the relevant authorities, subject to any general agreements that have been reached with the police. If, in such a matter it is stated to the University that to continue with its internal procedures will hinder or prejudice an investigation by the police, or criminal legal action, the University will normally suspend its own internal disciplinary action until advised by the police or the Crown Prosecution Service that their own proceedings have been concluded. A record of communications with the police or Crown Prosecution Service and OSCAR will be kept by OSCAR.

36. Where the University can be confident that continuing its own internal student disciplinary procedures will not hinder or prejudice simultaneous police or criminal proceedings it will allow its own disciplinary action to take its course.

Role of the Director of Student Services and Administration in disciplinary proceedings

37. The role of the Director of Student Services and Administration in the University's disciplinary procedures is to act as a procedural gatekeeper on behalf of the University, to receive dossiers and recommendations compiled by OSCAR Case Officers relating to alleged misconduct and/or alleged offences.
38. When acting in their role as gatekeeper the Director of Student Services and Administration checks whether the University's Regulations and procedures have been followed, and whether the papers that comprise the dossier and the Case Officer's recommendation are sufficiently complete to enable the matter to be put before a Disciplinary Panel. When the Director of Student Services and Administration is satisfied that these conditions have been met, they certify that the matter be put before a Disciplinary Panel, and authorise the Case Officer to make the necessary arrangements. This may include ensuring that the terms of any current Managed Exclusion Order in force enable the student, and any witnesses they have stated that they intend to call, to have access to the place where the hearing is to be held.

Managed Exclusion Order

39. A Managed Exclusion Order is a way of managing the access of a student to University premises and services and University Managed Houses for a specified period of no longer than 20 working days (in the first instance) in the student's interest, in the interests of other students and staff, and in the interests of enabling a fair hearing. A student may also be required to refrain from contacting certain individuals for the duration of the Managed Exclusion Order. The granting of a Managed Exclusion Order does not signify a view on the part of the University that the student has committed an alleged offence. Students who are the subject of a Managed Exclusion Order may be prevented from representing the University at sporting or other public occasions.

40. Where, in the course of their work and enquiries in connection with a Disciplinary matter, a Case Officer comes to the view that a student poses a threat to University property or University Managed Houses, to the safety or wellbeing of themselves, of other members of the University, or to the integrity of the University's Disciplinary Procedures, they will seek the advice of the Director of Student Services and Administration and the Head of Security. Such advice and responses to be documented in writing. The Case Officer may ask the Director of Student Services and Administration to seek a Managed Exclusion Order from a Vice-Provost.  

41. When seeking such an order, the Director of Student Services and Administration will seek advice from the Associate Dean (Learning and Teaching) of the student's Faculty or the student's supervisor for postgraduate research students, so as to limit the effect of the order on the student's studies, where this is possible, and is consistent with the student's safety, the safety of others, and the integrity of the University's disciplinary procedures.

42. Managed Exclusion Orders may apply to the whole of the University's premises, University Managed Houses, parts of the campus, parts of the campus at specified times, particular services (such as the University's web site or email services) or combinations of all these. Before making such an Order the Vice-Provost will satisfy themselves that the underlying circumstances make such an order necessary.

43. The duration of an existing Managed Exclusion Order may be extended for a further defined period where the Director of Student Services and Administration, on behalf of the Case Officer, is able to demonstrate to the Vice-Provost that:

- the extension is necessary as the student poses a threat to University property, to the safety or well-being of themselves or other members of the University, or to the integrity of the University's disciplinary procedures, and/or

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2 A Managed Exclusion Order can be granted by the Vice-Provost (Education and Students) or the Vice-Provost (Research and Innovation)
the extension is necessary to complete the collection of evidence or to enable the student and/or the University to complete their preparations for a Disciplinary Panel hearing (including circumstances where a concurrent police investigations prevents the holding of a Disciplinary Panel).

44. The Vice-Provost will consider the recommendation and review the terms recommended for the Order. The Order may be granted where the Vice-Provost is satisfied that it is necessary in the interests of the student’s safety or well-being, the safety or well-being of others, of the integrity of the University’s procedures or in the interests of the University overall.

45. Where a Managed Exclusion Order has been granted by the Vice-Provost, the Director of Student Services and Administration writes to the student setting out the terms of the Order, that the grant of the order does not signify a view on the part of the University that the student has committed misconduct and that the Order should not be confused with the imposition of a temporary ban on a student’s access to the University as a penalty by an Authorised Person (see Regulation 16 above). The letter to the student also states that the student may appeal against the Order or its terms.

Appeal against a Managed Exclusion Order

46. A student may appeal against the granting of a Managed Exclusion Order, or its terms, by writing to the Provost, via OSCAR, providing relevant evidence that one or more of the following grounds applies in their case:

- that the terms of Managed Exclusion Order are excessive
- that the student does not pose a risk to themselves, other students, staff, or University property, or the integrity of the University’s disciplinary process
- that the University has shown bias or prejudice in the way that it has sought to impose the Managed Exclusion Order on the student
- that in making the Managed Exclusion order the University has not followed its own procedures or has not followed them with due care

47. Where the Provost receives such an appeal from a student they ask a different OSCAR Case Officer from the one involved in the granting of the Managed Exclusion Order to investigate the matter and report back to them. The Managed Exclusion Order remains in force until the Case Officer has completed their investigation and the Provost has ruled on the matter.

48. In their investigation, the Case Officer reviews the evidence provided by the student and the grounds for their appeal. They may also meet the student to confirm the grounds for their appeal and the evidence they have put forward.

49. Where the Case Officer is able to establish that the imposition of the Managed Exclusion Order was unfair, excessive, or has the appearance of bias against the student, or that the student has not put forward grounds for their appeal and/or supporting evidence, they advise the Provost accordingly. The Provost considers the report and recommendations of the Case Officer and makes a ruling.

50. The Case Officer conveys the ruling of the Provost, in writing, within five working days, to the student and the Director of Student Services and Administration, and other members of the University who need to know the outcome of the student’s appeal, such as the Head of Security, the Head of Student Support Services, the Director of Wellbeing and the Academic Leader for the student’s programme. The letter to the student constitutes a Completion of Procedures letter for the student’s appeal against the imposition of the Managed Exclusion Order.
Disciplinary Panels

51. Disciplinary Panels are convened by OSCAR and conduct their business in accordance with the Regulations for hearings by panel;

Membership of a Disciplinary Panel

52. The membership of a Disciplinary Panel comprises of three members from the pool of trained panel members as follows:
   - a senior member of academic staff (Chair)
   - a member of staff
   - a student member
   The Panel is supported by a secretary from OSCAR.

53. Members of a Disciplinary Panel should have no current academic or personal connection with the student (or students) who come before the Panel.

Findings and outcomes of a Disciplinary Panel

54. A Disciplinary Panel can come to one of three findings:
   - that no misconduct has been committed
   - that the misconduct committed constitutes a minor offence
   - that the misconduct committed constitutes a major offence

55. Where a Disciplinary Panel has determined that misconduct by a student constitutes a minor offence the Panel may impose the penalties listed in Regulation 16 above.

56. Where a Disciplinary Panel has determined that the misconduct constitutes a major offence the penalties that it can apply are listed below:
   - one or more of the penalties listed in Regulation 16 above, with or without one of more of the following:
     - that the student’s right to University accommodation or University Managed Houses is temporarily or permanently revoked
     - that the student be excluded from all or parts of the University premises under Ordinance 6.3.1.2(a)
     - that the student be suspended for a defined period under Ordinance 6.3.1.2(b)
     - that the student be expelled under Ordinance 6.3.1.2(c)
     - that a recommendation be made to the Students’ Union that the student’s access to their services is restricted

57. When the Secretary of a Disciplinary Panel writes to the student to convey its findings and any associated penalty, the Secretary also notifies the student:
   - that the penalty takes immediate effect
   - that the student may appeal against the findings of the panel within 10 working days of receiving this notice.

58. Where a Disciplinary Panel has decided to exclude a student or expel them with termination of registration, and the student lodges an appeal against the Panel's findings and its penalty within 10 working days, the Director of Student Services and Administration will seek a Managed Exclusion Order from a Vice-Provost. The duration of the Order will be no longer than is reasonably required for the University
to arrange a hearing by a Disciplinary Appeal Panel and the student to prepare for the hearing. The conditions attached to the Managed Exclusion Order will acknowledge the student's need to be able to prepare for and attend the hearing. In these circumstances the student has no right of appeal against the imposition of the Managed Exclusion Order.

 Appeals against the findings of a Disciplinary Panel

59. Students making an appeal against the findings and/or penalty made by a Disciplinary Panel do so using the University's prescribed standard form, copies of which are available from the OSCAR web pages.

60. Appeals against the findings and/or penalty made by a Disciplinary Panel must be received by OSCAR within 10 working days of the relevant Disciplinary Panel conveying its findings to the student in writing.

 Grounds for making an appeal

61. In an appeal, the burden of proof passes to the person making the appeal. That is, it is for the student to show that their appeal is consistent with one or more of the grounds set out below and that they can support their appeal with evidence.

62. When making an appeal against the findings and/or the penalty imposed by a Disciplinary Panel the student is required to show that one or more of the following apply:

- that the Panel failed to follow the University's Regulations and procedures, or failed to follow them with due care
- that in reaching its finding or imposing the penalty the Panel exhibited bias or prejudice against the student
- that there is new relevant evidence that was not available to the Panel but that has since come to light and should be considered and there were valid reasons why it was not available at the time
- that the penalty imposed by the Panel was disproportionate

 Investigations by OSCAR

63. When OSCAR receives an appeal against the findings and/or penalty imposed by a Disciplinary Panel the Case Officer assigned to deal with the matter checks whether:

   (i)  the appeal has identified the grounds on which it has been made

   (ii) the grounds are consistent with those that the University recognises as valid (see Regulation 62 above)

   (iii) the grounds advanced are supported by relevant evidence

   (iv) the appeal is supported by new evidence that was not put to the Disciplinary Panel and whether the evidence is relevant to the alleged misconduct and offence

64. The Case Officer reviews the documentation submitted by the student to determine whether it meets the conditions set out in Regulation 63 (i), (ii) and (iii) above. The Case Officer consults with a second Case Officer and, where at least one of the Officers concludes that the documentation provided by the student meets the requirements, an Appeal Panel will be convened. Where the student has submitted new evidence in support of their appeal the Case Officer will check that the evidence is relevant to the matter and include it in the Appeal Dossier they compile for the hearing by the Disciplinary Appeal Panel.
65. When the Case Officer has compiled the Appeal Dossier they make the necessary arrangements to convene a Disciplinary Appeal Panel. This may include ensuring that the terms of any current Managed Exclusion Order in force enables the student to make necessary preparations for the hearing and for any witnesses to attend the hearing.

66. Where both of the Case Officers having reviewed the documents setting out the student’s appeal, considers that it does not meet one or more of the conditions set out in Regulation 63 (i), (ii) or (iii) above, the appeal is dismissed. In such a case the Case Officer writes to the student stating that their appeal has been dismissed, explaining the grounds for the dismissal, and that this communication constitutes a Completion of Procedures.

67. Where OSCAR has requested the student to provide additional information and the student fails to do so within 10 working days of the request being sent to the student’s University email address, the student will be sent a further reminder and warned that their appeal will be closed if a response is not received within a further calendar month.

68. Where OSCAR or the Director of Student Services and Administration considers that an appeal appears vexatious or malicious they refer the matter for review to the University Secretary and Legal counsel. Where it is decided that the appeal is vexatious or malicious the University Secretary may direct that the appeal is dismissed and informs the student accordingly.

**Disciplinary Appeal Panels**

69. Disciplinary Appeal Panels conduct their business in accordance with the Regulations for hearings by panels.

**Membership of a Disciplinary Appeal Panel**

70. The membership of a Disciplinary Appeal Panel comprises of three members of staff from the pool of trained panel members as follows:

- the Vice-Provost (Education and Students) or their nominee (Chair)
- a member of staff
- a student member

The Appeal Panel is supported by a secretary from OSCAR.

71. Members of a Disciplinary Appeal Panel should have no current academic or personal connection with the student (or students) who come before the Panel. Members of the Appeal Panel and the Panel secretary should have had no connection with the Disciplinary Panel that previously heard the matter.

**Findings and outcomes of a Disciplinary Appeal Panel**

72. On the basis of the written evidence provided for it and the evidence brought to its attention through the hearing a Disciplinary Appeal Panel may:

(i) confirm the findings of a Disciplinary Panel and dismiss the appeal
(ii) vary a penalty imposed by a Disciplinary Panel

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3 The Office of the Independent Adjudicator defines examples of vexatious appeals as including: those that are obsessive, harassing or repetitive; insistence on pursuing non-meritorious appeals and/or unrealistic, unreasonable outcomes; insistence on pursuing meritorious appeals in an unreasonable manner; appeals which are designed to cause disruption or annoyance; demands for redress which lack any purpose or value.
(iii) find that there was bias in the way a Disciplinary Panel reached its findings or in other aspects of the disciplinary procedure:

(iv) find that there has been a failure to follow the University's own procedures and/or Regulations or to follow them with due care and the failures have been such as to deny the student a fair hearing

(v) find that new evidence that was not available to the Disciplinary Panel at the time for good reason is relevant to the case and should be taken into account.

73. Where the finding is as in (iii), (iv) and/or (v) above the Disciplinary Appeal Panel may:
   - direct that the matter be heard anew by a differently constituted Disciplinary Panel
   - substitute the findings of the Disciplinary Panel with its own findings
   - or, where the unfairness to the student is extreme, nullify the findings of the Disciplinary Panel and end the disciplinary procedure

74. When the Disciplinary Appeal Panel hearing concludes, the Secretary to the Panel writes to the student, the Director of Student Services and Administration, the Executive Dean of the student's Faculty, and any relevant Authorised Person, on behalf of the Appeal Panel, stating whether the student's appeal has been upheld or dismissed and whether any associated penalty has been upheld. The Secretary's letter also states that it constitutes the completion of the University's procedures and that where the student considers they have grounds to complain against this outcome they may do so to the Office of the Independent Adjudicator.

75. Where the outcome of the hearing is that the student is expelled from the University, and their registration is terminated, the Director of Student Services and Administration ensures that the student receives any interim award to which they are entitled and a copy of their transcript or its equivalent.

**Records of Disciplinary Panel and Disciplinary Appeal Panel hearings**

76. Information on the student's disciplinary offence and any penalty imposed by the University will be included on the student's record but will not be divulged on transcripts or references.