B3: Student disciplinary regulations

Academic year 2016/17
## Contents

- Figure 1: Disciplinary Panel procedures ................................................................. 1
- Figure 2: Managed Exclusion Order procedures ....................................................... 2
- Introduction and scope ............................................................................................ 3
  - Standard of proof .................................................................................................. 4
- The conduct the University expects of its students and staff ................................. 4
- Fitness to practise and the requirements of Professional, Statutory and Regulatory Bodies ................................................................. 5
- Legal representation ............................................................................................... 6
- Authorised Persons and disciplinary procedures – minor offences ...................... 6
  - Appeal against a decision or a penalty imposed by an Authorised Person ......... 7
  - Challenging the dismissal of an appeal against a penalty imposed by an Authorised Person ................................................................. 7
  - Investigating a challenge to the dismissal of an appeal against a penalty imposed by an Authorised Person ................................................................. 8
- Disciplinary procedures for misconduct linked to an alleged major offence .......... 9
  - Enquiries and investigations .................................................................................. 9
  - Misconduct, offences, and police or criminal proceedings ............................... 9
  - Managed Exclusion Order .................................................................................... 9
  - Appeal against a Managed Exclusion Order ....................................................... 10
- Role of the Director of Student Services and Administration in disciplinary proceedings ................................................................. 11
- Hearings by Disciplinary Panels ............................................................................ 11
  - Penalties open to a Disciplinary Panel ................................................................ 11
  - Appeals from the findings and penalties of a Disciplinary Panel ..................... 12
  - Grounds for making an appeal ......................................................................... 12
  - Investigations by OSCAR .................................................................................. 13
- Hearings by Disciplinary Appeal Panels ............................................................... 13
  - Recommendations that a Disciplinary Appeal Panel can make ....................... 13
- Records of Disciplinary Panel and Disciplinary Appeal Panel hearings ............... 14
Figure 1: Disciplinary Panel procedures

1. Report of Misconduct and Investigation by Authorised Person (AP)
   - AP Decision
     - No action needed END
     - Minor Offence Penalty Imposed
       - Student Decision
         - Penalty accepted END
         - Appeal the Penalty
           - OSCAR Enquiries and DSS Decision
             - Appeal Rejected
               - Student Decision
                 - Decision accepted END
                 - Appeal the Decision to the Vice-Provost
                   - Vice Provost Ruling
                     - Appeal rejected END CoP issued
             - Appeal Accepted
               - OSCAR Enquiries and DSS Decision
                 - Penalty accepted END
                 - Appeal the Penalty
                   - Disciplinary Panel Meet
                     - Disciplinary Panel Decision END CoP

2. Refer to OSCAR (Major Offence, or multiple Minor Offences, or complex cases)
   - No action needed END
   - OSCAR Enquiries and Director of Student Services and Administration (DSS) Decision
     - No penalty imposed END
     - Penalty Imposed
       - Student Decision
         - Appeal the Penalty
           - Disciplinary Appeal Panel Meet
             - Appeal Panel Decision END CoP
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 Provost

Provost Decision

No Action Needed

END

MEO Applied to Student

Student Decision

Accept MEO

END

Appeal MEO

Provost Decision

Appeal rejected
MEO remains

END

Appeal Successful
MEO amended or removed

CoP issued
Introduction and scope

1. 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 11 below)

2. 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 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. 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.

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

4. Within the terms of these Student disciplinary regulations a student is any person who fulfils one or more of the following criteria:
• those registered as a University of Surrey student and studying for a University award
• those registered for one or more credit-bearing modules offered by the University but not registered for a University award
• 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.

Standard of proof
5. In all proceedings and appeals under these Student disciplinary regulations the standard of proof required is, that on the evidence put forward it is more likely than not that the student committed the offence. In cases where major misconduct is alleged, where the penalties for the student may be serious, the University expects that the evidence that is put forward to show that the student committed the misconduct to be particularly cogent and compelling and that it will be examined and tested with special care.

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) any conduct that constitutes a criminal offence;
   (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;
(xi) damage to University property, 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;
(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, for example: breach of a Managed Exclusion Order, breach of the Student Social Media Policy, breach of the Conditions of Residence for students in University-managed accommodation; breach of Faculty regulations; breach of regulations relating to Service Departments for example the IT Acceptable Use Policy; breach or the University’s Traffic and Parking Regulations;
(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.

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

9. Students should be aware that 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.

10. Where the University takes action under these Student disciplinary 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 procedures in any fitness to practise hearing.

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.
Legal representation

11. 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 writes 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.

Authorised Persons and disciplinary procedures – minor offences

12. 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. The burden of proof lies with the Authorised Person. It is not for the student to prove that they did not commit the possible minor misconduct.

13. 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 well being of others;
   (ix) a requirement not to contact other individuals.

14. 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.

15. 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.

16. 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 serious offence.
17. 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.

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

18. 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.

19. 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 web pages of OSCAR. The standard form sets out the grounds for an appeal that the student must establish (see Regulation 18 above). Appeals against a penalty imposed by an Authorised Person that are received by OSCAR are dealt with by a Case Officer.

20. 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 put before a Disciplinary Appeal Panel, 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 allowing the appeal to go forward and the next stages in the appeal process.

21. Where, after making enquiries, the Case Officer finds that the student's appeal does not meet the criteria outlined in Regulation 18 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**

22. 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

23. The challenge must be submitted to 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 22 above, and provide relevant supporting evidence.

24. Where the student does not challenge the dismissal of their appeal against a penalty imposed by an Authorised Person within ten days of the decision having been made, OSCAR writes to the student to offer a Completion of Procedures letter.

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

25. A student may challenge the dismissal of their appeal against a penalty imposed by an Authorised Person by writing to the Vice-Provost (Education and Students), providing relevant evidence that one or more of the grounds set out in Regulation 22 above applies in their case.

26. Where the Vice-Provost (Education and Students) receives such an appeal from a student they ask an OSCAR Case Officer to investigate the matter and report back to them. 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.

27. 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.

28. 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.

29. The Vice-Provost (Education and Students) considers the report and recommendations of the Case Officer, and makes a ruling.

30. The Case Officer conveys the ruling of the Vice-Provost (Education and Students), 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 11, 16, and 20 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 potential outcome for the student. 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 the Provost or in their absence, a Vice-Provost (see Regulations 37-42 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.

The burden of proof lies with the University. It is not for the student to prove that they did not commit the alleged major misconduct.

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 in writing that to continue with its internal procedures will hinder or prejudice an investigation by the police, or criminal legal action, the University will normally stay its own internal disciplinary action until advised by the police or the Crown Prosecution Service that their own proceedings have been concluded.

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.

Managed Exclusion Order

37. A Managed Exclusion Order is a way of managing the access of a student to University premises and services 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. 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.
38. Students who are the subject of a Managed Exclusion Order may be prevented from representing the University at sporting or other public occasions.

39. 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, 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. The Case Officer may ask the Director of Student Services and Administration to seek a Managed Exclusion Order from the Provost or a Vice-Provost. Before 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, 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.

40. Managed Exclusion Orders may apply to the whole of the University's premises, 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 Provost or the Vice-Provost will satisfy themselves that the underlying circumstances make such an order necessary.

41. 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 Provost:
   - 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
   - the extension is necessary to complete the collection of evidence or to enable the student and/or the University to complete their preparations for the Panel hearing (including circumstances where a concurrent police investigations prevents the holding of a Disciplinary Panel).

42. Where a Managed Exclusion Order has been granted by the 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 13 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**

43. 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
44. 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.

45. 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.

46. 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.

47. 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 and the Director of Wellbeing, OSCAR, and the Programme 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.

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

48. 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.

49. 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.

Hearings by Disciplinary Panels

50. Hearings by Disciplinary Panels are conducted under these Regulations and the University's Regulations for hearings by panels. Members of Disciplinary Panels are drawn from the University's pool of trained panel members; the Chair of a Disciplinary Panel is a senior member of the academic staff who is a member of the pool.

Penalties open to a Disciplinary Panel

51. When a Disciplinary Panel has determined that misconduct by a student constitutes a minor offence the Panel may impose the penalties listed in Regulation 13 above.
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 13 above, with or without one of the following:
  - that the student be excluded from the University under Ordinance 6.3.1.2(a)
  - that the student be expelled under Ordinance 6.3.1.2(c)
  - that the student be suspended for a defined period under Ordinance 6.3.1.2(b)

52. 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.

53. 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 the Provost or a Vice-Provost (as appropriate). 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 from the findings and penalties of a Disciplinary Panel**

54. 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 web pages of OSCAR.

55. 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.

**Grounds for making an appeal**

56. 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 in Regulation 57 below and that they can support their appeal with evidence.

57. When making an appeal against the findings and/or the penalty imposed by a Disciplinary Panel the University recognises only the following as valid grounds:

- that the Panel failed to follow the University's Regulations, 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 fresh 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

58. 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 57 above)
   (iii) the grounds advanced are supported by relevant evidence
   (iv) the appeal is supported by evidence that was not put to the Disciplinary Panel (fresh evidence) and whether the evidence is relevant to the alleged misconduct and offence

59. The Case Officer reviews the documentation submitted by the student to determine whether it meets the conditions set out in Regulation 58 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.

60. Where the student has submitted fresh 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.

61. 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.

62. 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 58 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.

Hearings by Disciplinary Appeal Panels

63. Hearings by Disciplinary Appeal Panels are conducted under these Regulations and the University's Regulations for hearings by panels.

Recommendations that a Disciplinary Appeal Panel can make

64. 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:
   • confirm the recommendations made by a Disciplinary Panel and dismiss the appeal
   • vary a penalty imposed by a Disciplinary Panel
   • find that there was bias in the way a Disciplinary Panel reached its recommendation or in other aspects of the disciplinary procedure and 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 recommendations of the Disciplinary Panel and end the disciplinary procedure

- find that there has been a failure to follow the University's own procedures and/or Regulations or to follow them with due care. Where the failures have been such as to deny the student a fair hearing 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 recommendations of the Disciplinary Panel and end the disciplinary procedure

- find that fresh 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. In such cases the 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 recommendations of the Disciplinary Panel and end the disciplinary procedure

65. 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 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 for Higher Education.

66. 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**

67. The outcomes of Disciplinary Panel and Disciplinary Appeal Panel hearings, including the relevant correspondence, information, dossiers, notes of findings and recommendations and notes of penalties imposed (where relevant) are held securely by OSCAR in accordance with the University's standard records retention policy and arrangements.

68. 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.