

# Disciplinary Procedures

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These disciplinary procedures are separated into Preamble and Disciplinary Powers; Non-Academic Discipline Procedure; Academic Discipline Procedure; Appeals Procedures; arrangements for payment of fines; further right to appeal; and Appendices.

## Commitments

- (i) The University will apply the *Disciplinary Procedures* and associated *Appeals Procedure* in accordance with its Equal Opportunities Policy. In particular, reasonable adjustments under the Disability Discrimination Act (2005) (as amended from time to time and superseded by the Equality Act 2010 on implementation), will be made for those with disabilities, specific learning difficulties or long-term medical conditions.
- (ii) All parties to these *Procedures* and individuals who have been involved in any related investigation and/or the management and/or administration of the *Procedures* will observe the requirements for confidentiality. Whilst confidential information may need to be disclosed in order appropriately to consider cases, this will only be to those staff involved in or relevant to the *Procedures*. In addition, confidential information may be disclosed to governmental, police or regulatory authorities as required by law or by relevant professional, statutory and/or regulatory bodies.
- (iii) All personal information will be processed by the University in accordance with the Data Protection Act 1998.
- (iv) Students who submit an appeal under these *Procedures* will not be disadvantaged for having done so. Any Student who believes that s/he has been disadvantaged by submitting a case should contact the Registrar and Secretary's Office immediately. The University expects that Students will not engage in frivolous or malicious appeals.

## SECTION A: PREAMBLE AND DISCIPLINARY POWERS

### Section A is currently under review

This section gives an overview of the University's approach to disciplinary matters and sets out the authority and powers of University Committees and Officers.

## 1 Preamble

1.1 All students of the University are bound by the University's Statutes, the Student Charter, Regulations, Codes of Practice, Rules and Procedures in force for the time being insofar as they concern students (the 'University Legislation'.)

1.2 The University Legislation - or notices of their whereabouts - are published annually in the University Calendar, a copy of which is available via the University website (<https://www.uea.ac.uk/calendar>) and which is also accessible to students via the Student Portal.

1.3 Senate is the committee of the University with authority for the oversight of the academic performance of the University and for the regulation and supervision of the education and discipline of students in accordance with Provision 7 of the University Charter. Serious breaches of any other Regulation, Code of Practice or Rule of the University to which the students are subject, excepting where the Senate has approved special and separate procedures, are also subject to these *Disciplinary Procedures*.

1.4 The application and operation of these *Disciplinary Procedures* in relation to students studying on validated or franchised programmes offered by affiliated institutions, Associate Colleges of the University or other recognised providers, shall be set out in the protocols governing those collaborations and summarised for students in relevant documentation.

1.5 Throughout these *Disciplinary Procedures*, unless otherwise indicated, references to the Head of the School include the Head's designated alternate.

1.6 Throughout these *Disciplinary Procedures*, the standard of proof to be taken into account in all cases shall be that of 'balance of probability'.

1.8 Hearings by a Student Discipline Panel and a Student Discipline Appeals Panel shall be held in closed session.

1.9 Disciplinary procedures started prior to a student's registration end date may continue after the registration end date and must normally be concluded prior to any degree or award being conferred.

### 1.10 ***Students who withdraw from the University***

(i) Where a student withdraws from the University at any point during the processes set out in these *Disciplinary Procedures* (except where a student has submitted an appeal to the Senate Student Discipline Appeals Committee, in which case the matter shall be referred to the Chair of that Committee) the matter shall be referred to the Chair of the Senate Student Discipline Committee. This shall include situations in which the University deems, due to non-response to communication that a student has *in fact*, although not in writing, withdrawn him or herself from the University. In such cases, the Chair of the Senate Student Discipline Committee (or the Chair of

the Senate Student Discipline Appeals Committee, as relevant) shall determine whether consideration of the case against the student should proceed.

(ii) In the event that the Chair determines that the case should proceed in these circumstances, but at any point in its consideration a decision cannot be reached (for example due to the non-engagement of the student in the process), consideration of the case may be suspended. Where consideration of a case is suspended in this manner, the University may refuse admission to any programme of study or the provision of any other service to the student concerned until consideration of the suspended disciplinary case is properly concluded.

(iii) The University will normally require the proper conclusion of a suspended case where it deems it necessary in order to safeguard (1) its own staff, students and property; (2) any members of the public (in particular patients, children and vulnerable adults) affected or potentially affected by the breach(es) in question; or (3) the codes of practice and/or standards established by professional, regulatory or statutory bodies. It will also enforce this provision concerning suspended consideration of cases where students withdraw in other circumstances, where it considers there is good cause to do so.

## **2 Disciplinary Powers**

This paragraph explains the powers of various University bodies, Officers and other role-holders in relation to the operation of these disciplinary procedures.
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### *2.1 The Senate*

2.1.1 By the provisions of the University Charter (Provision 7) the Senate has responsibility for the 'regulation and supervision of the education and discipline of students'. The responsibility of students is set out in the University Legislation. In the event that a student withdraws prior to the application of or during disciplinary proceedings, the University may nevertheless proceed with the case in accordance with these Disciplinary Procedures where the Chair of the Senate Student Discipline Committee considers it necessary for the proper functioning of the University that such proceedings should be brought or be continued in accordance with the provision of Paragraph 5.26 below.

2.1.2 The Vice-Chancellor (or if absent or by reasons of conflict, a Pro-Vice-Chancellor) may act on behalf of Senate as set out in Paragraph 2.2 below.

### *2.2 The Vice-Chancellor*

2.2.1 The Vice-Chancellor has disciplinary powers to refuse to admit any person as a student of the University and may temporarily exclude or permanently expel any student from any class or classes, and/or from any part of the University or its precincts. The Vice-Chancellor may act on behalf of Senate in any situation which in his or her judgement

constitutes an emergency and warrants immediate action. The Vice-Chancellor has the power without prejudice to paragraph 2.5.4:

- (1) to exclude or expel a student entirely or partially from his/her programme of study and from participation in any or all of the University's activities and/or
- 2) to exclude or expel a student from any or all property owned, controlled or managed by the University pending:
  - (a) the decision of the Senate Student Discipline Committee(s) which would be convened according to these *Disciplinary Procedures* as soon as possible following such a suspension to consider the case and/or
  - (b) the outcome of any criminal proceedings.

No exclusion or expulsion under this paragraph shall take effect unless the student has been given the opportunity to make representations in person or, if the Vice-Chancellor considers that the student is unable to attend in person, in written form excepting that, in cases of great urgency, the Vice-Chancellor has the power to exclude or expel a student with immediate effect, provided that the opportunities for oral representations are provided and the matter reviewed by the Vice-Chancellor within five working days. Such representations and review will relate only to the exclusion or expulsion and not to the substantive matter giving rise to the exercise of this power. He or she shall report any such exclusion or expulsion to the Senate at its next meeting. The Senate may, if it thinks fit, terminate such exclusion or expulsion on such date (not being earlier than the date of the said meeting) as it may determine.

2.2.2 The Vice-Chancellor shall review any exclusion or expulsion made under paragraph 2.2.1 every four weeks in the light of any developments and of any written representations made by or on behalf of the student.

2.2.3 The Vice-Chancellor may authorise a Pro-Vice-Chancellor to exercise these powers on his or her behalf.

2.2.4 The Registrar & Secretary (or nominee) is authorised by the Vice-Chancellor immediately to suspend any student who is not compliant with the extant requirements of the United Kingdom Border Agency (UKBA) with regard to Visa legislation and associated monitoring regimes. The obligation upon students to ensure compliance with UKBA requirements is detailed in General Regulation 13. Suspensions enacted under this regulatory provision shall not be subject to the constraints detailed at 2.2.2 above, but shall be subject to review only on receipt of evidence that the student has returned to full compliance with the requirements of UKBA.

### 2.3 *Office of Student Services*

2.3.1 The Director of Student Services has overall responsibility to the Senate for the welfare and discipline of students under the General Regulations **except for** academic discipline under the following General Regulations and related policies and procedures or as otherwise stated:

- (i) (i) General Regulation 1(4) (Obligations with regard to provision of information); 13 (Attendance, Engagement and Progress,); 14 (Professional Misconduct and/or Unsuitability); 15 (Conduct in Research); 17 (2)(q) (Conduct of Examinations and Course Tests); and 18
- (ii) (Plagiarism and/or collusion; and  
(ii) cases that are referred to the Professional Misconduct and/or Unsuitability Panel (General Regulation 14).

2.3.2 Other than the exceptions noted in 2.3.1 above, the Director of Student Services has overall responsibility for discipline in matters of principle and policy but shall delegate executive functions on a day-to-day basis and in all specific cases to the Disciplinary Officer - see paragraph 2.5 below.

2.3.3 Any incident which may constitute a breach of the University's Legislation (with the exception of matters of academic discipline or as otherwise stated, as noted in 2.3.1 above) shall be reported initially to the Senior Resident Tutor or deputised officer in his/her absence (being a member of the Office of Student Support Services) who shall make enquiries as he /she sees fit. The Senior Resident Tutor or deputised officer shall have the power to access and process personal data for the purpose of the investigation. If the Senior Resident Tutor or deputised officer considers that there may be a case to answer, s/he may refer the matter to:

- (i) the University's Head of Security (if the incident involves a potentially criminal offence) – see paragraph 2.4 below;
- or** (ii) the Disciplinary Officer appointed by the Senate – see paragraph 2.5 below.

### 2.4 *Head of Security*

2.4.1 Any incident involving a student where a potentially criminal offence may have occurred may be investigated by the University's Head of Security (or such other officer as may be assigned responsibilities for security matters) subject to:

- (i) procedures set out in Notes of Guidance on the Conduct of Disciplinary Procedures;
- and (ii) a Protocol with the police as approved by the University from time to time.

The Head of Security (or other such officer as may be assigned to the investigation) shall have the power to access and process personal data for the purpose of the investigation. If appropriate, the Head of Security shall make both documents available in advance to the student concerned.

2.4.2 The results of any investigation may be made known to the University's Disciplinary Officer via the Senior Resident Tutor and, if the matter is confirmed as a potentially criminal offence, to the police in accordance with the Protocol.

## 2.5 *Disciplinary Officer*

2.5.1 The Disciplinary Officer is appointed by the Senate and has the power to investigate, hear and determine any case which has been referred to him or her in accordance with these *Disciplinary Procedures*. The Disciplinary Officer shall have the power to access and process personal data for the purpose of the investigation. The Disciplinary Officer may at his/her discretion:

- (i) decide to hear and determine the case in person if the Disciplinary Officer considers the matter to concern a potentially minor breach of University Legislation falling under the responsibility of Student Support Services Office;  
or
- (ii) refer the matter - with or without a prior interview of the student - to the Senate Student Discipline Committee); and/or
- (iii) refer the matter for consideration by the University with respect to the Licence/Assured Tenancy Agreement.

2.5.2 The Disciplinary Officer shall not normally hear or refer under these Procedures any case involving a breach of University Legislation arising (or which he or she has good reason to consider arises) from disability (including mental ill-health) unless requested to do so by the Director of Student Services. The Director of Student Services shall first take appropriate specialist medical advice before deciding the appropriate course of action in such cases.

2.5.3 If the University, acting solely in its role of landlord of residential accommodation, takes action against a student alleged to have contravened the Licence/Assured Tenancy Agreement to occupy accommodation, disciplinary proceedings under this Code may still be brought against the student where, in the opinion of the Disciplinary Officer, it is necessary for the proper functioning of the University that such proceedings should be brought.

2.5.4 If a student is alleged to have committed a regulatory breach as described in Section 1, and this act would also constitute an offence for which the student could be prosecuted before a court of law, then the Disciplinary Officer may take action under these Procedures where:

- i) the offence under the criminal law would be considered to be not serious and no criminal proceedings are being, or in the opinion of the Disciplinary Officer, are likely to be, brought against the student in respect of that offence. If, after proceedings against a student have been commenced under these Disciplinary Procedures, any criminal proceedings are commenced against the student in respect of the same incident, the disciplinary proceedings shall

- normally be suspended to await their outcome (including any appeal therefrom);
- (ii) in the case of all other offences under the criminal law, the matter has been reported to the police and either a decision to prosecute and such prosecution is concluded, or a decision not to prosecute has been taken.

If either of the conditions in 2.5.4 (i) or (ii) apply, disciplinary action under these Procedures in respect of the incident may then be taken where, in the opinion of the Disciplinary Officer, it is necessary for the proper functioning of the University so to do.

Where action is instituted under these Procedures:

- (i) it shall not be necessary for any party to prove again any fact already established in the criminal or civil proceedings;
- (ii) where a conviction has already occurred in a court of law in respect of the same facts, the court's penalty shall be taken into consideration in determining any penalty under these Procedures;
- (iii) where a student has been acquitted of an offence before a court, action under these Procedures may still be taken in relation to any other disciplinary aspects of the incident involving that offence;

## 2.6 *The Senate Student Discipline Committee and the Senate Student Discipline Appeals Committee*

2.6.1 The Senate has established a Senate Student Discipline Committee and a Senate Student Discipline Appeals Committee (referred to in these Procedures as 'the student discipline committees'), which have responsibilities for matters relating to student discipline as set out in their terms of reference.

## **SECTION B: NON-ACADEMIC DISCIPLINE PROCEDURE**

### **Section B is currently under review**

This section sets out what happens where there is evidence that a student may have committed a breach of University Legislation which is considered to be non-academic.

- 3.1.1 The Disciplinary Officer shall hear cases in accordance with provisions set out in Notes of Guidance on the Conduct of Disciplinary Procedures which he or she shall make available to the student concerned in advance of the hearing. A written summons to a hearing shall be sent to the student required to appear before the Disciplinary Officer stating;
- (i) the alleged offence
  - (ii) the written evidence available relating to the alleged offence (and providing a copy of that evidence)
- and (iii) the date, time and place of the meeting

and (iv) the right of the Disciplinary Officer to reach a decision regarding a breach of the regulations and summarily to apply a penalty not exceeding £500 or other penalty in the student's absence, if having been properly summoned, the student fails to appear without good reason.

3.1.2 The Disciplinary Officer may in the summons give notice of the penalty for the breach on the evidence available which shall be applied should the student either not respond to the summons or waive their right to the hearing.

3.1.3 The summons shall be delivered to the University's email address and contact address at least 5 working days (Saturdays, Sundays and University closure days excepted) before the hearing.

3.2.1 Any student who contacts the Disciplinary Officer to state that he/she wishes to meet with the Disciplinary Officer on a time and date earlier than that given in the summons is deemed to have consented to waive the requirement that a hearing is held at least five working days ((Saturdays, Sundays and University closure days excepted) after the date of the summons. A student may waive their right to a hearing, in which case they accept the penalty stated in the written summons or consent for the Disciplinary Officer to summarily apply a fine not exceeding £500 or other penalty.

3.2.2 Students who respond after the forty-eight hour time-limit as defined in General Regulation 9 shall be dealt with at the discretion of the Disciplinary Officer and will be deemed to have breached General Regulation 9 which breach shall be taken into account by the Disciplinary Officer.

3.2.3 Students who fail to respond to the summons as directed by the Disciplinary Officer and in accordance with the requirements of General Regulation 9 before the time and date of the hearing shall be deemed to have:

- (i) accepted the summons and consented to appear as required and to have breached General Regulation 9
- or (ii) where the Disciplinary Officer gave notice of the penalty in accordance with Regulation 3.1.1 of this Disciplinary Procedure, accepted the penalty stated in the written summons.

3.2.4 If a student fails to appear at the hearing having been properly summoned, he/she shall be deemed to have breached General Regulation 13 (2) which breach shall be taken into account by the Disciplinary Officer.

3.3 The student shall have the right to be accompanied by friend, colleague or representative, provided that the Disciplinary Officer is informed of this and of the identity and standing of any friend, colleague or representative at least two working days before the interview (Saturdays, Sundays and University closure days excepted).



It is the responsibility of the party wishing to be accompanied to inform the friend, colleague or representative of the date, time and place of the interview. The friend, colleague or representative may undertake the presentation of the case on behalf of the student, but a student may not be represented at a hearing in his or her absence and the friend, colleague or representative may not answer questions on the student's behalf. The Disciplinary Officer may be accompanied by a note taker.

- 3.4 The Disciplinary Officer may
- (i) exonerate the student; or
  - (ii) if finding that there has been a regulatory breach, impose a fine not exceeding £500, or other penalty, taking into account an assessment of the student's intent in the commission of the regulatory breach and any mitigating considerations; or
  - (iii) refer the matter - without a prior interview of the student if the Disciplinary Officer considers it reasonable in all the circumstances - to the Senate Student Discipline Committee); or
  - (iv) refer the matter for consideration by the University with respect to the Licence/Assured Tenancy Agreement.
- 3.5 The Disciplinary Officer shall notify the student in writing of the decision and any penalty imposed within five working days of the hearing. The Disciplinary Officer shall at his or her sole discretion and depending upon the nature of the regulatory breach copy the notification of penalty to the Head (and, if applicable, to the Senior Adviser) of the student's School and to the student's Adviser or Supervisor.
- 3.6 A student whose case is determined by the Disciplinary Officer and who has been informed of the decision of the Disciplinary Officer may in certain circumstances submit an appeal against the decision, as set out in the appeals procedure in Section D below. Where the student did not attend or waived their right to a hearing, the student should seek a hearing with the Disciplinary Officer before submitting an appeal.

## **SECTION C: SENATE STUDENT DISCIPLINE COMMITTEE AND SENATE STUDENT DISCIPLINE APPEALS COMMITTEE**

### **Section C is currently under review**

This section sets out the rules concerning membership of the Senate Student Discipline Committee and the Senate Student Discipline Appeals Committee and how individual cases are heard by Panels established from amongst the members\* of these Committees.

\*(There are some exceptions for specific kinds of offences and these are set out below.)

#### **4 Membership of the Senate Student Discipline Committee and Senate Student Discipline Appeals Committee**

- 4.1 The membership of the Senate Student Discipline Committee and the Senate Student Discipline Appeals Committee is set out in the Appendix to this policy.
- 4.2 The Vice-Chancellor shall not sit on either of the student discipline committees.
- 4.3 A Pro-Vice-Chancellor is eligible for appointment by the Senate to either of the discipline committees, although a Pro-Vice-Chancellor who has acted for the Vice-Chancellor in accordance with paragraph 2.2.2, or otherwise has prior involvement in a case, shall not sit on any committee or Panel convened to hear that case in accordance with paragraph 5.1 below.
- 4.4 Neither the Director of Student Services nor any member of the Office of Student Support Services is eligible for membership of either of the Senate student discipline committees.
- 4.5 The Student Officers of the Union of UEA Students and the President of the Graduate Students' Association are not eligible for membership of any of the student discipline committees.
- 4.6 Any member of a Student Discipline Panel or a Student Discipline Appeals Panel who considers that there is or there is the appearance of a conflict of interest or compromise in their serving on a particular Panel shall notify the Chair of the Senate Student Discipline Committee or Senate Student Discipline Appeals Committee as relevant. The Chair shall then seek approval from the Chair of Senate for a suitable replacement.
- 4.7 The Secretary of the Senate Student Discipline Committee and of the Senate Student Discipline Appeals Committee shall be the Registrar and Secretary or his or her representative. The Secretary shall act as note-taker and shall advise the Chair and members of the Senate Student Discipline (Appeals) Committee regarding procedural matters.
- 4.8 Allegations against individual students or groups of students which are referred to the Senate student discipline committees for consideration in accordance with the policies and procedures of the University shall be considered by panels drawn from members of the Senate Student Discipline Committee and the Senate Student Discipline Appeals Committee as appropriate, which shall be convened in accordance with this Policy.

## 5 Student Discipline Panels

This section describes how Student Discipline Panels operate.

- 5.1 Student Discipline Panels are appointed from the membership of the Senate Student Discipline Committee, and where provided for under this Policy, from other appropriately-qualified persons, to hear allegations relating to student discipline, including allegations arising from professional misconduct and/or unsuitability.
- 5.2 Where the disciplinary policies and procedures of the University prescribe that a case should be heard by a Student Discipline Panel, a statement of the allegations against the student and all relevant supporting documentation shall be forwarded by the relevant Head of School or other member staff to whom this task has been delegated by the Head of School or by the Disciplinary Officer to the Secretary of the Senate Student Discipline Committee. The student shall be informed in writing by the Secretary of the Senate Student Discipline Committee that a referral to a Senate Student Discipline Panel has been made and that a hearing will be convened, subject to the provisions of Paragraph 5.5 below.
- 5.3 Where the statement of allegations involves more than one student, the Chair of the Senate Student Discipline Committee shall determine whether the cases should be heard by individual hearings of Student Discipline Panels or by a single hearing by one Panel for all the students. In the event of a single hearing for multiple students, the Chair shall determine any variations to these procedures which shall be required.
- 5.4 Where the allegations concern the attendance, engagement and/or progress of the student, the report of the Head of School shall include: the dates of any previous Formal Warnings; details of the student's academic performance in response to those warnings; in the case of a student who is referred to the Committee on the ground that his or her attendance is unsatisfactory, an appropriate attendance record certified by the members of faculty concerned; and any medical certificates and/or statements already submitted by the student. The Head of School may include a statement from the student's Adviser or any other member of faculty.
- 5.5 The Chair of the Senate Student Discipline Committee shall review each case received under these procedures in order to determine whether:
  - (i) the case should proceed to a hearing; or
  - (ii) a decision on the case can be reached by the Chair of the Senate Student Discipline Committee based on the papers in respect of allegations of use of unfair means in examinations or course tests that have been assessed as a Level 2 offence (General Regulation 17 (2))

(q) of the General Regulations for Students refers) and of cases relating to attendance, engagement and progress (General Regulation 13 (7) refers); or

(iii) other procedures for the consideration of the allegations have not yet been exhausted and/or that serious extenuating circumstances have come to light that were not known to the School or appear not to have been taken fully into consideration, in which circumstances, the case should be referred back to the relevant Head of School or the Disciplinary Officer for further action. Consideration of any case referred to a Head of School or the Disciplinary Officer in this way shall normally be completed within 15 working days (Saturdays and Sundays and University closure days excepted).

If a decision is taken that the case may be decided on the papers, a student may still request that this/her case be considered by a hearing before a Student Discipline Panel and any such request shall be accepted. (Paragraph 5.10 below sets out what information a student who is summoned before a Senate Student Discipline Panel, shall receive).

If the Chair proceeds to the determination of a case on the papers in accordance with paragraph 5.5 (ii) above, the Chair may reach a verdict and impose a penalty in respect of the allegations. In these circumstances, a student may appeal against the verdict and/or penalty to the Senate Student Discipline Appeals Committee (see Section D, paragraphs 7.1 to 7.22).

- 5.6 For each case that proceeds to a Senate Student Discipline Panel, the Chair of the Senate Student Discipline Committee shall confirm the mode of each hearing and approve the Chair and members of the Student Discipline Panel to hear the case, drawn from the members of the Senate Student Discipline Committee. The Secretary to the Senate Student Discipline Committee shall identify a Secretary to the Panel on behalf of the Registrar and Secretary (or nominee).
- 5.7 A Student Discipline Panel shall be convened in the mode most appropriate to the allegation(s) presented. The mode in which a Panel shall normally be convened is:
- **Mode A:** for cases arising under General Regulations 1, 8, 10, 11, 12, 19, 21, 22, 23, 24, 25 and 26; ;
  - **Mode B:** for cases arising under General Regulations 13; 15; 16 17 (*concerning matters of academic assessment under the procedures relating to breaches of examination and course test regulations*); and 18
- and
- **Mode C:** for cases arising under General Regulation 14 .
- 5.8 Wherever possible, one Panel will be convened to give a full hearing and determine penalties relating to the allegations presented against a

student. A panel convened in Mode C may, in addition to considering matters relating to professional misconduct and/or unsuitability, consider allegations and determine penalties relating to General Regulations 1, 8, 10, 11, 12, 13, 17, 18, 19, 21, 22, 23, 24, 25 and 26..

- 5.9 Additional information on the policies and procedures associated with each mode is set out in this policy and its appendices. Further information about the conduct of disciplinary meetings is also available at:

<http://www.uea.ac.uk/learningandteaching/documents/discipline/ProcedureforDealingwithAllegationsofPMU>

***Notification to students and Schools concerning hearings of Student Discipline Panels (all modes)***

- 5.10 The Secretary to the Panel shall send to any student required to appear before a hearing of a Student Discipline Panel a written summons stating:

- (1) the nature of the allegation, mode and membership of the Panel;
- (2) the name of the person, if any, who will present the case against the student and, as far as practicable, the names of any witnesses who are already expected to be attending the hearing;
- (3) the date, time and place of the hearing;
- (4) the information on the order of proceedings in hearings as set out in this policy;
- (5) the right of the Panel to proceed in the student's absence if, having been properly summoned, he or she fails to appear without providing prior good reason for absence. The decision of the Chair of the Panel as to whether to proceed in the student's absence shall be final.

- 5.11 The Secretary shall also enclose with the summons a full set of the documentation provided by the relevant Head of School or Officer concerning the alleged offence(s) which will be considered by the Panel.

- 5.12 The summons shall be delivered to the student's University email address and contact address at least:

- (i) For Cases being heard in Mode A or Mode B, 5 working days (Saturdays, Sundays and University closure days excepted) before the meeting of the Panel.
- (ii) For Cases being heard in Mode C, 20 working days (Saturdays, Sundays and University closure days excepted) before the meeting of the Panel.

- 5.13 A copy of the summons shall be sent to the Head and to the Senior Adviser of the student's School and to the student's Adviser or Supervisor.

### ***General considerations for Hearings (all modes)***

- 5.14 The Panel shall hear the case in accordance with provisions set out in the Notes of Guidance on the Conduct of Disciplinary Procedures which shall be made available in advance to the parties concerned. The ruling of the Chair on any point of procedure shall be final.
- 5.15 Where he or she determines that the nature of the case requires it, the Chair of the Panel may require the attendance of a Head of School, or of the Disciplinary Officer, or of another member of academic or non-academic staff (as appropriate) to present the case against the student.
- 5.16 If the student wishes, he or she may, prior to the hearing, provide to the Secretary a statement concerning the allegations presented against him or her and/or such additional written evidence as he or she considers is relevant to the case. Students are advised that information presented, including information relating to any personal or other circumstances which they consider are relevant to the case ('mitigating circumstances'), should wherever possible be supported by documentary evidence.
- 5.17 The Chair of the Panel may request or admit as evidence any additional written information which he or she deems relevant to the case.
- 5.18 All written evidence made available to the Panel will also be made available to the student and (where applicable) the person (if any) presenting the case against the student, wherever possible in advance of the hearing. The Panel may determine that some or all of the written evidence should be made available to each witness. The Chair may determine that a hearing should be postponed or adjourned if any written evidence is supplied without sufficient notice for it to be circulated and properly considered by all relevant parties.
- 5.19 The student required to appear before the Panel, the person (if any) presenting the case against the student, and the Chair of the Panel, may nominate witnesses to attend the hearing. The role of a witness is to inform the Panel's deliberations and the Chair of the Panel's decision as to whether to accept a nomination is final. Where practicable, the Secretary to the Panel shall inform all parties of the identity of any witnesses in advance of the hearing. It is the responsibility of the party calling the witness to ensure their attendance at the hearing, except where the witness is a member of the public. If the witness is a member of the public (being neither a student nor member of staff of the University) the party calling the witness must inform the Secretary as soon as possible. The Secretary will issue an invitation to attend, making clear who has requested their evidence and explaining the procedures. The Panel reserves the right to proceed in the absence of any witness and the ruling of the Chair of the Panel in this matter shall be final.

- 5.20 The ruling of the Chair of the Panel shall be final on the admission of all evidence for consideration by the Panel, including the admission of written evidence and of oral evidence from witnesses or other parties at the hearing. This shall include the power to refuse to admit evidence or hear witnesses on the basis of lack of relevancy.
- 5.21 The student required to appear before the Panel and any person presenting the case against the student shall have the right to be accompanied by a friend, colleague or representative provided that the Secretary is informed of this intention and of the identity and standing of any friend, colleague or representative at least two working days before the hearing. Any friend, colleague, or representative must have no connection with the allegations and thus no material interest in the matter. Where practicable, the Secretary to the Panel shall inform all parties in advance of the hearing of the identity of any friend, colleague or representative who will be in attendance, However, it is the responsibility of the party wishing to be accompanied to inform the friend, colleague or representative of the date, time and place of the hearing. The friend, colleague or representative may undertake the presentation of the case on behalf of the student, but a student may not be represented at a hearing in his or her absence and the friend, colleague or representative may not answer questions on the student's behalf.
- 5.22 A hearing by a Student Discipline Panel shall be held in closed session.

***Order of proceedings for hearings (all modes)***

- 5.23 The hearing shall proceed as follows:
- i) the person (if any) presenting the case against the student shall set out the allegations and evidence in the case, answer questions from the Panel and student, and may call witnesses;
  - ii) the student (or person representing him or her) shall respond to the disciplinary charge(s) against him or her, answer questions from the Panel and the person (if any) presenting the case against him or her relating to the case, and may call witnesses;
  - iii) the Panel may call any witnesses not called by the other parties.
  - iv) the presentation of any closing statement by the person (if any) presenting the case against the student;
  - v) the presentation of any closing statement by the student (or person representing him or her).
- 5.24 All parties shall have an opportunity to ask questions through the Chair of all witnesses called.

***Adjournment and reconvening of hearings of Student Discipline Panels (all modes)***

- 5.25 The Chair of a Student Discipline Panel may, if he or she determines that there is good cause, adjourn a hearing for a period of not normally more than ten working days. Where a hearing is adjourned, the Secretary to the Panel shall notify all parties in writing (in the case of the student summoned before a Student Discipline Panel, via his or her University email address and contact address) of the date, time and place of recommencement of the hearing, giving notice of at least two working days (Saturdays, Sundays and University closure days excepted). A reconvened hearing may proceed in the absence of the student if the Chair is satisfied that due notice has been served of the recommencement.
- 5.26 Where the Chair of a Student Discipline Panel determines that the mode in which the Panel has been convened is not competent to hear the case presented at a hearing, he or she shall adjourn the hearing without reaching a judgement and refer the matter to the Chair of the Senate Student Discipline Committee. The Chair of the Senate Student Discipline Committee may determine that a new Panel is convened in another mode for the case to be reheard. Members of the original Panel may be appointed to the new Panel with the written agreement of the student.

***Outcomes of hearings and treatment of mitigating circumstances: general considerations (all modes)***

- 5.27 On the basis of the evidence available to it, a Student Discipline Panel may:
- (1) exonerate the student from the allegations presented against him or her;
  - (2) determine that, on the balance of probabilities, the student committed wholly or in part the alleged offence(s) and proceed to consider the appropriate penalty under Appendix 3 below.
- 5.28 Having reached a decision regarding commitment wholly or in part of the alleged offence(s), a Senate Student Discipline Panel will take into account its assessment of the level of offence in determining the penalty, having regard to indicators including the student's intention in the commitment of the regulatory breach, the severity of the breach, whether previous disciplinary breaches have occurred (of the same or of a different type) and the level of study of the student. Having determined the penalty which should be imposed for an offence, a Senate Student Discipline Panel may take into account any mitigating circumstances presented by students in explanation of their actions or circumstances, and vary the penalty if it deems it appropriate.



- 5.29 Where any penalty determined by a Panel requires or implies a concession or exemption under the University's regulations, this will be subject to approval by a Pro-Vice-Chancellor and the relevant Director of University Services.
- 5.30 The Panel shall normally inform the student in writing of its decision within five working days, giving reasons for its decisions, and shall copy this communication to the Head and to the Senior Adviser of the Student's School, the student's Adviser or Supervisor and the person (if any) presenting the case against the student at the hearing.
- 5.31 Where, in the opinion of a Senate Student Discipline Committee, a member of staff has acted inappropriately during a student disciplinary investigation which may have affected the student's behaviour during the investigation, the Chair of the Senate Discipline Committee shall inform the Head of School or Head of Division as relevant of this issue. The Dean of the relevant Faculty for staff falling under the Faculty's responsibility or the Registrar and Secretary (or nominee) for other staff shall also be copied into the communication between the Chair of the Senate Discipline Committee and the relevant Head of School/Head of Division. Subsequently, the Head of School or the Head of Division shall investigate the matter in accordance with relevant University procedures with advice from the Human Resources Division, informing the Dean of Faculty or Registrar and Secretary (or nominee) of the outcome of the investigation.

***Outcomes relating to cases of professional misconduct and/or unsuitability (Mode C)***

- 5.32 The following additional provisions apply to the outcomes to cases of professional misconduct and/or unsuitability (Mode C):
- 5.33 A Panel meeting in Mode C may determine that a student is guilty of professional misconduct and/or of professional unsuitability. In addition, it may determine that a student has contravened any of the University's regulations or policies relating to academic or non-academic discipline.
- 5.34 The Panel shall have the power temporarily to suspend or permanently to exclude from further study in the University any student it finds guilty of professional misconduct and/or of professional unsuitability. In addition, the Panel may impose any penalties with regard to academic or non-academic disciplinary offences which are in accordance with this policy. Permanent exclusion shall mean an interval of at least seven years before the University will consider any subsequent application for re-admission to the University and only then with the express permission of the Vice-Chancellor.
- 5.35 Where a the student is found guilty of professional misconduct and/or professional unsuitability, by a Panel the Head of the School in consultation with the relevant Director of University Services shall

decide whether a report should be made to the relevant professional, statutory or regulatory body.

### ***Outcomes relating to cases of misconduct in research (Mode B)***

5.36 The following additional provision applies to the outcomes to cases of misconduct in research Mode B:

As appropriate, a Panel, in addition to determining that a penalty should be applied in accordance with these Procedures, may recommend to the Registrar and Secretary (or nominee) that a report is made to an external body, which may include a professional body, a research ethics committee external to the University, or an employer.

## **SECTION D: APPEALS AGAINST THE OUTCOMES OF STUDENT DISCIPLINARY HEARINGS**

### **Section D is currently under review**

This section describes how a student may appeal against decision(s) made by the Disciplinary Officer and a Senate Student Discipline Panel. A student may decide to withdraw an appeal at any point during the appeal process, providing the relevant Director of University Services is notified in writing before the date of any appeal hearing.

### **6.1 Appeals Procedure relating to decisions made by the Disciplinary Officer**

*(See Section B, paragraphs 3.1 to 3.6)*

#### **6.1.2 Purpose**

- (i) The Appeals Procedure comprises two parts: Stage One, in which the Director of Student Services considers the appeal against a decision made by the Disciplinary Officer and Stage Two, which a Student may follow if dissatisfied with the outcome of the Stage One appeal. Stage Two appeals are considered by the relevant Director of University Services who may refer the appeal for further investigation.
- (ii) A decision by the Disciplinary Officer to refer a case to the Senate Student Discipline Committee may not be appealed against. An appeal against the outcome and penalty given by the Senate Student Discipline Committee would be considered at the Senate Student Appeals Committee. (See Disciplinary Procedures in Section 7 below).

\* Students studying at UEA or registered for UEA programmes and based at UEA London or at Affiliated Institutes and students on validated, jointly validated or franchised at Associate Colleges/Partner Institutions wishing to

submit an appeal arising from Disciplinary Proceedings should use the relevant procedures at their place of study.

## 6.2 *Reason(s) for appeal*

Grounds for bringing an appeal are:

- correct procedure was not followed which undermined the validity of the verdict;
- prejudice and/or bias and/or the appearance of prejudice and/or bias on part of the Disciplinary Officer, Director of Student Services or the relevant Director of University Services affected the verdict;
- evidence put forward was not fully and properly considered;
- new evidence or information has come to light that has not previously been considered;
- the student's behaviour was adversely affected by extenuating circumstances that were not taken into account or not fully taken into account.

A student may appeal against the verdict (i.e. that there was a disciplinary breach) and/or the penalty and must state in their case:

- a) whether the appeal is against the verdict; the penalty; or both;
- b) the grounds for bringing the appeal (which must relate to one or more of the above);
- c) the evidence in support of the appeal.

## **Stage One Appeal**

### 6.3 *How a student submits a Stage One appeal*

- (i) A student must submit a completed Stage One Appeal Form (and any supporting evidence) to the relevant office as listed at the end of the form. Forms are available <https://www.uea.ac.uk/learningandteaching/documents/discipline> or from the listed offices. All evidence previously submitted to the Disciplinary Officer by the Student will be provided to the Director of Student Services under paragraph 3. 5. No evidence submitted can be anonymous;
- (ii) A student may decide to withdraw a Stage One appeal, providing the Director of Student Services is advised in writing before a decision has been made.

### 6.4 *Response to the appeal*

- (i) The Director of Student Services is responsible for responding to an appeal. If the Director of Student Services is part of the subject of the appeal, or has been involved during the

investigation phase of the case, or is otherwise in a conflict of interest, a suitable substitution will be made by the Student Support Services Office. Notwithstanding this provision, for ease of reference the person responsible for responding to the Appeal will be called the Director of Student Services hereafter in this Procedure;

- (ii) The Director of Student Services may delegate the initial investigation of an appeal to one or more members of the Director of Student Services staff who do not have a conflict of interest with respect to the appeal. In all cases the Director of Student Services will retain responsibility for the decision reached at Stage One and will act in accordance with subsequent sections of the Appeals Procedure where required;
- (iii) The Director of Student Services will determine whether the appeal meets one or more of the grounds set out in paragraph 6.2 above. The investigation having been completed, the Director of Student Services will decide whether the decision of the Disciplinary Officer should be reviewed, whether any other action should be taken, whether the case should be referred back to the Disciplinary Officer, or whether the appeal should be rejected. The decision of the Director of Student Services and the reason(s) for it will be communicated to the Student in writing;
- (iv) With limited exceptions (for example, where information cannot be disclosed because of the University's obligations under the Data Protection Act), all written material considered by the Director of Student Services under this procedure will be accessible to the Student as accompanying evidence to the decision of the Director of Student Services. In the first instance, the evidence will take the form of a list of the documents considered, included with the Director of Student Services response to the student. The following documents would normally be considered as evidence:
  - Stage One Appeal Form and any additional accompanying evidence submitted by the student;
  - statement from the Disciplinary Officer;
  - any original case evidence presented to and considered by the Disciplinary Officer;
  - statements from other appropriate parties;
- (v) The student may request in writing to the Director of Student Services, a copy of the evidence considered;
- (vi) Each appeal will normally be considered individually, (though depending on circumstances, where a series of appeals involve the same incidence or individual(s), the University may consider

such appeals collectively, subject to any confidentiality requirements).

#### 6.5 *Timescales for Stage One*

- (i) The student must submit the completed Appeal Form and any supporting documents to the Director of Student Services within 10 working days of the notification of the verdict/penalty. (Notification will be deemed to have taken place two working days (Saturdays, Sundays and University closure days excepted) after the date of the emailed notification to the student via his or her University email address.) Appeals submitted after this deadline with good reason for the delay may still be considered. The student should contact the Director of Student Services if s/he is unable to meet this deadline in advance of its expiry. Disputes about whether an appeal submitted after the deadline should be accepted should be referred to the relevant Director of University Services.;
- (ii) The Director of Student Services must advise the student of the outcome of the investigation into the Stage One appeal in writing within 15 working days of receipt of the Appeal Form, or advise the student within that time if more time is needed for referral or investigation.

#### 6.6 *Actions and outcomes*

- (i) The Director of Student Services, having considered the appeal may:
  - (a) confirm the decision and the penalty of the Disciplinary Officer;
  - (b) confirm the decision but require the Disciplinary Officer to reconsider the penalty (in so doing, the student shall not receive a harsher penalty);
  - (c) reject the decision;
- (ii) The Director of Student Services will notify the student of the outcome of Stage One giving a full and clear explanation of the decision. The student may request a meeting with the Director of Student Services to discuss the outcome;
- (iii) A student who is not satisfied with the outcome of the Stage One appeal may decide to move to Stage Two of the Appeals Procedure as described below under paragraphs 6.7 – 6.10 below.

### **Stage Two Appeal**

#### 6.7. *How a student submits a Stage Two appeal*

- (i) For a Stage Two appeal to be considered there must be at least one of the following grounds:
- correct procedure was not followed in the conduct of the Stage One appeal;
  - there was prejudice and/or bias and/or the appearance of prejudice and/or bias in the conduct of the Stage One appeal;
  - evidence put forward at Stage One was not fully and properly considered;
  - new evidence or information has come to light that was not known to the Disciplinary Officer or to the Director of Student Services who investigated the original appeal;
  - the student's behaviour was adversely affected by extenuating circumstances that were not taken into account or not fully taken into account by the Disciplinary Officer or by the Director of Student Services who investigated the original appeal;
- (ii) A student must submit a completed Stage Two Appeal Form (and any supporting evidence) to the relevant Director of University Services. Forms are available at: <https://www.uea.ac.uk/learningandteaching/documents/discipline> or from the listed offices. No evidence submitted can be anonymous;
- (iii) A student may decide to withdraw a Stage Two appeal, providing the relevant Director of University Services is advised in writing before a decision has been made.

#### 6.8 *Response to the appeal*

- (i) The relevant Director of University Services is responsible for responding to a Stage Two appeal and will check whether the appeal meets at least one of the conditions in paragraph 6.7 above. If the student is part of the subject of the appeal or has been involved during the investigation phase of the case, or is otherwise in a conflict of interest, a suitable substitution will be made by the Registrar and Secretary (or nominee). Notwithstanding this provision, for ease of reference, the person responding to the appeal will be called the Director of University Services hereafter in this Procedure;
- (ii) If the appeal is accepted solely on the grounds that there is evidence that there was procedural irregularity in the conduct of the Stage One appeal, the relevant Director of University Services will refer the appeal back to the Stage One process;
- (iii) An appeal which the relevant Director of University Services does not believe meets any of the grounds for appeal specified

at Paragraph 6.7 will be referred to one of the Learning and Teaching Academic Directors (normally the Director of Taught Programmes/Postgraduate Research Degree Programmes). The Director will review the decision and the student will be informed of the outcome within 15 working days of receipt (by the relevant Director of University Services). If the appeal is rejected, this decision is final and there is no further right appeal in the University. Paragraph 6.11 below refers to how a complaint can be pursued outside the University;

- (iv) If the appeal is accepted on grounds other than or in addition to procedural irregularity, and, in the judgement of the relevant Director of University Services in consultation with the Academic Director of Taught Programmes or the Academic Director of Postgraduate Research Degree Programmes as appropriate, the evidence warrants (if for instance new information has been provided), the relevant Director of University Services may reconsider the Stage One decision, proceeding as in Paragraph 6.4 (with the relevant Director of University Services replacing the Director of Student Services in the consideration). In such a case, the student will retain the right to proceed to a Stage Two hearing of his or her appeal should s/he be dissatisfied with the outcome;
- (v) If the appeal is accepted on grounds other than on or addition to procedural irregularity and the provisions of paragraph 6.8 (iv) above do not apply, the appeal will proceed to Stage Two;
- (vi) The relevant Director of University Services may delegate investigation of an appeal to one or more members of staff who do not have a conflict of interest with respect to the appeal. In such cases the relevant Director of University Services will retain responsibility for the decision reached at Stage Two and will act in accordance with subsequent sections of the Appeals Procedure where required;
- (vii) The appropriate Support Service will provide the relevant Director of University Services with the appeal documentation submitted by the student under Stage Two and will assist the relevant Director of University Services with an appropriate investigation. The relevant Director of University Services having completed the investigation will decide whether the decision of the Director of Student Services taken at Stage One should be reviewed or whether any other action should be taken. The decision of the relevant Director of University Services and the reason(s) for it will be communicated to the student in writing;
- (viii) With limited exceptions (for example, where information cannot be disclosed because of the University's obligations under the Data Protection Act), all written material considered by the

relevant Director of University Services under this procedure will be accessible to the student as accompanying evidence to the decision of the relevant Director of University Services. In the first instance, the evidence will take the form of a list of the documents considered, included with the relevant Director of University Services' letter to the student. The following documents would normally be considered as evidence:

- Stage Two Appeal form and any additional accompanying evidence submitted by the student;
  - statement from the Disciplinary Officer;
  - any original case evidence presented to and considered by the Disciplinary Officer;
  - statement and decision from the Director of Student Services;
  - statements from other appropriate parties;
- (ix) The student may request in writing to the relevant Director of University Services a copy of the evidence considered;
- (x) Each appeal will normally be considered individually, (though depending on circumstances, where a series of appeals involve the same incidence or individual(s), the University may consider such appeals collectively, subject to any confidentiality requirements).

#### 6.9 *Timescales for Stage Two*

- (i) The student must submit the completed Stage Two Appeal Form and any supporting documents to the relevant Director of University Services within 10 working days of the notification of the result of the Stage One appeal. (Notification will be deemed to have taken place two working days (Saturdays, Sundays and University closure days excepted) after the date of the emailed notification to the student via his or her University email address.) Appeals submitted after this deadline with good reason for the delay may still be considered. The student should contact the relevant Director of University Services if s/he is unable to meet this deadline, in advance of its expiry;
- (ii) The relevant Director of University Services must advise the student of the outcome of the investigation into the Stage Two appeal in writing within 15 working days of receipt of the Stage Two Appeal Form, or advise the student within that time if more time is needed either for investigation.

#### 6.10 *Actions and outcomes*

- (i) The relevant Director of University Services will notify the student of the outcome of Stage Two giving a full and clear



explanation of the decision. The student may request a meeting with the relevant Director of University Services to discuss the outcome.

#### 6.11 *Further right to appeal*

- (i) Following completion of Stage Two there is no further right to appeal within the University;
- (ii) Students who are dissatisfied with the outcome of their Stage Two appeal may complain to the Office of the Independent Adjudicator for Higher Education (OIA) (see Section F below). Details will be provided in the letter advising the student of the appeal's final outcome.

### **7 Appeals against (a) decision(s) made by a Student Discipline Panel.**

*(See Section C, paragraphs 4.1 to 5.36)*

- 7.1 A student may appeal against decision(s) of a Student Discipline Panel. Any appeal must be lodged with the relevant Director of University Services within five working days (Saturdays, Sundays and University closure days excepted) of the notification of the decision(s) of the Student Discipline Panel. (Notification will be deemed to have taken place two working days (Saturdays, Sundays and University closure days excepted) after the date of the emailed notification to the student via his or her University email account.) An appeal will not normally be considered until a student has received a formal written statement of the decision of a Student Discipline Panel.
- 7.2 If a student decides to make an appeal, he or she must state whether the appeal is made against the finding of the Student Discipline Panel or the penalty imposed or both finding and penalty.
- 7.3 For an appeal to be considered, there must be at least one of the following grounds:
  - that evidence put to the Student Discipline Panel was not fully and properly considered;
  - that there was procedural irregularity in the conduct of the Student Discipline Panel hearing;
  - that there was prejudice and/or bias and/or the appearance of prejudice and/or bias in the conduct of the hearing by the Student Discipline Panel;
  - that the penalty imposed was excessive;
  - there is new information to be put forward that was not known to the Student Discipline Panel that for good reason was not presented to the original Student Discipline Panel;

## **Review of Appeals Submissions**

- 7.4 The relevant Director of University Services will review each appeal received, and will check whether it has been submitted within the specified time limit or whether there is good cause to account for submission outside the specified time limit and whether or not it meets at least one of the conditions set out in paragraph 7.3 above.
- 7.5 If the appeal is accepted by the relevant Director of University Services, the student will be informed within 10 working days of receipt.
- 7.6 If the appeal is accepted by the relevant Director of University Services solely on the grounds that there is evidence that there was procedural irregularity in the conduct of a Student Discipline Panel, the relevant Director of University Services will refer the appeal to the Chair of the Senate Student Discipline Committee to remedy the procedural irregularity. Provided that there are no further procedural irregularities in this part of the process, there shall be no further right of appeal in the University. Section 9 below refers to how a complaint can be pursued outside the University.
- 7.7 If the relevant Director of University Services does not believe that the appeal meets any of the conditions set out in 7.3 above, and should therefore be rejected, the appeal will be referred to the Chair of the Senate Student Discipline Appeals Committee. The Chair will review the decision and the student will be informed by the relevant Director of University Services of the outcome within fifteen working days of receipt of the appeal form. If the rejection of the appeal is confirmed, this decision is final and there is no further right of appeal in the University. Section F below refers to how a complaint can be pursued outside the University.
- 7.8 If the appeal is accepted and proceeds to a hearing, the Chair of the Senate Student Discipline Appeals Committee shall review the appeal submission, shall confirm the mode of the appeal hearing (see paragraph 7.10 below) and approve the Chair and members to be appointed to the Student Discipline Appeals Panel, drawing these from amongst the members of the Senate Student Discipline Appeals Committee, plus additional members approved by the Chair, where appropriate, to hear the case. The mode of the hearing shall normally be the same as that of the original Student Discipline Panel. Members of the original Student Discipline Panel shall not be eligible to sit on the Student Discipline Appeals Panel considering any subsequent appeal.
- 7.9 The modes in which a Panel may be convened are:
- **Mode D:** for appeals relating to General Regulations 1, 8, 10, 11, 12, 19, 21, 22, 23, 24, 25 and 26 which were referred to a Student Discipline Panel;
  - **Mode E:** for cases arising under General Regulations 13; 15;16;17 (*concerning matters of academic assessment under the*

*procedures relating to breaches of examination and course test regulations); and 18*

;

- **Mode F:** for cases arising under General Regulation 14. .

7.10 Wherever possible, one Panel will be convened to give a full hearing to all aspects of an appeal. A panel convened in Mode F may, in addition to considering appeals relating to professional misconduct and/or unsuitability (General Regulation 14), consider appeals relating to General Regulations 1, 8, 10, 11, 12, 13, 17, 18, 19, 21, 22, 23, 24, 25 and 26.

7.11 A Secretary shall be appointed to the Student Discipline Appeals Panel, who shall be the Registrar and Secretary or his/her representative. The role of the Secretary shall be as set out in 4.6 above.

### ***Notification of students and Schools concerning hearings of Student Discipline Appeals Panels***

7.12 The Secretary of the Panel shall send to the student required to appear before the Panel a written summons stating:

- (1) the nature and grounds of the appeal
- (2) the mode and membership of the Panel;
- (3) the name of the person, if any, who will present the case against the student and, as far as is practicable, the names of any witnesses who are already expected to be attending the hearing;
- (4) the date, time and place of the hearing;
- (5) the information on the order of proceedings in hearings set out in Paragraph 7.17 below;
- (6) the information set out in 17.15;
- (7) the right of the Panel to proceed in the student's absence or to determine that the appeal is abandoned and to confirm as a consequence the original decision without further hearing if having been properly summonsed, if the student fails to attend the hearing;
- (8) any additional evidence brought by the student forming part of his or her statement to the Senate Student Appeals Committee.

7.13 This summons shall be delivered to the student's pigeon-hole in his/her Faculty/School of Studies, University email address and contact address at least five working days (Saturdays, Sundays and University closure days excepted) before the meeting of the Panel, or, in the case of an intercalating, registration-only, dormant or excluded student, despatched to the student's last known address at least five working days in advance. A copy of the summons shall be sent to the Head and to the Senior Adviser of the student's School and to the student's Adviser or Supervisor;

### ***General considerations for Appeal Hearings (all Modes)***

- 7.14 The student required to appear before the Panel and the person (if any) presenting the case against the student shall have the right to be accompanied by a friend, colleague or representative, provided that the Secretary is informed of this intention and of the identity and standing of any friend, colleague or representative at least two working days before the hearing. Any friend, colleague, or representative must have no connection with the allegations and thus no material interest in the matter. Where practicable, the Secretary to the Panel shall inform all parties in advance of the hearing of the identity of any friend, colleague or representative who will be in attendance. However, it is the responsibility of the party wishing to be accompanied to inform the friend, colleague or representative of the date, time and place of the hearing. The friend, colleague or representative may undertake the presentation of the case on behalf of the student, but a student may not be represented at a hearing in his or her absence and the friend, colleague or representative may not answer questions on the student's behalf.
- 7.15 The Panel shall receive all the written evidence which was before the Student Discipline Panel at the original hearing and the Secretary shall invite to appear before it all witnesses who gave evidence at the original hearing. It may also permit the presentation of such further evidence and the attendance of additional witnesses as it deems appropriate.
- 7.16 A hearing by a Student Discipline Appeals Panel shall take place in closed session.

### ***Order of proceedings for Appeal Hearings (all Modes)***

- 7.17 The hearing shall proceed as follows:
- i) the person (if any) presenting the case against the student shall set out the allegations and evidence in the case, answer questions from the Panel and student, and call witnesses;
  - ii) the student (or person representing him or her) shall present his or her appeal and evidence for the appeal, answer questions from the Panel and the person (if any) presenting the University's case and call witnesses;
  - ii) the Panel may call any witnesses not called by the other parties;
  - iii) the presentation of any closing statement by the student (or person representing him or her);
  - iv) the presentation of any closing statement by the person (if any) presenting the case against the student.
- 7.18 All parties shall have an opportunity to ask questions through the Chair of all witnesses called. The party calling the witness will normally ask the first questions of the witness.

***Adjournment and reconvening of hearings of Student Discipline Appeals Panels (all modes)***

- 7.19 The Student Discipline Appeals Panel, the person (if any) presenting the case or the student may request an adjournment of not normally more than ten working days, on which the ruling of the Chair as to whether to grant an adjournment, shall be final. If the Chair determines that there is good cause, a hearing may be adjourned for a period of not normally more than ten working days. Where a hearing is adjourned, the Secretary to the Panel shall notify all parties in writing (in the case of the student summoned before a Student Discipline Appeals Panel, via his or her University email address and contact address) of the date, time and place of recommencement of the hearing, giving notice of at least two working days (Saturdays, Sundays and University closure days excepted). A reconvened hearing may proceed in the absence of the student if the Chair is satisfied that due notice has been served of the recommencement.
- 7.20 Where the Chair of a Student Discipline Appeals Panel determines that the mode in which the Panel has been convened is not competent to hear the case presented at a hearing, he or she shall adjourn the hearing without reaching a judgement and refer the matter to the Chair of the Senate Student Discipline Appeals Committee. The Chair of the Senate Student Appeals Discipline Committee may determine that a new Panel is convened in another mode for the case to be reheard. Members of the original Panel may be appointed to the new Panel with the written agreement of the student.

***Outcomes of Senate Student Discipline Appeals Panels***

- 7.21 Having considered all the evidence presented, the Senate Student Discipline Appeals Panel shall determine one of the following outcomes to the appeal in accordance with Appendix 4. It shall inform the student and the Presenter in writing of its decision within five working days (Saturdays, Sundays and University closure days excepted) shall copy this communication to the Head and to the Senior Adviser of the student's School, the student's Adviser or Supervisor and to the person (if any) presenting the case against the student at the hearing.
- 7.22 The decision of the Student Discipline Appeals Panel shall be final and not normally subject to further appeal within the University (see Section F below).

**SECTION E: PAYMENT OF FINES**

**Section E is currently under review**

<p>This section explains how any fines imposed by the Disciplinary Officer, a Senate Student Discipline Panel or a Senate Student Discipline Appeals Panel are to be paid.</p>
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- 8.1 A fine imposed by the Disciplinary Officer, a Senate Student Discipline Panel or a Senate Student Discipline Appeals Panel must be paid to the Finance Office by the date prescribed by the person or body levying the fine.

## **SECTION F: FURTHER RIGHT TO APPEAL**

### **Section F is currently under review**

This section explains that a student may take a complaint outside the University – to the Office of the Independent Adjudicator for Higher Education – once the University's internal procedures have been completed.

- 9.1 Students who are dissatisfied with the outcome of their appeal or whose appeal was rejected without a hearing may complain to the Office of the Independent Adjudicator for higher Education (OIA). Details will be provided in the letter advising the student of the appeal's final outcome.

## APPENDICES

### APPENDIX 1: MEMBERSHIP OF SENATE STUDENT DISCIPLINE COMMITTEE AND SENATE STUDENT DISCIPLINE APPEALS COMMITTEE

**Chair and Members of the Senate Student Discipline Committee** The Chair and members of the above Committee will serve for a period of three years. (A year after a member's name indicates that the term of office expires on 31 July of that year unless otherwise indicated).

#### Chair of the Senate Student Discipline Committee

Professor Cathie Carmichael (2017)

Members of the Senate Student Discipline Committee, who may chair a Senate Student Discipline Panel (NB dates in brackets refer to the academic year membership finishes)

#### **HUM**

#### **FMH**

Mrs Rosie Doy, HSC (2017)  
Ms Karen Bates HSC (2019)

#### **SCI**

#### **SSF**

Mr Ian Dewing, NBS (2018)  
Dr Polly Morgan (2019)

Members (including existing members):

#### **HUM**

#### **FMH**

Dr Sanna Inthorn (2017)  
Dr Rachael McLennan (2017)  
Professor Andreas Musoiff (2017)  
Dr Emma Long (2017)  
Dr Gabrina Pounds (2017)  
Dr Jeremy Noel-Todd (2017)

Ms Maggie Quinn (2018)  
Dr Dominique Hubble (2018)  
Mr Carl Philpott (2018)  
Ms Jill Jepson (2018)  
Dr V. Rodrigues (2018)  
Miss Maggie Bunting (2019)  
Dr Helen Bell (2019)  
Dr Gillian Price (2019)

#### **SCI**

#### **SSF**

Professor David Wright (2019)  
Dr Graham Riley (2018)  
Professor A. Ganesan (2018)  
Professor Gary Rowley (2018)  
Dr James Desborough (2018)  
Dr Andrew Manning (2019)

Dr Duncan Watson (2017)  
Mrs Sarah Allen (2017)  
Dr Maren Duvendack (2018)  
Professor Duncan Sheehan (2017)  
Dr Sven Gallash (2019)

**Additional members will be appointed where a Senate Student Discipline Panel hears professional misconduct and/or unsuitability cases, in accordance with the provisions in the Disciplinary Procedures. The Chair of the Senate Student Discipline Committee has the right to co-opt members.**

### **Members of the Senate Student Discipline Appeals Committee**

The members of the above Committee – one of whom shall be Chair – will serve for a period of three years. (A year after a member's name indicates that the term of office expires on 31 July of that year unless otherwise indicated).

#### **HUM**

Professor John Street, PSI (2017)  
Vacancy

#### **FMH**

Professor Nicola Spalding (Chair)  
(2018)  
Mr Rupert Wood, HSC (2017)  
Ms Judy Barker, HSC (2019)

#### **SCI**

Dr Paul Hammerton, MTH (2017)  
Dr Mette Mogensen, BIO (2017)

#### **SSF**

Dr Sue Long, ECO (2017)  
Dr Rebecca Westrup, EDU (2019)

**Additional members will be appointed where a Senate Student Discipline Appeals Panel hears professional misconduct and/or unsuitability cases, in accordance with the provisions in the Disciplinary Procedures. The Chair of the Senate Discipline Appeals Committee has the right to co-opt members.**



**APPENDIX 2: COMPOSITION OF SENATE STUDENT DISCIPLINE PANELS (MODES A TO C) AND OF SENATE STUDENT DISCIPLINE APPEALS PANELS (MODES D TO F)**

<p><b>Student Discipline Panels</b></p> <p><b>Mode A</b> Chair, one non-student member of the Senate Student Discipline Committee, one student member (normally identified from the pool nominated by the Union of UEA Students or by the Graduate Students' Association (GSA) , depending on the status of the student before the Panel. If a nomination is not able to be made by the GSA, a nomination shall be sought from the Union of UEA Students).</p> <p><b>Mode B</b> Chair and two non-student members of the Senate Student Discipline Committee</p> <p><b>Mode C</b> Chair, one non-student member of the Senate Student Discipline Committee, and one member of faculty with appropriate status within the relevant professional discipline (who does not need to be a member of the Senate Student Discipline Committee) and one external representative from the relevant profession in line with professional, statutory and/or regulatory body requirements where these exist.</p> <p>The Chair and members of the Student Discipline Panel shall have had no association with the teaching of the student appearing before the Panel. Wherever possible, the Panel shall be constituted with due regard to the need to ensure equality of representation.</p>
<p><b>Senate Student Discipline Appeals Panels</b></p> <p><b>Mode D</b> Chair, one non-student member of the Senate Student Discipline Appeals Committee, one student (normally identified from the pool nominated by the Union of UEA Students or by the Graduate Students' Association (GSA), depending on the status of the student before the Panel. If a nomination is not able to be made by the GSA, a nomination shall be sought from the Union of UEA Students).</p> <p><b>Mode E</b> Chair and two non-student members of the Senate Student Discipline Appeals Committee</p> <p><b>Mode F</b> Chair, one non-student member of the senate student discipline appeals committee, one member of faculty with appropriate status within the relevant professional discipline (who does not need to be a member of the senate student discipline appeals committee) and one external representative from the relevant profession in line with professional, statutory and/or regulatory body requirements where these exist.</p> <p>The Chair and members of the Student Discipline Appeals Panels shall have had no association with the teaching of the student before the Appeals Panel nor shall they be the same persons who heard the original case. Where possible, the Panel shall be of mixed gender.</p>

### **APPENDIX 3: NORMAL PENALTIES OF PANELS RELATING TO MATTERS OF STUDENT DISCIPLINE**

<b>Student Discipline Panel : Mode A General Regulations relating to non-academic disciplinary matters</b>
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A Panel may apply one or more of the following penalties where it finds a student guilty of a breach of the regulations:

- 1 Temporarily exclude a student, or permanently expel him or her, from further study in the University;
- 2 Temporarily exclude or permanently expel a student from the University, or any part thereof, or from any University activity;
- 3 In the event of damage to persons or property, require that such damage be made good at the expense of the student or students concerned, in whole or in part;
- 4 Impose a fine not exceeding £1000;
- 5 Where a panel determines that none of the above penalties would be appropriate, impose another appropriate penalty providing that where the penalty or exemption requires or implies a concession under University Legislation, approval shall be sought from the relevant Pro-Vice-Chancellor and the Head of the relevant central Division or the relevant Director of University Services who shall act on behalf of Senate and/or Council in deciding such requests.

<b>Student Discipline Panel : Mode B General Regulations relating to academic disciplinary matters, misconduct in research and plagiarism and/or collusion</b>
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A Panel may apply one or more of the following penalties where it finds a student guilty of a breach of the regulations:

- 1 Temporarily exclude a student, or permanently expel him or her, from further study in the University;
- 2 Temporarily exclude or permanently expel a student from the University, or any part thereof, or from any University activity;
- 3 Determine that, as a consequence of an academic offence, a mark of zero be recorded for the whole or part of the work submitted by a student for assessment, and may in addition determine that the student be referred to reassessment (where normally permitted under the regulations governing the programme of study) and further, that the reassessment must be passed;
- 4 (For cases of misconduct in research) recommend to the Registrar and Secretary (or nominee) that a report is made to an external body, which may

include a professional body, a research ethics committee external to the University, or an employer.

- 5 Where a panel determines that none of the above penalties would be appropriate, impose another appropriate penalty providing that where the penalty or exemption requires or implies a concession under the Regulations governing award of degrees, diplomas or certificates, approval shall be sought from the relevant Pro-Vice-Chancellor and the relevant Director of University Services f who shall act on behalf of Senate in deciding such requests.

**Senate will publish guidance to panels on the determination of penalties for academic disciplinary offences. This may be consulted at:**

**<https://www.uea.ac.uk/learningandteaching/documents/discipline/GuidanceNotesonDisciplinaryProcedure>**

<p><b>Student Discipline Panel : Mode C General Regulations relating to Professional Misconduct and/or Unsuitability</b></p>
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A Panel may apply one or more of the following penalties where it finds a student guilty of a breach of the regulations:

- 1 Where a Panel finds a student guilty of professional misconduct and/or professional unsuitability under the regulations, the Head of the School in consultation with the relevant Director of University Services shall decide whether a report should be made to the relevant professional or statutory body.
- 2 On the basis of professional misconduct and/or unsuitability, a Panel may also temporarily exclude a student, or permanently expel him or her from further study in the University;
- 3 The Panel may also impose one or more of the penalties associated with Student Discipline Panels convened in **Mode B** providing that where the penalty or exemption requires or implies a concession under the Regulations governing award of degrees, diplomas or certificates, approval shall be sought from the relevant Pro-Vice-Chancellor and the relevant Director of University Services who shall act on behalf of Senate in deciding such requests.

#### APPENDIX 4: NORMAL PENALTIES OF APPEALS PANELS RELATING TO MATTERS OF STUDENT DISCIPLINE

<b>Senate Student Discipline Appeal Panel acting in all Modes (D, E and F)</b>
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A Panel may:

- 1 Confirm the decision(s) of a Senate Student Discipline Panel; **or**
- 2 May substitute a lower penalty except that:
  - i) in so doing, the new, lower penalty must be consistent with the level of penalty imposed by a Senate Student Discipline Panel or the Senate Student Discipline Appeals Committee for (a) similar offence(s); and
  - ii) where any penalty or exemption requires or implies a concession under the Regulations governing award of degrees, diplomas or certificates, approval shall be sought from the relevant Pro-Vice-Chancellor and the relevant Director of University Services who shall act on behalf of Senate in deciding such requests; **or**
- 3 On the basis of evidence of prejudice and/or bias and/or the appearance of prejudice and/or bias or procedural irregularity in the conduct of the original hearing, may:
  - i) notwithstanding this finding, confirm that the verdict and penalty should stand; **or**
  - ii) may set aside the verdict and penalty; **or**
  - iii) may find that the verdict was unsafe in part and find the student guilty of a lesser offence and impose a lesser penalty in accordance with 2i) and ii) above.

Senate will publish guidance to the Senate Student Discipline Appeals Committee on the determination of penalties. This may be consulted at:  
<http://www.uea.ac.uk/calendar/section3/regs%28gen%29/disciplinary-procedures/sectiond>

## APPENDIX 5

<b>HSC FTP PANEL</b>	<b>LTS HUB</b>	<b>NMC</b>
	<b>Cause for Concern received in Hub</b>	
<b>Initial FTP Panel is held in accordance with standard HSC FTP procedures</b>		
<b>Panel confirms that report should be made to NMC</b>		
<b>Letter from Chair FTP to Secretary SSDC advising of report to NMC and need for suspension pending guidance from NMC</b>		
<b>Student is reported by Chair FTP to NMC</b>		<b>NMC complete Initial Assessment</b>
		<b>Interim Orders Hearing held within 2-4 Weeks</b>
<b>Letter sent to student by Chair HSC FTP advising student of his/her suspension and that s/he must:</b>		
<b>Advise HSC of the outcome of the Interim Orders Hearing</b>		
<b>Advise his/her employer of suspension and report to NMC</b>		
	<b>Receives notification of outcome of Interim Orders Hearing:</b>	
	<b>i) No Case to pursue</b>	
	<b>record on file</b>	
	<b>return student to programme</b>	
	<b>matter referred to FTP</b>	
<b>FTP considers case from School perspective</b>		
<b>Will consider any future similar incidents as evidence of 'failure to learn'</b>		
	<b>ii) Case to pursue but on 'managed risk' basis</b>	
	<b>record on file</b>	

<b>FTP advises on implementation of any conditions to practice</b>		
<b>If conditions prevent continuance on course the suspension remains in place</b>		
<b>If conditions allow then suspension may be lifted</b>		
	<b>iii) Case to pursue and student poses a risk</b>	
	<b>record on file</b>	
	<b>suspension remains in force</b>	
		<b>NMC Formal Hearing:</b>
	<b>student withdrawn from programme</b> ←	<b>i) Registration Removed</b>
	<b>student suspension continues until NMC restriction lifted.</b> ←	<b>ii) Registration suspended</b>
<b>FTP considers if the case has any University disciplinary implications other than PMU, which has already been covered by the NMC process</b>		
	<b>Subject to any additional disciplinary penalty concession will be sought if needed and if available to allow student's continuation on the course following lifting of suspension</b>	
<b>FTP considers if the case has any University disciplinary implications other than PMU, which has already been covered by the NMC process</b>	←	<b>iii) No restriction on practice</b>
	<b>Subject to any disciplinary penalties the student continues on their course</b>	