

**SEN17D040**

**Title:** *University Disciplinary and Investigative Procedures and Powers and General Regulations for Students*

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**Issue**

To consider the revised University Disciplinary and Investigative Procedures and Powers and General Regulations for Students.

**Recommendation**

To report that there has been a review of University Disciplinary and Investigative Procedures and Powers and General Regulations for Students. The proposed revisions and rationale are detailed within the discussion section and the revised documents are provided in Appendix A and B.

To consider the recommendation from the Learning and Teaching Committee that these changes are approved with the adaptation that students should continue to be represented on the relevant Disciplinary Panels. This issue is outlined further in the background section.

To note that Appendices 1 and 2 are still undergoing final proof reading and minor amendments are still to be made.

**Resource Implications**

The proposed changes do not alter the resource required to support the disciplinary procedures. The current administration and SSDC panel arrangements will be retained.

**Risk Implications**

The proposed changes to both the Disciplinary Procedures and the General Regulations have been designed to mitigate risks arising in two key areas:

- 1) Student protection – specifically by considering the risks to student panel members, the protection of witnesses and the effectiveness of the process overall.
- 2) University protection – specifically by learning from previous case history, sector judicial reviews and legal advice.

## **Equality and Diversity**

The Disciplinary Procedures and General Regulations apply to all students equally irrespective of protected characteristics.

The proposals include the introduction of additional consideration and protections where students have allegedly been victim to abuse as a result of possessing a protected characteristic.

## **Timing of decisions**

Senate are requested to consider this paper in June 2018 to ensure that the changes are in place for 2018/19.

## **Further Information**

The Learning and Teaching Committee considered recommendations arising from a review of the University's General Regulations and Student Disciplinary Procedures. (A copy is filed in the Minute Book, ref. LTC17D125).

The Student Experience Committee considered the review. (A copy is filed in the Minute Book, ref. SEC17D032).

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## **Background**

These revisions arise as a result of a scheduled 5 year review of the procedures and General Regulations.

The Learning and Teaching Committee considered recommendations arising from a review of the University's General Regulations and Student Disciplinary Procedures. (A copy is filed in the Minute Book, ref. LTC17D125).

(In its detailed considerations members:

- i. received an overview of the extensive work and widespread consultation that had been undertaken by Ms Morgan in reviewing the General Regulations;
- ii. heard that further guidance was awaited from UCAS on some General Data Protection Regulations (GDPR) implications;
- iii. were informed that further work on data sharing, definitions used across staff and student processes where students are also members of staff and what the misconduct is in each capacity is required. Definition of levels of disciplinary action also need to be further defined;
- iv. discussed at length the risks and advantages of having student members on General Regulation 10 (non-academic discipline) panels and how any risks could be mitigated;
- v. were advised that legal advice from the University's solicitors was awaited on matters relating to the risks and the mitigation of these risks to student members on GR10 panels;
- vi. agreed that pending legal advice, students should remain as panel members on GR10 panels but that the process of recruitment and training of students would be changed

## RECOMMENDED

- 1) request approval by Senate of the proposals following the review of the University's General Regulations.
- 2) to retain students as panel members on GR10 disciplinary panels pending legal advice;
- 3) that the Head of LTS (Quality) and the SU Chief Executive will agree the processes for the recruitment and training of student panel members for GR10 panels;

The legal advice received from Mills and Reeve regarding the inclusion of student on panels considering Regulation 10 cases is as follows. This advice and the introduction of robust recruitment, selection, training and support of students on panels sufficiently mitigates the risks and in conclusion students can continue to be panel members.

### *Requirement to appoint a student representative to a disciplinary panel*

In essence, including a student union member on the panel protects against allegations of bias and is in line with best practice, but it is not the only way of protecting against bias and is not a strict legal requirement.

The OIA good practice guidance on student complaints highlights that:

*Fairness requires panels to be free of a reasonable perception of bias. The provider needs to consider the constitution of panels and take steps to ensure that those charged with reaching a decision have had no previous involvement in the matter, and are properly trained, resourced and supported. In addition it is good practice for panels to include an independent students' union officer or representative (para 62, OIA Good Practice Framework).*

However, Universities UK 2016 guidance for higher education institutions on how to handle alleged student misconduct (updating the position since the 1994 Zellick report) is silent on the make-up of the disciplinary panel for misconduct which may also constitute a criminal offence.

Appointing a student representative is likely to be the most straightforward way of illustrating a lack of bias on a disciplinary panel. However, UEA have a continuing duty of care to the student representative (as an active student, in the same way as the reporting student and accused student) and if the disciplinary process might cause excessive distress it may be reasonable for UEA to appoint an alternative panel member.

*Are we putting these student panel members at risk of having to be involved as a witness in a judicial review and if this is possible what would this entail? Would this mean we would need to be able to contact them still several years down the line which is not always possible?*

Oral witness evidence is very rare in the Administrative Court. Witness evidence of a student representative may conceivably be placed before the Administrative Court as part of a judicial review into UEA decision making. However, this evidence will nearly always be written (in the form of a witness statement) without allowing oral evidence to be given and without any cross examination of witnesses (Administrative Court Guide 2017, para 10.2). It is only in very exceptional cases that oral evidence is permitted to support the Court in conducting a judicial review.

The limitation period for judicial review is comparatively short and claims must be filed promptly and in any event not later than three months after the grounds on which the claim is based first arose (CPR 54.4). This means UEA are likely to still be in contact with any student representative given the short period that has elapsed since the disciplinary hearing.

*Is there any risk that the student panel member may in some way become liable for the decision they have helped to take?*

Judicial review can only be sought in relation to the decision of the university as a public body and the individuals involved are not 'liable' in any sense.

Any private law action taken against the student representative as an individual is likely to be an abuse of process where the disadvantages for the parties in terms of expense is likely to outweigh any tangible legitimate advantage to the claimant (*Schellenberg v BBC* [2000] EMLR 296).

## **Discussion**

### **Summary**

The review was designed to cover the full Disciplinary Procedures and General Regulations for Students from dealing with low level discipline issues locally through to the full SSDC hearings. The main method of review was through a structured review day interviewing key stakeholders and experts. This was supplemented by reviewing disciplinary procedures at other institutions, considering judicial review cases relating to other institutions, case history, legal advice, sector knowledge arising from national forums and additional stakeholder consultations.

Following this information gathering the proposed new Disciplinary Procedures and General Regulations were drafted by Polly Morgan. Polly is an experienced SSDC Panel member and chair and as such has significant case expertise and knowledge. In addition Polly was selected due to her legal expertise as this enabled the review to consider the legal context in a robust way.

The documents included as Appendices 1 and 2 are proposed to replace and supersede:

- The existing General Regulations for Students
- The existing document titled Disciplinary Procedures
- Notes for Guidance on the Conduct of the Disciplinary Procedure and Disciplinary Hearings
- Penalty guidelines for the breaches of the regulations relating to academic matters
- Procedure for dealing with allegations of professional misconduct and/or professional unsuitability.
- Guidelines on the suspension and readmittance of students (the appendix workflows will need to be revised)

They provide also for the creation of new documents:

- A list of infectious illnesses to be created and maintained by University Medical Services, which they have kindly agreed to do
- Adoption of the list of high-risk countries for tuberculosis currently maintained by University Medical Services, again with their consent

The key principles of the review were:

- To ensure consistency within the procedures and across other procedures
- To simplify and clarify
- To carefully consider the language used; currently language is too complex; need to be written in plain English and easy to understand and interpret
- To update internal University terminology
- To ensure the documents cover all students including those on degree apprenticeships

### **Detail of proposed revisions and rationale**

The Regulations have been simplified and reorganised in a more logical and navigable manner. They refer to the student as 'you' and tend to use the term 'you must'.

The approach has been to remove extraneous material to other documents so that the Regulations become a clear list of expectations. Explanatory text has been removed and guidance put into separate boxes. Certain prerequisites to study at UEA have been shifted or duplicated to become part of the online registration task, which makes more sense as they relate to the eligibility of a student to study at the University in the first place. The documents refer to a number of policies and where there are issues with incompatibility or, more commonly, that the policies need to be drafted in a way that creates specific obligations (in order to be enforceable), the relevant responsible persons have been notified. A couple of larger sections have been removed and put into separate policies. The Regulations now cover those on degree apprenticeships appropriately.

There are a number of hyperlinks that will need to be made live.

The revisions are substantial but key among them are:

1. Consistent definitions
2. Reference to specific statuses and the application of the Regulations to those people
3. Tightening up of notification requirements for criminal offences and reference to non-molestation orders
4. Removal of pigeonholes as a way of contacting anybody
5. New regulations relating to student behaviour that deal with recent problems involving drugs, disclosing confidential information, improperly seeking to influence the testimony of a witness to a breach of these Regulations, making a false application for financial support, and making a vexatious, mischievous, or malicious complaint. The Regulations expressly incorporate the revised Policy Statement on Student Harassment and Sexual or Physical Misconduct. Much of the section on health and safety is removed in consultation with Safety Services.
6. More specific references to different rules for PGR students, especially in relation to Regulation 13
7. A new part of Regulation 14, namely the insertion of a further element of professional misconduct which is jeopardising the welfare of a colleague (requested by an FTP lead)
8. Updating of the explanations of what constitutes research misconduct – different policies used different wording.
9. Updating of provisions relating to behaviour in the examination or test room to reflect current practice.
10. Insertion of clause that a student who is suspended for a period including their scheduled graduation, or expelled, must accept any award in absentia. This reflects the fact that some students are suspended or expelled because they present a real risk to other students.
11. The Regulations relating to registration with a GP, tuberculosis screening, and infectious illnesses have been discussed with the University Medical Service. The list of infectious illnesses within the Regulations did not include the most recent concern, mumps, and it has been agreed that UMS will maintain a list of illnesses that we should be concerned about. This is not the same as the public health England list of notifiable illnesses which includes, for example, food poisoning. The quarantine policy has been reviewed. The TB screening sections were drafted with the assistance of UMS. Student Support Services took a policy decision about TB screening which was that we will not get into the business of ensuring that family members are screened even if they are in campus family accommodation.
12. The section on placements has been expanded to reflect not merely health screening but other prerequisite screening that is currently required in certain Schools.
13. The policy on payment of invoices has been revised slightly to make some terms more robust but to continue to permit the finance department a wide discretion to reach instalment agreements with students and to not levy interest if they don't want to do so. This section has been agreed by Finance, Planning and Governance.
14. The University's terms and conditions sent already to offer-holders have been reviewed and the contents remain accurate in effect. Some tweaking of wording is needed for next year.

The Procedures have been a more complex piece of work. Whereas the approach to the Regulations has been to eliminate extraneous material, with the Procedures it was sensible to

bring all the relevant processes into one document. This makes it easier to see at a glance how procedures fit together and is easier for updating purposes.

The revisions are substantial but key among them are:

1. The document is addressed to the student; it is designed to be student-accessible.
2. The document has adopted and supports the recommendation of Pinsent Masons that disciplinary procedures should not, in most cases, run alongside criminal investigations.
3. Gender-neutral terms have been used throughout.

*Part A, General*

4. Confidentiality provisions are expanded.
5. The application of the Regulations and Procedures to students who withdraw and the interrelationships with criminal investigations have been revised.

*Part B, Non-academic discipline procedure*

6. There is a revised non-academic discipline procedure with lower level matters being dealt with below Disciplinary Officer level. This was requested by the Disciplinary Officer, Accommodation Manager and a number of colleagues in Student Support. It frees up the Disciplinary Officer to concentrate more fully on more serious matters. Penalties at this lower level are more limited than at the higher level and an accessible right of appeal has been created. The powers are proportionate and so is the appeal mechanism: the DO level has the greater sanctions than the lower level, but that involves greater due process. This non-academic procedure can be reflected upon and revised if necessary in future years. In particular, consideration could be given to incorporating the concept of misconduct marks suggested by some, which is considered not yet sufficiently developed.
7. Restrictions on informal resolution by Student Support (when a student says they want a matter resolved but not disciplinarily). Under no circumstances should a concern be resolved informally without the student complainant's express consent and consideration of issues of safeguarding.
8. With agreement from Student Support the criminal investigative role of the Head of Security has been removed. Previously, the Head of Security could summons a student and issue a caution before interviewing them about a potential criminal offence, and then pass that evidence to the Police. The understanding is that this was not recent practice and there were considerable due process concerns. While a student had the right to be accompanied, at least when a student is at a police station they know they have the right to a lawyer. Security can still investigate matters, but now the University is not acting as an agent for the police.

*Part C, Academic Discipline Procedure*

9. This section may need additional revision in light of the revised plagiarism and collusion policy once it has been approved.

*Part D, Professional Misconduct or Unsuitability/Fitness to Practise*

10. Although formatted differently, this is substantially the same as the existing policy. There are two key changes. First, it explicitly states that where there is a conflict between Part IV and the requirements of a professional statutory regulatory body, the latter shall take precedence. Second, it is made clear that when a School calls a student into a meeting, the student must be given beforehand details about the allegation that are 'sufficient for you to understand the nature of the allegations or concerns and the context in which they have arisen'. This reflects a concern arising from an SSDC Panel. Certain elements about how to refer to SSDC have been removed because this will be covered by checklists within the administrative process and the much clearer SSDC provisions.

*Part E, Suspension and exclusion powers*

11. The main reason for bringing a number of processes together in the Procedures document was that there was a lack of clarity in the operation and limits of the provisions on suspending a student and excluding them from areas of campus. Such suspension/exclusion is possible for a number of reasons but the powers and processes were spread among a number of documents. Therefore all of the relevant powers to

suspend or exclude have been brought together into Part V of the Procedures and Powers document. The Vice-Chancellor's powers have been redrafted because the drafting was ambiguous in places. The powers were only ever temporary but previously the temporary references were not linked to the exclusion references and some people refer to exclusion as expulsion.

12. The relevant sections now use the language of 'precautionary measures' per the Pinsent Masons guidelines to Universities UK when referring to suspension or exclusion pending determination of a breach, such as when a criminal investigation is ongoing.
13. The two types of existing suspension have been identified and called a SS (suspension from study) and SSEP (a suspension from study and exclusion from University Property). It has been clarified that students who are suspended under either provision are not able to submit assessments.

*Part F, Senate Student Discipline Committee*

14. Generally, the changes seek to enhance due process in the functioning of the SSDC including the Chair's powers.
15. Where a provision of the Regulations or this Part is unclear a decision-maker should interpret them in the way most consistent with the requirements of substantive and procedural fairness to the student.
16. Summary powers of the Chair of SSDC have been revised with appropriate due process. This has expanded to include summary determination in respect of Regulation 13 (attendance, engagement, and progress), Regulation 18 (plagiarism and collusion) and 20/21/22 (misconduct in examinations).
17. When the Chair receives a referral to SSDC, they now have the ability to require a School to commence fitness to study instead of SSDC hearing the matter. Given that the fitness process now includes a power to impose an interruption to studies, this was considered appropriate. The outcome of each process may be the same – that the student leaves us for a while – but the nature of the fitness process is much better for a student who is unwell.
18. There have been concerns about difficulties in obtaining best quality evidence and an over-reliance on hearsay. In the operation of SSDC, the provisions on the quality of evidence have been tightened up, and required the Panel to consider the weight to be given to uncorroborated evidence given other than orally.
19. Previously SSDC sat in several modes. This has been reduced to two modes: (1) normal mode, which incorporates both academic and non-academic and is heard by a panel of academics, and (2) professional and research misconduct mode, which has longer lead in times and a different panel constitution including an external panel member. This change is duplicated at SSDAC. It includes research misconduct with professional misconduct to address some very good points made during the consultation process, reflecting on the seriousness of (for example) an allegation of research misconduct. Although plagiarism and collusion can have serious career consequences, misconduct in research is, like professional misconduct, more directly and profoundly impacted on careers and the expertise the additional panel members bring can be useful where the research misconduct is not straightforward.
20. In creating a single normal mode for both academic and non-academic cases, has provided for the panel members to be academic only, thus removing students who previously sat on non-academic cases. There are a number of reasons for this, relating to the integrity of the process and the protection of the students. First, there have been several difficulties with the use of students: the nearly a year before they were trained, the misunderstanding of some panel members who thought they were there to support the student being accused, the problem of student panel members not turning up despite having confirmed attendance, the need to progress cases during the summer when student panel members are not around, and the risk to the process when a student panel member repeatedly used phases which not only placed that particular panel at risk but risked legal proceedings against the university. On the other side, the threat of judicial reviews against university panels presents an increasing risk and an unpleasant one. Attempts to minimise the risk to student panel members by anonymising them (since we had a case of a student who sent abusive and threatening emails) cannot, the University's solicitors have advised, be maintained. That the first action of a student wishing to challenge the process legally is to request the name of the student panel member is

concerning and may indicate that students are seen as the weakest link. They are, of course, because they cannot shelter under vicarious liability in an employment contract. Moreover, some SSDC cases are very unpleasant and emotionally draining.

21. The professional and research misconduct panel composition has been altered slightly. Previously there were two additional panel members, one from an external body linked to the relevant profession and one from an allied discipline within the University. This is now provided that one co-opted Panel member must have expertise within the same or a similar discipline to you; and a second co-opted Panel member must not be a member of staff or officer of the University but who has expertise within the same or a similar discipline to you. However, where the student is enrolled on a programme that may lead to admission to a regulated profession overseen by a Professional or Statutory Regulatory Body (or are already regulated by that Body), at least one of the two co-opted Panel members must be regulated by the same Body. But it could be either of those co-opted members – the internal one or the external one. This gives a little more flexibility whilst maintaining discipline and profession-specific knowledge.
22. There is a box of guidance to students on preparing for an SSDC hearing, which will be complemented in due course with guidance to presenters and external panel members. The purpose of this is to help focus the students' preparation for the hearing which is in the best interests of the student and of the integrity of the process.
23. Consideration was given to adjourning hearings or having separate 'sentencing hearings' at the advice of a Barrister consulted on a specific case. Adjournments have now been provided for and going part-heard but have not considered that having separate disposal hearings is necessary. If it's not necessary in a court, it is not necessary here. It has also been considered whether a hearing could or should proceed in the absence of a Panel member and decided it cannot. Quoracy, therefore is everyone who needs to be on the Panel.
24. It has been provided that SSDC/SSDAC panels should make findings of dishonesty. As entry into certain professions is dependent primarily on dishonesty so we cannot be vague on this. Quite simply, outcome letters need to be fuller in order to be of use to regulators, whether that is to bar entry to a profession or to permit entry (it should not allow silence to enable a regulator to imply dishonesty if a panel thinks, but has not clearly recorded, that there has *not* been dishonesty).
25. It has been provided for a new range of special measures for SSDC and SSDAC hearings to provide support in cases with a sensitive element, such as those involving sexual assault allegations or abuse based on a protected characteristic. Put simply, we should not require students who are alleged victims of sexual assault or who have been racially or homophobicly abused (to give some examples) to be in the same room as their alleged perpetrator. We should also be mindful of those cases where the participation of a witness is reluctant. However, you will see that it has been specifically provided that 'the purpose of these special measures is to enable an alleged victim to give the best quality evidence that they can so that the Panel can make an accurate determination of whether or not a disciplinary offence has been committed. The existence of special measures does not in any way indicate that the allegations are true, as this is for the Panel to determine after hearing the evidence; nor does it deflect from the need for careful due process.'

#### *Part G, Penalties*

26. The Penalties part includes both the powers and guidance in relation to the application of the powers and both have been amended.
27. The existing penalties have been retained but SSDC, for example, has always been able to impose 'any other penalty' and some examples of what the Panel might consider appropriate, such as writing a reflective essay on the need for professional integrity have been included.
28. Consideration has been given as to whether penalty fines should ultimately be abolished but this has not been altered at this stage. These have a differential impact on students depending on their financial status. Penalty fines are not to be confused with paying for something you have broken.
29. The starting point in the guidance as to penalties has not been changed. However, it has been flagged (as a proportionality issue) that refusing to refer a student to reassessment in a core module may mean that they are withdrawn.

30. As far as mitigating and aggravating factors are concerned, the uncertainty around what is meant by an experienced student has been clarified. The reference to a student in the first semester of their course has been adopted from the criteria for determining the level of cheating in an exam, and imported into the academic penalties e.g. for plagiarism. It has been referred to as a mitigating factor that the student is suffering from an illness or other medical condition affecting their judgement or exacerbating the effect of any penalty imposed. Previously what it said was 'illness or condition affecting the student physically/mentally'. What is drafted is both narrower and wider. It is also stated that the fact of a previous offence under Regulation 18 is not an aggravating factor as it has already been taken into account in giving us the starting point of low/medium/high level and to then treat it as an aggravating factor is to weigh it twice. For the relevant penalty guidelines for Regulation 20/21/22 (exam cheating) it has been noted specifically that the degree to which the student has actually gained advantage is irrelevant to the evaluation of their intentions or the type of breach.

#### *Part H, Appeals*

31. There are two types of appeal: appeals against a decision of the Disciplinary Officer, and appeals against a decision of SSDC.
32. As with SSDC, it has been provided that where a provision of the Regulations or this Part is unclear a decision-maker should interpret them in the way most consistent with the requirements of substantive and procedural fairness to the student.
33. The grounds of appeal both for SSDC and for the DO are slightly modified to:
- a. That evidence (including any mitigation) put to SSDC/DO was not fully considered. (This clause has been amended to note that this can include mitigation evidence.)
  - b. The correct procedure was not followed and this is sufficient to undermine the validity of the decision. This has been tightened. The Regulations previously stated both that the Panel Chair's ruling on any point of procedure was final, which was found to be hard to reconcile with there being a usable ground of appeal. Moreover, outcome letters are too short to be useful in founding an appeal on this basis. The grounds of appeal should be tightly worded but not illusory. Read in conjunction with the rephrasing of the procedural provisions of Part IV, an appeal has more chance of being based on breach of procedure but not any breach – it is limited to a failing that is sufficient to undermine the validity of the decision.
  - c. That there was prejudice and/or bias or the appearance of prejudice and/or bias on the part of SSDC/DO. This is as before.
  - d. That the penalty or penalties imposed was excessive. This is as before.
  - e. That there is new information that should be considered that was not known to the SSDC/DO and you could not reasonably have obtained that evidence at the time that the SSDC/DO made their decision. This is tightened up. However, accompanied by this is much better guidance to the student about obtaining their evidence sooner so that at the hearing everything is to hand.
  - f. It has been considered and rejected whether there is the need for a reference to natural justice. There are no elements of natural justice not already caught by the above, and appeal grounds must be certain so that people can make decisions to pursue or reject an appeal in an informed way. A general reference to natural justice is unhelpful.

## **APPENDIX 1**

# **General Regulations for Students**

**Definitions**

**Application of these Regulations**

**Contact with the University**

**Regulations relating to student behaviour**

**Academic and professional integrity**

**Regulations relating to student health and fitness**

**Regulations relating to student fees and charges**

## Definitions

‘You’ are a person who is currently registered with the University for a programme of study, whether that is full-time or part-time. This includes (but is not limited to) those who are:

- i. also employed by the University, such as a postgraduate research student who also acts as an associate tutor or members of staff on the MA in Higher Education Practice programme
- ii. on a work or clinical placement that is a requirement of your programme of study
- iii. registration-only, such as a postgraduate research student who has not submitted their thesis within their prescribed period of study but remains registered
- iv. dormant, i.e. those who are registered for a programme of study but who are not currently enrolled on any modules, such as Student Interrupting Their Period of Study at the University
- v. a full-time student officer of the Union of UEA Students
- vi. a visiting student

‘University’ means the University of East Anglia.

‘University Residences’ means Barton House, Britten House, Browne House, Colman House, Constable Terrace, Crome Court, Hickling House, Kett House, Nelson Court, Norfolk Terrace, Orwell Close, Paston House, Portland House, Suffolk Terrace, Suffolk Walk, University Village, Village Close, Victory House, Wolfson Close, and any other building which the University uses as accommodation for students.

‘University Property’ means premises owned, controlled, or managed by the University.

‘Registration’ means initial or renewed registration.

All references within these Regulations to particular post holders shall be construed to include references to their deputies or nominees.

Working days means Monday to Friday inclusive but does not include bank holidays or University closed days.

## **Application of these Regulations**

### **1. Effect of these Regulations**

- 1.1. These Regulations apply to you. They apply throughout your period of registration, including during University breaks and vacations falling within your period of registration.
- 1.2. If you are alleged to have breached one or more of these Regulations, we will apply the University Disciplinary and Investigative Procedures and Powers or any other procedure provided for in these Regulations.
- 1.3. Disciplinary procedures must normally be concluded before any degree or award can be conferred, and this may mean that conferment may be delayed pending conclusion of the procedures.
- 1.4. In registering with the University, you have agreed to be bound by all Statutes, Regulations, Student Charters, Codes of Practice, Rules, or Procedures of the University in force during your period of registration. You must therefore comply with these obligations.
- 1.5. You have, in registering with the University, agreed to be bound by all regulations, rules, and procedures required by any other organisation or institution to which you have access by virtue of your status as a student at the University. You must therefore comply with these obligations.

### **2. Registration status of full-time student officers of the Union of UEA Students**

- 2.1. If you are elected as a full-time student officer of the Union of UEA Students you must register as a full-time Visiting Student without fee, for the period in which you hold full-time office. If you were partway through a programme of study, you may interrupt your programme of studies for the period in which you hold full-time office.
- 2.2. These Regulations apply to you irrespective of your registration status.

### **3. Students interrupting their period of study**

- 3.1. You may apply to interrupt your programme of studies in accordance with the Regulations covering degrees and awards. If your application is successful, you will be a Student Interrupting Their Period of Study (unless you are a full-time student officer of the Union of UEA Students, when you will be a Visiting Student instead).

- 3.2. You must comply with the restrictions regarding the use of facilities that are specified in the Notices to Students Interrupting Their Studies that the University issues from time to time.
- 3.3. Only Regulations 6, 7, 8 (except 8.2.4), 23, 29, and 30 apply to apply to Students Interrupting Their Period of Study.

#### **4. Students who are also members of University staff**

If you are both a member of staff of the University and a Student as defined in these General Regulations, breach of these General Regulations may also constitute a disciplinary offence under Ordinance Six and/or Statute Seven.

*Ordinances and Statutes are part of the University's legislation under its Charter. Ordinance Six and Statute Seven relate to staff grievance and disciplinary matters. You can find a copy of them on the HR intranet here:*

<https://www.uea.ac.uk/hr/employee-information/policies/disciplinary>

#### **5. Students subject to immigration rules**

##### *Tier 4 visas*

- 5.1. If you have been granted a Tier 4 visa to study in the UK under the sponsorship of the University, you must comply with all the conditions of leave of your Tier 4 visa. You must also cooperate fully with the University as a Tier 4 sponsor where it is fulfilling any duties required by UK Visas and Immigration. Failure to do so may result in the University notifying UK Visas and Immigration that it is withdrawing sponsorship of your visa. As a result of that withdrawal of sponsorship, your permission to remain in the United Kingdom will be curtailed.
- 5.2. Any breach of these General Regulations resulting in suspension or exclusion from the University will mean that the University tells UK Visas and Immigration that it is withdrawing sponsorship of your visa. As a result of that withdrawal of sponsorship, your permission to remain in the United Kingdom will be curtailed.

##### *Students subject to Immigration Rules other than Tier 4*

- 5.3. As a Tier 4 sponsor the University has a duty to ensure that all students requiring a visa have valid immigration permission to study with us in the UK either under the sponsorship of the University or through holding valid immigration permission which carries an appropriate study condition. The University will check, during registration and subsequently thereafter, that permission to study remains valid throughout the whole period of study.

- 5.4. Any failure to establish permission to study or any change resulting in the removal of permission to study, for any reason, will result in immediate suspension.

*Guidance: Your ability to return to study following suspension will depend upon you having the appropriate leave with the necessary permission to study. See Part E.*

*Guidance: The University takes its legal responsibilities very seriously and each year there are students whose breach of these Regulations or the Home Office's requirements results in their visa being withdrawn. Some examples of reasons for suspension and withdrawal are (a) not meeting the University's attendance and engagement requirements, including specified 'expected contact points' such as attending teaching events, meeting your adviser, or submitting coursework (b) failing modules (i.e., not meeting the University's progression requirements), and (c) non-payment of fees and charges*

## Contact with the University

### 6. Giving us accurate information

The University, or someone acting on behalf of the University, may request that you provide information in pursuance of the University's aims. You must provide honest and complete information. If you knowingly or recklessly provide information that is misleading, or knowingly or recklessly misrepresent the truth by act or omission, you may be excluded from further study at the University.

### 7. Criminal offences and investigations

- 7.1. You must tell the Director of Student Services if at any time after you receive an offer to study with us, or while you are studying with us:
- 7.1.1. You are charged with a criminal offence, in which case you must tell us what the charges are and provide a copy of the charge sheet;
  - 7.1.2. You have accepted a police caution, in which case you must provide a copy of the caution;
  - 7.1.3. You have been released on conditional police bail, in which case you must provide a copy of the conditions;
  - 7.1.4. You have been placed under investigation with advice, in which case you must provide a copy of the letter of advice;

- 7.1.5. You are sent to trial for a criminal offence, in which case you must tell us the trial date and any rescheduled dates;
  - 7.1.6. You are notified that no further action will be taken to prosecute you, in which case you must show proof of this;
  - 7.1.7. You are found guilty of a criminal offence, in which case you must notify us of the offences of which you have been found guilty and your sentence;
  - 7.1.8. You are acquitted of a criminal offence, in which case you should, as far as is possible, provide us with any information that you have about why.
  - 7.1.9. A domestic violence protection notice or order is made against you, in which case you must provide a copy of the notice or order.
- 7.2. If you are enrolled on a programme of study in HSC, MED, EDU, SWK, or PHA you must also tell your Head of School. This is because the School will need to consider whether to take any action to notify the relevant professional, statutory and regulatory body (PSRB) or assess your fitness to practise, and whether you should be sent on placement.
- 7.3. Where a non-molestation order under the Family Law Act 1996 is made against you and a person being protected by the order is a member of staff, student, or officer of the University, or someone with whom you live in University Residences, you must immediately seek the court's permission to provide us with a copy of the order made and, if permitted to do so, provide us with a copy.

*Guidance: The University may be required to report students on programmes of study that qualify them into a profession overseen by a Professional, Statutory and Regulatory Body. However, there are other programmes at UEA, such as in LAW or PSY, where misconduct such as criminal offences, criminal cautions, or breaches of these Regulations (especially those relating to plagiarism and collusion or cheating) can prevent a student from gaining entry to a profession even though the University has no role in directly qualifying students into the profession.*

*You should therefore ensure that you are familiar with the expectations of any organisation that may regulate you in the future.*

## **8. Your contact information**

- 8.1. When you register you must give the University your permanent home address and the address at which you will live during semesters. The University will use your semester-time address or your email address to send

you communications during the semesters and your permanent home address and University email address at all other times.

- 8.2. It is your responsibility to inform the University of any change to your contact details, whether permanent or temporary. If you are an undergraduate student or a taught postgraduate student, you must immediately notify your Learning and Teaching Service Hub of any changes using the address change facility on the student portal or by writing to your Hub. If you are a postgraduate research student, you must immediately notify the Postgraduate Research Service.
- 8.3. In the case of undergraduate students and taught postgraduate students, you are deemed to have received all communications sent by the University within 48 hours of the communication being sent, whether that is by email or by post.
- 8.4. In the case of postgraduate research students, you must comply with the notification requirements in the Code of Practice for Research Degree Students.
- 8.5. This Regulation 8 applies to all students including those who are Students Interrupting Their Period of Study and those who are Suspended from Study (referred to in the University Disciplinary and Investigative Procedures and Powers as SS).
- 8.6. If you are Suspended from Study *and* Excluded from University Property and Services – a kind of suspension known as a SSEP – then you must give us a personal email address as your University email address will be closed. You are still deemed to have received all communications sent by the University within 48 hours of the communication being sent, whether that is by email or post, but we will use your personal email address instead of your University email address.

## **9. Your living arrangements**

- 9.1. If you live in University Residences you must sign a licence or assured shorthold tenancy agreement to occupy the accommodation allocated to you and you must abide by the terms and conditions of the licence or tenancy agreement.

*Guidance: Behaviour that breaches your licence or tenancy agreement is a breach of paragraph 9.1 and may also constitute one or more separate additional disciplinary offences under these Regulations. The Disciplinary Officer may therefore decide to bring disciplinary proceedings in addition to any penalties applied as a result of a breach of the licence or tenancy agreement.*

- 9.2. If you live off campus, you must ensure that the nature and location of your accommodation does not impact upon your ability to successfully engage in your studies.

## Regulations relating to student behaviour

### 10. General misconduct

#### 10.1. You must not:

- 10.1.1. Behave in a threatening, intimidating, or abusive manner to any student, member of staff or officer of, or visitor to, the University.
- 10.1.2. Refuse to comply with a reasonable request made by a member of staff or officer of the University in the performance of their duty.
- 10.1.3. Refuse to provide University identification when reasonably requested to do so by a member of staff or officer of the University in the performance of their duty in their place of work on University Property.
- 10.1.4. Dishonestly misuse a University identity or access card or allow anyone else to use your card.
- 10.1.5. Dishonestly misappropriate, remove without permission, or interfere with University Property or the property of students, staff or officers of the University, or visitors.
- 10.1.6. Intentionally or recklessly damage or deface University Property or the property of students, staff or officers of the University, or visitors.
- 10.1.7. Make an application for financial support from the University that contains information that you know or suspect is false or misleading.
- 10.1.8. Disclose confidential information relating to disciplinary investigations or proceedings (including fitness to practise proceedings) against another student except with their express written consent.
- 10.1.9. Seek improperly to influence the testimony of any witness or complainant in relation to a breach of these Regulations.
- 10.1.10. Fail to comply with any penalty previously imposed for a breach of these Regulations or the terms of a Suspension from Study or Suspension from Study and Exclusion from University Property.
- 10.1.11. Make a complaint against another student or any member of staff or officer of the University that is motivated by malice and/or mischievousness, or which is vexatious or that you know to be untrue.

- 10.1.12. Use or occupy University Property unless expressly or impliedly authorised by the University.
- 10.1.13. Knowingly receive, use, or possess controlled drugs other than as required by a programme of study or prescribed by a medical practitioner licensed by the General Medical Council.
- 10.1.14. Knowingly supply or produce controlled drugs other than as required by a programme of study.
- 10.1.15. Commit or participate in any act that is unlawful.
- 10.1.16. Commit or participate in any act that constitutes disorderly conduct causing nuisance or distress.
- 10.1.17. Commit or participate in any act the effect of which is to bring the University into disrepute.
- 10.1.18. Commit any act that constitutes harassment as defined by paragraph 9 ('University's Definition of Harassment') of the University's Policy Statement on Student Harassment and Sexual or Physical Misconduct.
- 10.1.19. Breach the University's Conditions of Computer Use.
- 10.1.20. Breach the Library Rules.
- 10.1.21. Drive, park or wash a motor vehicle on University Property except as permitted by the University's Vehicle Regulations.
- 10.1.22. Breach the University's Code of Practice relating to Freedom of Speech.

*Guidance: The University's Code of Practice relating to Freedom of Speech reflects the University's legal responsibility to ensure that freedom of speech is secured for students, staff, officers, and visitors while at the same time prohibiting or placing special conditions on activities, events or meetings where it is appropriate to do so.*

- 10.2. You must not *intentionally* commit or participate in the commission of any act which:
  - 10.2.1. has the effect of preventing, hindering, or disrupting students of the University in their academic pursuits or use of University leisure facilities; or staff or officers of the University in their duties, academic pursuits or use of University leisure facilities; or visitors to the University from carrying out their lawful business.
  - 10.2.2. has the effect of preventing, hindering, or improperly disrupting students, staff, or officers of the University or any visiting speakers in the exercise of their right lawfully to express any point of view or opinion or lawfully to meet or assemble.

- 10.2.3. is detrimental to the University's obligations under its Charter.
- 10.2.4. results in damage or loss to the University or to the persons or property of students, staff, or visitors.
- 10.3. You must not incite or encourage anyone to breach this Regulation 10.
- 10.4. You are responsible for:
  - 10.4.1. making good any damage or loss resulting from any act or omission of any person you invite onto University Property or to whom you have given access to University facilities or services, where such act or omission, if done by a student, would be a breach of these regulations.
  - 10.4.2. making good any damage or loss resulting from a breach of these Regulations.

## **11. Statements to the media**

You must not make statements to the media (including press, radio, television, and online) on behalf of the University without the prior written permission of the Vice Chancellor.

*Guidance: The prohibition on making statements without permission does not prevent students from making statements on their own behalf or on behalf of another organisation. Students seeking permission to make a statement on behalf of the University should contact the officers of the Student Union in the first instance, who shall liaise with the office of the Vice Chancellor.*

## **12. Health and safety**

- 12.1. You must take reasonable care
  - 12.1.1. for your own safety and for the safety of the University's staff, students, officers, visitors, and anyone else who may be affected by your acts or omissions.
  - 12.1.2. for the safety of property belonging to the University or the University's staff, students, officers, visitors, and anyone else who may be affected by your acts or omissions.
- 12.2. You must follow the University's health and safety policies, codes and rules and follow any instructions given to you by a member of staff in the interests of your own and others' health and safety.

- 12.3. You must report health and safety incidents or concerns relating to University Property or University staff, officers, visitors, or students in accordance with the policy outlined [here](#).
- 12.4. You must not incite or encourage anyone else to breach this Regulation 12.

*Guidance: The University has a number of important policies, codes, and rules on health and safety that are designed to reflect its legal obligations and the need to protect the wellbeing of the University community and public. These policies deal with issues such as smoking in enclosed spaces; use of laboratory equipment; interfering with fire safety equipment; and not accessing roofs or the University broad. These Regulations require you to follow these policies, codes and rules. You must familiarise yourself with them. They can be found here: .....*

## Academic and professional integrity

### 13. Attendance, engagement, and progress

#### 13.1. You must:

13.1.1. Register with the University at the commencement of your programme of study, the start of each subsequent academic year, and any other times requested by the University.

13.1.2. Notify the University immediately upon registration for your programme of study if you are unwilling to carry out University work or examinations on Saturdays or on certain other days during the year because to do so would be contrary to your religion or belief as defined in the Equality Act 2010.

*Guidance: The University will consider whether or to what extent it can arrange learning, teaching, and assessment to accommodate your religion or belief, in accordance with the University Policy on Students' Beliefs and the Organisation of University Work.*

13.1.3. Attend lectures, seminars, research training, and other classes and events that are required as part of your programme of study. Attendance means your physical presence on a timely basis.

13.1.4. Engage with your programme of study or research degree. Engagement means your active involvement in your studies, as evidenced, for example, by meaningful contributions to teaching events, appropriate preparatory work in advance for teaching or events or supervisions, submission of assessed work, and constructive working with fellow students.

13.1.5. Tell your Learning and Teaching Service Hub or report online via evision if you are unable to attend or engage with your programme of study, such as due to a change in circumstances or ill health, so that they can notify your School. Postgraduate research students should instead notify the Postgraduate Research Service.

13.1.6. Attend any meeting called by or on behalf of an officer of the University or a person responsible for you, such as:

13.1.6.1. your Head of School; your School's or institute's Director of Postgraduate Research; and/or the Senior Adviser or Deputy Senior Adviser of your School;

13.1.6.2. a plagiarism officer; investigative officer; Student Support Coordinator; Deputy Accommodation

Manager; Disciplinary Officer; or Chair of Senate Student Discipline Committee;

13.1.6.3. your UEA Apprenticeship Adviser (for those on registered degree apprenticeship programmes only);

13.1.6.4. the Chair of your School's fitness to practise committee or your fitness to practise lead (for those registered on a professional programme of study only);

13.1.6.5. the Director of Student Services and any person from Student Services.

13.1.7. If you are on a taught programme, you must meet your academic adviser in accordance with the Policy on the Advising System.

13.1.8. You must also meet your academic adviser if requested to do so for the purpose of discussing your attendance, engagement, and progress.

13.1.9. If you are on a research programme, you must attend your initial and formal supervisory team meetings. These are described in the Code of Practice for Research Degrees. You may attend using an agreed videoconferencing facility.

13.2. If your attendance and/or engagement is unsatisfactory, or you fail to make satisfactory progress in your programme of study, the University may at any time temporarily suspend you from the University or permanently exclude you from the University. The decision about whether and to what extent you have breached this Regulation is an academic judgment made in accordance with the University's Policy on Attendance, Engagement, and Progress or, in the case of postgraduate research students, the PGR Procedure on Attendance, Engagement, and Progress.

*Guidance: If you are a Tier 4 visa holder, breach of this Regulation 13 can have the serious consequences of the University withdrawing its sponsorship of your visa. This will mean that you are withdrawn from the University.*

13.3. If you are on a taught programme, you may take a leave of absence of up to two weeks' duration at any time during your programme of study, provided that you have the permission of your Head of School or someone that they have authorised to give permissions.

13.4. Postgraduate research students may take a leave of absence in accordance with the PGR Procedure on Attendance, Engagement, and Progress.

*Guidance: Your School may grant permission if you have a good reason to be absent and you undertake to fulfil all obligations to the University required*

*during this period. You are solely responsible for catching up with any missed work.*

#### **14. Professional misconduct or unsuitability/fitness to practise**

- 14.1. If you are on a programme of study that may lead to entry to a profession overseen by a Professional, Statutory and Regulatory Body, or you are accredited by such a Body, you must not act or behave in a manner that:
- 14.1.1. jeopardises the welfare of your professional subject, such as a pupil, patient, or client ('professional misconduct'); or
  - 14.1.2. jeopardises the welfare of a colleague ('professional misconduct'); or
  - 14.1.3. contravenes the relevant professional code of conduct ('professional misconduct'); or
  - 14.1.4. is incompatible with the behaviour required by the profession ('professional unsuitability').

*Guidance: Behaviour constituting professional misconduct could be part of a pattern or a single event, or an attitude, or any other breach of these Regulations such that there are concerns that you are not meeting the expectations of the profession.*

- 14.2. These requirements apply to you at all times that you are registered on your programme of study and are not limited to the periods spent on professional placement or on campus.
- 14.3. If you are found to be in breach of these requirements you may be expelled or temporarily suspended from the University in accordance with the Disciplinary Procedures.

#### **15. Misconduct in research and research ethics**

- 15.1. If you conduct research, you must act with integrity.
- 15.2. You must not act in a way that constitutes misconduct in research. Misconduct in research is fabrication, falsification, plagiarism, misrepresentation, impersonation, or any other practices that seriously deviate from those that are commonly accepted within academic or scientific communities for proposing, conducting, or reporting research.
- 15.3. Honest error or honest differences in the interpretation or judgment of data does not constitute misconduct in research.
- 15.4. You must comply with the University Research Ethics Policy. Failure to do will be investigated as potential misconduct in research.

- 15.5. You must comply with the University Research Data Management Policy. Failure to do so will be investigated as potential misconduct in research.
- 15.6. Allegations of research misconduct shall be dealt with under the University's Procedure for Dealing with Allegations of Misconduct in Research.

*Guidance: Misconduct in research includes but is not limited to:*

- *Piracy: the deliberate exploitation of ideas from others without acknowledgment.*
- *Fabrication: making up data or results and recording or reporting them.*
- *Falsification: manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.*
- *Plagiarism: the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.*
- *Mismanagement or inadequate preservation of data and/or other primary materials.*
- *Misappropriation of research data.*
- *Improper conduct in peer review.*
- *Failure to declare a conflict of interest.*
- *Failure to comply with the University Research Ethics Policy, such as conducting research for which the University requires there to be prior ethical approval when you have not secured that approval, or conducting research in a way that contravenes the terms of the ethical approval granted by the University or by any other relevant bodies accepted by the University as governing the conduct of the research in question.*
- *Failure to follow accepted procedures or exercise due care when carrying out research, so that there is a risk of harm to people, animals, the environment, and/or cultural objects.*
- *Misrepresentation of involvement in authorship.*

*Misconduct in research does not include:*

- *Honest error or honest differences in interpretation or judgment of data.*

*Guidance: Note that some aspects of research misconduct may break the law, including the criminal law, or incur civil penalties. The University will report such breaches as described in Part A2 of the University Disciplinary and Investigative Procedures and Powers.*

## **16. Intellectual property, data protection, and copyright**

- 16.1. You must comply with the University's Intellectual Property Regulations.
- 16.2. You must not make copies of copyright-protected work beyond the limits set by statute by such licences as the University holds, or by guidelines

published by the University. Copying means reproducing the work in any form including storage by electronic means in any medium.

- 16.3. You must not access, construct, maintain, or use computer or manual files of personal data relating to living individuals for use in connection with your studies or research without the written prior approval of your adviser or supervisor, copied to the University's Data Protection Officer.
- 16.4. You must abide by the Data Protection Principles whenever you access, use, or store personal data held by the University.
- 16.5. In order that the University can comply with its licences for access to electronic resources, you must ensure the security and confidentiality of the electronic resources made available to you, whether that is via a university-owned device or any personal device you connect to the network. You must also ensure that any information you derive from these electronic resources are used only for the purposes defined in the relevant licence(s).

*Guidance: Copies of the relevant licences can be obtained from the library.*

## **17. Attendance for assessment and submission to deadline**

- 17.1. You are responsible for noting correctly the times and places of examinations (including *viva voce* examinations) and course tests and the submission dates of coursework. No special arrangements can be made if you fail to attend an examination or course test at the proper time, or if you fail to submit coursework by the deadline.

*Guidance: If you are too ill to attend an examination or course test, it is extremely important to be able to obtain contemporary evidence from your GP to explain your absence from the examination or course test. This means obtaining such evidence immediately **on the day of the examination** by going to see your GP or informing your GP in the event that you are too ill to do so. **Even if you are not registered at University Medical Centre, you can still see a GP there about an absence from an examination or course test.** You can use this evidence to support any application you make under the Extenuating Circumstances Policy. You should also report your circumstances to your Learning and teaching Service Hub or to the Postgraduate Research Service as soon as possible.*

*In the event that there are non-medical circumstances preventing your attendance at an examination or course test, you should notify your Hub and collate evidence to support any application you can make under the Extenuating Circumstances Policy.*

*Guidance: If you are referred to Reassessment or have been granted a Delayed Assessment or Reassessment, or a Further Reassessment, you are*

*expected to sit the examinations or course test (as appropriate) at the University. If you have serious extenuating circumstances which prevent you from returning to the University, you may apply to the Learning and Teaching Committee of Senate (via your Learning and Teaching Service Hub) for permission to sit at an overseas examination/test centre in your country of residence. The overseas examination/test centre will be subject to approval by the Academic Director of Taught Programmes. In the case of postgraduate research students, your application should be made to the Postgraduate Research Service and your application will be subject to approval by the Academic Director of Research Degree Programmes and payment of the appropriate fee.*

*Permission to sit an assessment overseas is given only in exceptional situations because of the resource implications and the need to ensure the academic integrity of our assessments. Permission is at the discretion of the Academic Director of Taught Programmes/ Academic Director of Research Degree Programmes. There is no appeal from the decision.*

## **18. Plagiarism and collusion**

You must not commit plagiarism or collusion, as defined in the Policy on Plagiarism and Collusion, in any assessments.

*Guidance: Where the student is a postgraduate research student, it may be more appropriate (because there are greater procedural safeguards) for any allegations of plagiarism to be addressed under Regulation 15.*

## **19. Illegible or offensive material**

- 19.1. You must not include gratuitously offensive material in any work submitted for assessment. If you do so, you are guilty of a breach of this Regulation.
- 19.2. You must ensure that work submitted for assessment is legible.
- 19.3. Gratuitously offensive work and/or illegible work will be dealt with according to the University Policy on Illegible or Gratuitously Offensive Assessment Submissions and may be dealt with as a breach of Regulation 13 and/or 14.

## **20. Behaviour in the examination or course test**

- 20.1. You must not commission or otherwise allow another person to pass themselves off as you during an examination or course test.

- 20.2. You must not impersonate another candidate at an examination or course test.
- 20.3. During the examination or course test you must maintain good order and obey all instructions given by the invigilators. Invigilators may take appropriate action to ensure the integrity of the assessment.
- 20.4. You must not enter the examination or course test room more than 30 minutes after the scheduled start time of the examination or leave the examination or course test room in the first 30 minutes or the last 15 minutes of the examination or course test.

*Guidance: Apart from these periods, you may leave the examination/course test room temporarily only under supervision and, if visiting the toilet, must sign out and in again. If you have to leave your desk, you must move quietly and create as little disturbance as possible.*

- 20.5. You must not communicate with anyone other than an invigilator in the examination or course test.
- 20.6. You must write your answer legibly in ink unless you are told otherwise.
- 20.7. You must not turn over the question paper or write on the question paper or your answer booklet until you are told to start the examination or course test. You must not continue to write in examinations or course tests after you have been instructed to stop.
- 20.8. You must not remove any answer booklets or other stationery. If you do not wish to hand in an answer booklet at the end of the examination or course test, you must tell an invigilator who will annotate the cover and ensure that it is retained.
- 20.9. If an invigilator has a reasonable suspicion that you have brought unauthorised materials into an examination or course test room, you must comply with any request by him or her to empty your pockets of all contents and turn your pockets inside out; remove outer items of clothing; pull back long hair to reveal ears and/or neck; roll up sleeves or trousers; remove socks and shoes.

*Guidance: Failure to comply with this request will be a breach of these Regulations. Moreover, the University may determine that such failure supports a finding that you do indeed have unauthorised materials in your possession.*

- 20.10. You must not take into the examination room:
  - 20.10.1. Any coats, jackets, or bags where there is provision for separate storage of these items
  - 20.10.2. Any materials – such as blank paper, ear plugs, notes, texts, mobile telephones, dictionary pens, visual aids, smart watches,

electronic devices, audio equipment, and any other devices capable of receiving, storing, or transmitting data – unless they are specifically authorised for use in the examination or course test.

- 20.11. If you find yourself in possession of a coat, jacket, bag, or unauthorised materials you should immediately notify the invigilator.
- 20.12. You must give to the invigilator any items that the invigilator indicates they believe are unauthorised.

*Guidance: You must not cheat in an assessment of any kind, including examinations, course tests, and coursework. Cheating in an assessment is defined as an attempt to gain an advantage by unfair means. Where you are suspected of cheating, the University will take action in accordance with the relevant Disciplinary procedure.*

*If you are suspected of any form of cheating, the invigilator should, in accordance with Part C of the University Disciplinary and Investigative Powers and Procedures:*

*Step A: Immediately inform you that you are suspected of cheating.*

*Step B: Request your student card, which you must provide in accordance with Regulation 10.1.3.*

*Step C (applicable only where there is a reasonable suspicion that you have brought unauthorised materials into an examination or course test room): Ask you to empty your pockets of all contents and turn your pockets inside out; remove outer items of clothing; pull back long hair to reveal ears and/or neck; roll up sleeves or trousers; remove socks and shoes. You must do this in accordance with Regulation 20.9. If you request, and if this is reasonably practicable, we will try to ensure that this search is carried out by a person of the gender of your choice.*

*Step D: (applicable only where there is a reasonable suspicion that you have brought unauthorised materials into an examination or course test room): Confiscate any materials they believe to be unauthorised.*

*Step E: Mark your answer booklets with the time at which the suspicion arose.*

*Step F: Tell you to wait behind at the end of the examination in order to be interviewed by the venue's invigilation manager.*

*Step G: Thereafter allow you to continue with the examination or course test.*

*Step H: At the end of the examination, interview you about the suspected breach of the General Regulations and provide you with a handout about the procedure.*

*Step I: Notify the University Assessments Office, so that disciplinary proceedings can be started against you.*

*Guidance: The University may be required to report students on programmes of study that qualify them into a profession overseen by a Professional Statutory Regulatory Body. However, there are other programmes at UEA, such as in LAW or PSY, where misconduct such as criminal offences, criminal cautions, or breaches of these Regulations (especially those relating to plagiarism and collusion or cheating) can prevent a student from gaining entry to a profession even though the University has no role in directly qualifying students into the profession.*

*For example, unless there are exceptional circumstances the Solicitors' Regulation Authority will refuse admission to the solicitors' profession to those who have committed a deliberate assessment offence which amounts to plagiarism or cheating.*

*You should therefore ensure that you are familiar with the expectations of any organisation that may regulate you in the future.*

## **21. Use of an electronic calculator**

- 21.1. You may use an electronic calculator in examinations and course tests unless the Learning and Teaching Committee of the Senate on the recommendation of the Board of the School has prohibited the use of calculators in that examination or course test. Using a calculator which is not authorised is a breach of Regulation 20.10.
- 21.2. Where the use of a calculator is permitted, you are responsible for providing your own calculator and for ensuring that it is in working order. That calculator must be a model that appears on the University's list of approved calculators.

*Guidance: Your calculator may be checked by the Invigilator in the examination/course test room. Calculators that do not comply with the above requirements will be removed from you and disciplinary proceedings started.*

*The University's list of approved calculators can be found here: .....*

## **22. Use of a dictionary**

- 22.1. If your first language is not English you may use a dictionary in any examination or course test unless it is expressly forbidden, such as where the purpose of the assessment is to test competence in a language.
- 22.2. Where the use of a dictionary is permitted, you are responsible for providing your own dictionary and that dictionary must:

- 22.2.1. be paper-based, unless you have an approved assessment adjustment allowing a dictionary in an alternative format.
  - 22.2.2. be of a type that is on the University's list of approved dictionaries.
  - 22.2.3. be English to a foreign language, foreign language to English and/or foreign language to foreign language.
  - 22.2.4. *not* be a technical dictionary or a dictionary that contains content other than simple translations.
  - 22.2.5. *not* contain any notes, tabs, or annotations other than your name. Any notes, tabs, or annotations discovered in a dictionary will be treated as evidence of an intention to cheat.
- 22.3. Use of a dictionary which is not authorised is a breach of Regulation 20.10.

*Guidance: Your dictionary may be checked by the Invigilator in the examination/course test room. Dictionaries that do not comply with the above requirements will be removed from you and disciplinary proceedings started.*

*The University's list of approved dictionaries can be found here: .....*

## **23. Conferment of qualifications**

- 23.1. You must not describe yourself as holding a degree or other qualification granted by the University unless the qualification has been awarded to you at Graduation or by special resolution of the Senate.
- 23.2. If you are a candidate for a degree (including a degree apprenticeship), postgraduate certificate or diploma, or Diploma or Certificate of Higher Education, you can elect to present yourself in person at Graduation or elect to have the qualification conferred *in absentia*.
- 23.3. If you have been excluded from all University Property (referred to within the Disciplinary Procedures as SSEP) for a period of time which includes your scheduled Graduation ceremony, or you have been expelled from the University, your award, if any, shall be conferred *in absentia*.
- 23.4. Any certificate or other document issued by the University as verification that you are a student remains the property of the University. If a member of staff or officer of the University asks you do so, you must show or surrender the certificate or document. The University imposes a charge for a replacement.

## Regulations relating to student health and fitness

### 24. Fitness for study

You must be sufficiently fit to be able to fulfil the academic requirements of your programme of study, including those related to attendance and engagement.

*Guidance: Sometimes students, staff, or officers of the University may have serious concerns about the wellbeing of a student, and feel it inappropriate to trigger a disciplinary process. If this is the case, then the University may review the student's fitness in accordance with the Fitness for Study Policy and may choose to suspend any disciplinary proceedings pending the outcome of that fitness process. The Fitness for Study policy is designed to place the student's wellbeing at the centre of decision-making, while also ensuring the good order of the University and the wellbeing of staff, other students, and officers.*

### 25. Registration with a general practitioner

25.1. You are required to register with a general practitioner (GP) within ten kilometres (6.2 miles) of the address at which you live during semesters if you:

25.1.1. Are a full-time student registering for a programme of study that exceeds three months' duration; and/or

25.1.2. Intend to reside in University Residences for longer than three months.

*Guidance: If you live on campus or elsewhere in Norwich we recommend that you register with University Medical Services.*

### 26. Tuberculosis screening

26.1. Whether or not you are registered with University Medical Services, you must be screened for tuberculosis at University Medical Services within 28 days of registration for a programme of study at the University if your programme of study is longer than three months' duration and

26.1.1. you are usually resident in a country listed by University Medical Services as high risk for tuberculosis, or

26.1.1.1. you were born in a country listed by University Medical Services as high risk for tuberculosis, or

26.1.1.2. you have been travelling or living in such a country for at least six of the last twelve months

unless your programme of study was immediately preceded by a previous programme of study at the University and you were screened when you started that previous programme.

- 26.2. If your screening results are not available within 42 days of registration at the University, you may be suspended from the University (and therefore from University Property) until the screening process is completed.

*Guidance: You can find the list of high risk countries here: <http://www.umsuea.co.uk/new-patients.aspx?t=2>*

*The cost of student screening will be paid by the University.*

*If you are a postgraduate student accompanied to the UK by your family, the University Medical Service may also offer them the opportunity to be screened. We recommend that you take up this opportunity, but you will be charged a fee for this.*

*A programme that was immediately preceded by a previous programme of study means one at the University or INTO UEA which finished fewer than six months ago.*

## **27. Infectious illness**

- 27.1. An infectious illness is one that is listed by UEA Medical Services here: <http://www.umsuea.co.uk/info.aspx?p=18>

- 27.2. You must immediately tell University Medical Services and the Director of Student Services if:

27.2.1. you are suffering from an infectious illness, or

27.2.2. you or a medical doctor suspect that you are suffering from an infectious illness, or

27.2.3. you are living with someone else who has an infectious illness.

- 27.3. The Director of Student Services may decide to quarantine you for the isolation period recommended by University Medical Services. You must comply with the terms of the quarantine.

*Guidance: Where it is possible for you to return to your own home or your parents' home without risking infecting others, the Director of Student Services or their representative will usually arrange for you to do so.*

- 27.4. If you do not comply with the terms of the quarantine, the University may suspend you and make you leave campus in accordance with paragraph

E3 of the Disciplinary Procedures and Powers. Any suspension and exclusion (SSEP) shall come to an end upon receipt of a certificate from a medical practitioner licensed by the General Medical Council which says that you no longer present a risk of infection to other people.

## **28. Students on placements**

28.1. If your programme of study includes any form of clinical placement:

28.1.1. You are required to present evidence of a satisfactory standard of health and level of immunisation in accordance with criteria published by your School of study before being permitted to undertake such a placement.

28.1.2. you must contact the Occupational Health department of the University for advice if you believe that you have come into contact with someone suffering from an infectious illness as defined in 27.1 above or believe for any other reason that you may place a patient or vulnerable person at risk of infection. You must also comply with such advice.

28.2. If your programme of study includes a requirement that you undergo a disclosure and barring check before undertaking any form of research or placement (whether clinical or otherwise), you must consent to such a check and provide a copy of the results to your School of study.

28.3. If your programme of study includes a requirement that you undergo occupational health clearance for exposure prone procedures you must cooperate with this clearance requirement.

28.4. If you do not comply the requirements of this paragraph 28 you are not eligible to undertake the placement and you may be excluded from the module and/or programme, and/or suspended from the University.

*There is a Code of Practice on Placement Learning and Workplace Learning , which can be found at*

<https://portal.uea.ac.uk/documents/6207125/8573237/COP%2BFlowcharts+20161020.pdf/aa45946e-718c-483f-8712-4b168ea8e24f>

## Regulations relating to student fees and charges

### 29. Payment of invoices

- 29.1. You must pay all fees and other charges (including fines) levied by the University in accordance with its Schedule of Fees and Charges.

*Guidance: Even if you arrange for a third party to pay fees and charges on your behalf, such as a parent or sponsor, you are responsible for ensuring payment.*

- 29.2. These must be paid to the University within 28 days of the date of the University's invoice, unless a different period for payment is specified.

- 29.3. If you do not pay fees and other charges within 28 days of the date of the University's invoice (or such other period as may be specified), the University may choose to impose late fees, as set out in the Schedule of Fees and Charges. Such fees are payable for each 28 days or part thereof that the fees or any part thereof remain outstanding after the initial 28 days (or such other period as may be specified).

- 29.4. If you have agreed with the University that you may pay in instalments but you do not pay your instalment on the due date, the University may withdraw the right to pay by instalments and the invoice shall immediately become payable in full.

- 29.5. If a grant or payment is due to be made to you by the University, the University may reduce that grant or payment by the amount of any outstanding debt or set off against the outstanding debt.

- 29.6. You must pay the appropriate fee laid down in the Schedule of Fees and Charges in order to be eligible for assessment.

*Guidance: Assessment fees are currently included in the annual tuition fee but reassessment fees are currently payable in addition.*

- 29.7. If you withdraw from assessment or do not submit an assessment item, or you leave the University without submitting an assessment, you are not entitled to recover any proportion of the tuition fee or assessment fee or reassessment fee paid and no part of the fees are transferable to a later assessment, unless the University at its discretion agrees.

*Guidance: The University is preparing a Refund and Compensation Policy that applies to students who withdraw from their studies part way through an academic year.*

### **30. Effect of non-payment on programme of study and qualifications**

- 30.1. If you do not pay all outstanding fees and charges to the university by the due date and you have not agreed with the University a revised payment timetable, you may be suspended by the University until such time as the fees and charges are paid in full. If the sum or any part thereof remains outstanding for more than 12 months, you will be automatically withdrawn from the University unless the University expressly agrees otherwise.
- 30.2. No degree, diploma, or other qualification shall be conferred upon you if you have not fulfilled all academic-related financial obligations to the University.
- 30.3. You are not permitted to register with University for a programme of study (whether fresh or renewed) if you have any academic-related financial obligations to the University that are outstanding from a previous academic year or programme, including those that have accrued during a break in your studies or vacation. This includes but is not limited to tuition fees, charges relating to attendance at field trips, and other charges relating to your programme of study.

*Guidance: If you are in difficulties about paying any fees or charges due, you should immediately make contact with the University's Finance Division to discuss your payment options. Advice can also be sought from the Students' Union and Student Support Services.*

***IMPORTANT: The Regulations covering academic awards state that your studies must be completed in a specified amount of time. There may be situations where you are suspended and then pay your fees and charges but are still not permitted to rejoin your programme of study because of the length of time that has passed.***

## University Disciplinary and Investigative Procedures and Powers

Part	Title	Pages
<b>A</b>	<b>General</b> Definitions, oversight, confidentiality, students who leave, interrelationship with criminal proceedings	<b>2–5</b>
<b>B</b>	<b>Non-academic discipline procedure</b> Breaches of accommodation licence, low and medium level incidents, disciplinary officer (high level), informal resolution	<b>6–10</b>
<b>C</b>	<b>Academic discipline procedure</b> Regulation 20 (examination misconduct), Regulation 23 (conferment of qualifications), guidance on related policies	<b>11–14</b>
<b>D</b>	<b>Procedure for dealing with allegations of professional misconduct or unsuitability</b> Fitness to practise at School level and referrals on	<b>15–19</b>
<b>E</b>	<b>Suspension and exclusion powers</b> All powers to suspend a student or exclude them from areas of campus, effect of this, return from suspension	<b>20–27</b>
<b>F</b>	<b>Senate Student Discipline Committee</b> Referrals to SSDC, Chair's powers including summary determination of Regulations 13,18, and 20, panel modes and composition and procedure, post-hearing actions, guidance to students	<b>28–46</b>
<b>G</b>	<b>Penalties</b> Academic and non-academic penalties exercisable at different levels and guidance on them	<b>47–55</b>
<b>H</b>	<b>Appeals</b> Two-stage process for non-academic appeals from the Disciplinary Officer and a Student Services decision-maker and SSDAC process for academic appeals	<b>56–73</b>

### Key telephone numbers

## Part A: General

### Definitions

#### You are

- (a) a student who is alleged to have breached one or more Statutes, Regulations (including the General Regulations for Students), Student Charter, Codes of Practice, Rules, and Procedures of the University in force during your period of registration and any regulations, rules, and procedures required by any other organisation or institution to which you have access by virtue of your status as a student at the University of East Anglia; or
- (b) a former student who was a student at the time of the alleged breach(es); or
- (c) a student at INTO UEA.

**University** means the University of East Anglia.

'University Residences' means Barton House, Britten House, Browne House, Colman House, Constable Terrace, Crome Court, Hickling House, Kett House, Nelson Court, Norfolk Terrace, Orwell Close, Paston House, Portland House, Suffolk Terrace, Suffolk Walk, University Village, Village Close, Victory House, Wolfson Close, and any other building which the University uses as accommodation for students.

'University Property' means premises owned, controlled, or managed by the University.

'Registration' means initial or renewed registration.

Other than in respect of Part E, paragraph 1 (Vice Chancellor's Powers), all references within these Procedures to particular post holders shall be construed to include references to their deputies or nominees who may take action within these Procedures on the authority of the post holder, provided there is no conflict of interest.

The term 'they' is often used in the singular as a replacement for the gender-specific terms 'he or she' or 'his or her'.

Working days means Monday to Friday inclusive but does not include bank holidays or University closed days.

### 1. Oversight of the Regulations and these Procedures and Powers

- 1.1 The Head of Learning and Teaching (Quality) has overall responsibility to the Senate for General Regulations 13–23 inclusive, insofar as they relate to students on taught programmes.
- 1.2 The Head of the Postgraduate Research Service has overall responsibility to the Senate for General Regulations 13–23 inclusive, insofar as they relate to students on research degrees.

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1.3 The Director of Student Services has overall responsibility to the Senate for the welfare and discipline of students under all other General Regulations.

1.4 The Vice Chancellor may not delegate their powers except in accordance with paragraph E1.11 to a Deputy Vice Chancellor or Pro Vice Chancellor.

## 2. Confidentiality and data protection

2.1 All personal information will be processed by the University lawfully.

2.2 We will process your personal data in order for the University to fulfil its obligations under its Charter. This includes processing your personal data for the purposes of the investigations and procedures described in this document.

Guidance: Further information relating to the University's [processing of student personal data can be found in our [Student Privacy Notice](#).

2.3 Subject to paragraph 2.1 above, these proceedings and their outcome, as well as any information disclosed in those proceedings, will be treated as confidential to:

2.3.1 the Participants (including any other students involved in the same proceedings)

2.3.2 those involved in the investigation, management, or administration of the proceedings or potential proceedings.

2.3.3 those responsible for you (such as your Head of School, adviser, and (where relevant) fitness to practise lead or supervisor).

2.4 However, there are exceptions to this. Confidential and personal information relating to disciplinary and investigative procedures may be disclosed:

2.4.1 to the police

2.4.2 to government, or professional, statutory and regulatory bodies (PSRBs) (such as the General Medical Council or the Health and Care Professions Council) if required by law, or required by those relevant bodies and permitted by law

2.4.3 if you ask us to disclose it, or when you ask us to complete a reference for a role or responsibility or for further study

2.4.4 if you are enrolled on a degree apprenticeship programme, as the University will share any findings of breach with your employer in accordance with your Apprenticeship Commitment Statement

2.4.5 if you are sponsored or seconded by an employer as the University will share any findings of breach with your employer

2.4.6 to a funding body or external research ethics committee

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- 2.4.7 as a case study for training purposes or to ensure that similar cases are treated similarly. If we do this, we will anonymise the information.

### **3. Students who leave the University**

- 3.1 These University Disciplinary and Investigative Procedures and Powers apply to you even if you withdraw from the University, or are withdrawn, or your registration end date is reached, provided that the alleged breach of the Regulations relates to your time as a student. In this situation, the Chair of Senate Student Discipline Committee will decide whether the case against you should proceed, or not proceed, or be suspended. In making this decision, the Chair will usually consider that the case should proceed where:
- 3.1.1 there is a need to safeguard University students, staff, officers, visitors, and University Property; and/or
  - 3.1.2 there is a need to safeguard members of the public, especially those who are vulnerable such as children, patients and vulnerable adults who may be affected by the alleged breach(es); and/or
  - 3.1.3 to do so would reflect the requirements or spirit of the Codes of Practice and standards established by the relevant professional, statutory and regulatory body (PSRB); and/or
  - 3.1.4 it is in the interests of academic integrity, for example because it is alleged that you have obtained a qualification from the University by fraud.
- 3.2 Where you have a pending appeal to the Senate Student Discipline Appeals Committee, the Chair of Senate Student Discipline Appeals Committee will make the decision referred to at 3.1 instead.
- 3.3 In the event that the Chair decides that the case should proceed, the Chair can at their discretion keep the proceedings suspended until such time as you engage with them, although in most situations the cases will proceed in your absence. Where the proceedings are suspended, you are not eligible for admission to any programme of study or any other service until conclusion of the proceedings.
- 3.4 As stated in Regulation 1.3, disciplinary procedures must normally be concluded before any degree or award can be conferred, and this may mean that conferment may be delayed pending conclusion of the procedures.
- ### **4. Interrelationship with criminal investigations and similar proceedings**
- 4.1 If an allegation of a breach of these Regulations might also constitute a criminal offence or where a police, criminal, or other legal investigations or legal proceedings are contemplated or underway, the University can at its discretion

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decide to postpone its own investigative or disciplinary processes until the investigation and/or proceedings have been concluded.

- 4.2 However, there may be circumstances in which the processes run concurrently or consecutively, particularly where there is an immediate issue of risk to you or others, or if 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 decision-maker named in paragraph 4.3 below, are likely to be, brought against you in respect of that offence.
- 4.3 The decision as to whether to take or postpone investigation and/or proceedings will be made by:
- 4.3.1 the Head of Learning and Teaching (Quality) for alleged breaches of General Regulations 13–23 inclusive, insofar as they relate to students on taught programmes.
  - 4.3.2 the Head of the Postgraduate Research Service for alleged breaches of General Regulations 13–23 inclusive, insofar as they relate to students on research degrees.
  - 4.3.3 the Director of Student Services in relation to all other General Regulations.
  - 4.3.4 An alleged breach of Regulation 16 (intellectual property, data protection, and copyright shall be treated as a non-academic discipline matter.
- 4.4 If, after proceedings against you have been commenced under these Disciplinary Procedures, any criminal proceedings are started against you in respect of the same incident, the disciplinary proceedings will normally be suspended to await their outcome (including any appeal).
- 4.5 Where you have been acquitted of an offence before a criminal court, action under these Procedures and Powers may still be taken. That is because the University has a different (lower) standard of proof than the criminal courts, and we consider whether you have breached the Regulations rather than whether you have committed a crime.
- 4.6 It is not necessary for any party to prove again any fact already established in the criminal or civil proceedings.

*Guidance: The reasons for deferring action pending criminal proceedings are:*

- (a) Any immediate risk to the University community should be addressed through precautionary action under Part E of these Procedures and Powers. That Part contains the powers of the University to temporarily exclude and/or suspend you pending the progression or outcome of any police, criminal or other legal investigations or proceedings. There are safeguards within that Part.*
- (b) There is a substantial risk that an internal investigation could interfere with or prejudice a criminal investigation (for example, in relation to witness evidence an internal investigation may involve an element of ‘rehearsal’ of*

*evidence prior to a criminal trial with the potential for memories to be tainted, or the alteration of accounts because of what has been said, heard or disclosed during the process).*

*(c) A student's engagement with an internal investigation could impact upon their defence in the criminal proceedings therefore a student's lawyer is likely to advise them not to engage with internal proceedings.*

*(d) An internal investigation may also risk jeopardising a successful prosecution on the part of the reporting student.*

## **Part B: Non-Academic Discipline Procedure**

### **1. Triage**

- 1.1 Unless the breach is a breach of academic and professional integrity (Regulations 13–23 inclusive, with the exception of Regulation 16 which shall be treated as a non-academic discipline matter), any incident which may breach the University's Regulations shall in the first instance be referred to:
  - 1.1.1. the Deputy Accommodation Manager (where the alleged breach may constitute a breach of a licence to occupy University Residences or an Assured Shorthold Tenancy Agreement in respect of a University and therefore a breach of Regulation 9); or
  - 1.1.2. the Student Services Coordinator (where the alleged breach is of any other Regulation or a combination including Regulation 9).
- 1.2. The Coordinator/Deputy Accommodation Manager will determine whether the allegations are, taken at their highest, to be classified as low level, medium level, or high level. Incidents which comprise multiple potential breaches at different levels should take the higher of the relevant classifications.
- 1.3. There is no appeal from the classification of an allegation as low level, medium level, or high level.

### **2. Low and medium level incidents**

- 2.1. Where all of the alleged incident(s) can be characterised as low or medium level, the Coordinator or Deputy Accommodation Manager will investigate the matter. The investigation may include:
  - 2.1.1. Meeting with the people, such as you, alleged to have been involved in the incident.
  - 2.1.2. Obtaining further information from any attending Security Officer, Warden, complainant and any witnesses.
  - 2.1.3. Considering any evidence and/or mitigation submitted by you and others being investigated.

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- 2.2. Following their investigation, the Coordinator or Deputy Accommodation Manager will decide whether there has, on the balance of probabilities, been a breach of the terms and conditions of a licence to reside or an assured shorthold tenancy agreement in University Residences (which is also a breach of Regulation 9), or a breach of another Regulation, and either:
  - 2.2.1. Determine that you should receive advice about the implications of breaching Regulations and/or the terms of your licence or tenancy and potential steps that may be taken in the event of further breaches; or
  - 2.2.2. Apply an appropriate penalty or penalties as listed in Part G (Penalties); or
  - 2.2.3. Refer the matter for informal resolution in accordance with paragraph 10 of this Part.
- 2.3. In all cases, the Coordinator or Deputy Manager can recommend that you seek pastoral support from another person within Student Support Services.
- 2.4. In any case where a breach has been found proven but the Coordinator or Deputy Accommodation Manager feels that you may be unfit for study, the Coordinator or Deputy Accommodation Manager can refer the matter to the Head of Wellbeing who can consider whether to recommend to your School that the fitness to study procedure be started. This step does not preclude the Coordinator or Deputy Manager from imposing a penalty or penalties but any such penalty must be carefully considered in light of the concerns about your wellbeing.

### **3. Appeals from a decision of the Coordinator of Deputy Accommodation Manager**

- 3.1. Appeals from a decision of the Coordinator or Deputy Accommodation Manager (on the facts or on the penalty or both) shall be heard in accordance with Part H (Appeals).

### **4. High level incidents**

- 4.1. Where some or all of the alleged incident(s) can be characterised as high level, the matter must be referred to the University Disciplinary Officer.
- 4.2. The Disciplinary Officer is appointed by the Senate and has the power to investigate, hear and determine any case which has been referred to them in accordance with these Disciplinary Procedures.
- 4.3. The Disciplinary Officer will consider the referral documentation and request any further written information that is necessary to resolve the case fairly.
- 4.4. Once the Disciplinary Officer has sufficient information on which to make a decision as to how to proceed, the Disciplinary Officer must then:
  - 4.4.1. Decide that there is no case to answer; or

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- 4.4.2. Decide to summon you to a hearing before them; or
- 4.4.3. Decide to refer the matter to Senate Student Discipline Committee.

## 5. Hearings by the Disciplinary Officer

- 5.1. If the Disciplinary Officer wishes to decide the matter themselves, then they will send you a written summons to a hearing before them. The summons will state:
  - 5.1.1. The alleged breaches of regulations
  - 5.1.2. The nature of the alleged breach
  - 5.1.3. The date, time, and location of the meeting
  - 5.1.4. The fact that the Disciplinary Officer can decide whether there has been a breach of the Regulations and apply a penalty or penalties
  - 5.1.5. The range of penalties available to the Disciplinary Officer
  - 5.1.6. Any penalty or penalties that the Disciplinary Officer proposes to impose in the event that you are found guilty of a breach of the Regulations and do not respond to the summons (which is, in itself, a breach of Regulation 13).
  - 5.1.7. That instead of deciding whether you have breached the Regulations the Disciplinary Officer may refer the matter to Senate Student Discipline Committee
- 5.2. A copy of any written evidence must be enclosed with the summons.
- 5.3. The summons must be sent to your University email address and sent by post to the address at which you live during semesters (or your home address in the case of meetings outside of the semester) no fewer than 5 working days before the meeting.

## 6. Your options on receipt of a summons

- 6.1. You must respond to the summons no fewer than 2 working days before the meeting.
- 6.2. If you deny the allegations, or you admit the allegations but you want the opportunity to talk to the Disciplinary Officer about any mitigating factors, you should notify the Disciplinary officer that you will attend the meeting at the date, time, and location given in the summons letter, and give the name and status of any Companion you are bringing with you.
- 6.3. If you admit the allegations and you do not want to meet with the Disciplinary Officer, you can waive your right to the hearing and agree that the Disciplinary Officer can impose the penalty or penalties that she has outlined in the summons letter without a meeting taking place.

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- 6.4. If you do not respond to the summons letter at least 2 working days before the meeting, or you fail to attend the meeting, the Disciplinary Officer will deem this to be an acceptance that the allegations set out in the summons letter are true and therefore find that there has been a breach of the Regulation(s). The Disciplinary Officer will then either apply the penalty or penalties set out in the summons letter or determine that the allegations are so serious that the matter should be referred to Senate Student Discipline Committee.

**7. At the hearing**

- 7.1 At the hearing, the Disciplinary Officer will discuss with you whether you have breached a Regulation or Regulations. A note-taker, who will usually be a member of Student Support Services, will be present at the hearing.
- 7.2 You have the right to be accompanied by a Companion. The Companion must have no connection with the allegations and therefore no material interest in the matter.
- 7.3 You must tell the Disciplinary Officer no later than 2 working days before the hearing of the identity and status (for example student union adviser or fellow student) of the Companion. If you do not tell the Disciplinary Officer within this timescale, they may decide that you are not allowed to bring a Companion at all.
- 7.4 The Companion may present the case on your behalf and help and support you. However, they cannot answer questions on your behalf, or attend the hearing in your absence.
- 7.5 It is your responsibility to tell your Companion about the date, time, and location of the hearing. If your Companion does not attend the hearing, the hearing may proceed in their absence.
- 7.6 Your Companion may be excluded from the hearing if they are so disruptive as to impede the conduct of the hearing. In such a case, the Disciplinary Officer will decide whether or not to continue with the hearing even though your Companion has been excluded.

*Guidance: Members of the Student Union advice centre are available to act as Your Companion on your request. You must notify the Hearing Secretary of the identity and status of any Companion by emailing [Its.ssdsc@uea.ac.uk](mailto:Its.ssdsc@uea.ac.uk).*

**8. The Disciplinary Officer's decision**

- 8.1. Following the hearing, the Disciplinary Officer will determine on the balance of probabilities whether you have breached a Regulation or Regulations and either:
- 8.1.1. apply a penalty or penalties set out in Part G: Penalties. In determining the appropriate penalty or penalties, the Disciplinary

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officer will consider any evidence of mitigation that you have provided; or

- 8.1.2. decide that the allegations are so serious that the matter should be referred to Senate Student Discipline Committee.
- 8.2. If, whether or not you have been found to have breached a Regulation or Regulations, it appears to the Disciplinary Officer that you may be unfit to study, the Disciplinary Officer may contact your Head of School and *recommend* that they trigger the fitness to study procedure at level two or level three.
- 8.3. If the Disciplinary Officer thinks that it is important that the fitness to study process be used even if the School is not sure, they can ask the SSDC Chair to exercise Chair's powers (D4) to *require* the School to commence fitness to study proceedings. Apart from that, no referral to SSDC should take place.
- 8.4. The Disciplinary Officer may impose a penalty or penalties in addition to a referral to fitness to study but such penalty must be carefully considered.

## 9. After the hearing

- 9.1. Within 5 working days of the hearing, the Disciplinary Officer must:
  - 9.1.1. Notify you in writing of the decision and any penalty or penalties imposed; and
  - 9.1.2. Advise you of the appeal mechanism.
- 9.2. Depending on the nature of the breach, copy the notification to your Head of School or (in the case of postgraduate research students) your supervisor

## 10. Informal resolution

- 10.1. Where a student complains that they are a victim of a breach of the Policy on Student Harassment and Sexual or Physical Misconduct, the student may request that the matter be dealt with outside the disciplinary process. Informal resolution consists of the Student Services Coordinator meeting with the alleged offender and discussing with them the potential implications were a disciplinary procedure to be followed.
- 10.2. The Student Services Coordinator will discuss with the complainant what support the complainant can be offered.
- 10.3. The Student Services Coordinator will then determine whether the matter should be dealt with informally based on the following criteria:
  - 10.3.1. The alleged victim's wishes. Under no circumstances should an informal resolution take place without the express consent of the alleged victim, freely given.
  - 10.3.2. The University's safeguarding obligations
  - 10.3.3. The risk the alleged misconduct, if true, would pose to the alleged victim

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- 10.3.4. The risk the alleged misconduct, if true, would pose to the UEA community and the wider community
- 10.3.5. Whether the alleged misconduct is capable of constituting a criminal offence.

*Guidance: Records should be kept of informal resolution in line with the Document Retention Policy.*

## Part C: Academic Discipline Procedure

### Preamble

This procedure relates to alleged breaches of the following academic regulations:

- Regulation 20 (behaviour in the examination or course test)
- Regulation 23 (conferment of qualifications)

It describes the stages up to a referral to SSDC, if such a referral is made.

#### *Guidance:*

*For the procedure for addressing alleged breaches of Regulation 13 (attendance, engagement, and progress), please refer to the Procedures relating to Attendance, Engagement and Progress (General Regulation 13) for Students on Taught Programmes or, in the case of postgraduate research students, the PGR Procedure on Attendance, Engagement, and Progress.*

*For the procedure for addressing alleged breaches of Regulation 14 (professional misconduct) please refer to Part D below.*

*For the procedure for addressing alleged breaches of Regulation 15 (conduct of research and research ethics), please refer to the University's Procedure for Dealing with Allegations of Misconduct in Research.*

*For the procedure for addressing alleged breaches of Regulation 16 (intellectual property, data protection, and copyright), please see Part B of these University Disciplinary and Investigative Procedures and Powers and refer the matter to the Student Services Coordinator. This Regulation is usually dealt with by the non-academic process for want of a low level process for academic matters. However, in the case of postgraduate research students, it may (depending on the nature of the alleged breach) be more appropriate for any alleged breach to be treated as an aspect of Regulation 15 (conduct of research and research ethics).*

*It is not anticipated that any disciplinary proceedings will result from a breach of Regulation 17, which requires students to correctly note the time and place of examinations and course tests and the requirement to submit work to deadline. A failure to comply with these requirements would instead affect the student's progression and marks.*

*For the procedure for addressing alleged breaches of Regulation 18 (plagiarism and collusion), please see the University Policy on Plagiarism and Collusion.*

*For the procedure for addressing alleged breaches of Regulation 19 (illegible or gratuitously offensive assessment submissions), please see the University Policy on Illegible or Gratuitously Offensive Assessment Submissions.*

*In all cases, please refer to Parts F, G, and H of these University Disciplinary and Investigative Procedures and Powers, which deal with referrals to SSDC and the*

*conduct of SSDC proceedings, penalties where a breach has been proven, and appeals, respectively.*

## 1. Alleged breaches of Regulation 20

1.1 If you are suspected of any form of cheating, the invigilator should:

Step A: Immediately inform you that you are suspected of cheating.

Step B: Request your student card, which you must provide in accordance with Regulation 10.1.3.

Step C (applicable only where there is a reasonable suspicion that you have brought unauthorised materials into an examination or course test room): Ask you to empty your pockets of all contents and turn your pockets inside out; remove outer items of clothing; pull back long hair to reveal ears and/or neck; roll up sleeves or trousers; remove socks and shoes. You must do this in accordance with Regulation 20.9. If you request, and if this is reasonably practicable, we will try to ensure that this search is carried out by a person of the gender of your choice.

Step D: (applicable only where there is a reasonable suspicion that you have brought unauthorised materials into an examination or course test room): Confiscate any materials they believe to be unauthorised.

Step E: Mark your answer booklets with the time at which the suspicion arose.

Step F: Tell you to wait behind at the end of the examination in order to be interviewed by the venue's invigilation manager.

Step G: Thereafter allow you to continue with the examination or course test.

Step H: At the end of the examination, interview you about the suspected breach of the General Regulations and provide you with a handout about the procedure.

Step I: Notify the University Assessments Office, so that disciplinary proceedings can be started against you.

1.2 The University Assessments Office must then inform Head of Learning and Teaching (Quality) who will classify the alleged offence as low, medium, or high level with the assistance of the classification table set out below. There is no appeal from the decision as to classification.

<b><i>Classification of offence level to give penalty starting point</i></b>	
<b><i>Indicative elements of a low level offence</i></b>	<p><i>Your experience as a student, which relates to the expectation that you should be aware of the seriousness of your actions:</i></p> <ul style="list-style-type: none"> <li>• <i>You are a student in your first semester of a higher education course in the UK</i></li> </ul>

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	<ul style="list-style-type: none"> <li>• <i>There are significant cultural considerations and/or extenuating circumstances</i></li> <li>• <i>You have no previous disciplinary record of cheating</i></li> </ul> <p><i>Type of Breach:</i></p> <ul style="list-style-type: none"> <li>• <i>Considered technical</i></li> </ul> <p><i>Your intentions:</i></p> <ul style="list-style-type: none"> <li>• <i>Breach without genuine intention to gain advantage</i></li> <li>• <i>The degree to which you have actually gained advantage is irrelevant to the evaluation of your intentions or the type of breach.</i></li> </ul> <p><b>Examples:</b> <i>Turning over the question paper or writing before the examination starts will usually be considered a low level breach.</i></p>
<p><b>Indicative elements of a medium level offence</b></p>	<p><i>Your experience as a student, which relates to the expectation that you should be aware of the seriousness of your actions:</i></p> <ul style="list-style-type: none"> <li>• <i>You are not in your first semester of a higher education course in the UK</i></li> <li>• <i>You may have a previous disciplinary record of cheating in an examination or course test</i></li> </ul> <p><i>Type of breach:</i></p> <ul style="list-style-type: none"> <li>• <i>Breach is more than technical. This may be evidenced by possession of, or access to any unauthorised materials, and/or failure to comply with instruction of invigilators acting in accordance with their reasonable suspicion.</i></li> <li>• <i>Multiple breaches in the same examination or course test</i></li> </ul> <p><i>Your intentions:</i></p> <ul style="list-style-type: none"> <li>• <i>Breach was not substantially premediated or was a naïve attempt to gain advantage</i></li> <li>• <i>The degree to which you have actually gained advantage is irrelevant to the evaluation of your intentions or the type of breach.</i></li> </ul> <p><b>Examples:</b> <i>Possession of an electronic device such as a mobile phone will usually be considered a medium or high level breach.</i></p>
<p><b>Indicative elements of a high level offence</b></p>	<p><i>Your experience as a student, which relates to the expectation that you should be aware of the seriousness of your actions:</i></p> <ul style="list-style-type: none"> <li>• <i>You are not in your first semester of a higher education course in the UK and you are considered to be an experienced student.</i></li> <li>• <i>You may have a previous disciplinary record of cheating in an examination or course test</i></li> </ul> <p><i>Type of breach:</i></p> <ul style="list-style-type: none"> <li>• <i>Breach is more than technical. This may be evidenced by possession of, or access to substantial unauthorised materials, and/or failure to comply with instruction of invigilators acting in accordance with their reasonable suspicion, and/or commissioning or otherwise allowing another person to pass themselves off as you.</i></li> <li>• <i>Multiple breaches in the same examination or course test</i></li> </ul> <p><i>Your intentions:</i></p> <ul style="list-style-type: none"> <li>• <i>Premeditation.</i></li> <li>• <i>The degree to which you have actually gained advantage is irrelevant to the evaluation of your intentions or the type of breach.</i></li> </ul>

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- 1.3 The Head of Learning and Teaching (Quality) will then:
- 1.3.1 in the case of an offence classified as a low level offence, issue a warning letter which will be copied to your Adviser and to your Head of School, which shall remain on your file for the duration of your studies at the University. There is no appeal from a decision that a low level offence has taken place.
  - 1.3.2. in the case of an offence classified as a medium level offence, refer the matter to the Chair of Senate Student Discipline Committee in accordance with the procedure set out at Part F paragraph 7. The Chair may at their discretion deal with the matter summarily.
  - 1.3.3 in the case of an offence classified as a high level offence, refer the matter to the Chair of Senate Student Discipline Committee in accordance with the procedure set out at Part F paragraph 4.

*Guidance: Medium level offences may be dealt with summarily by the Chair in accordance with the process set out in Part F paragraph 7. High level cases cannot be dealt with summarily and must be referred to SSDC.*

## **2. Alleged breaches of Regulation 23 (conferment of qualifications)**

- 2.1 Regulation 23 provides that you must not describe yourself as holding a degree or other qualification granted by the University unless the qualification has been awarded to you in Graduation or by special Resolution of the Senate.
- 2.2 Where a student describes themselves as holding such a qualification when they are not entitled to do so, the Director of Student and Academic Services should refer the matter to the Chair of Senate Student Discipline Committee in accordance with Part F paragraph 3 of these Procedures and Powers.
- 2.3 The Chair of Student Discipline Committee shall consider the matter in accordance with Part A paragraph 3 and Part F paragraph 4 of these University Disciplinary and Investigative Procedures and Powers.

## **Part D: Procedure for dealing with allegations of Professional Misconduct or Unsuitability (Fitness to Practise)**

### **1. When this procedure applies**

- 1.1. This procedure may be used if you:
  - 1.1.1. are registered on a programme leading to professional registration/accreditation (for example, in the Schools of Education and Lifelong Learning, Health Sciences, Norwich Medical School, Pharmacy, and Social Work); or
  - 1.1.2. maintain accreditation by a professional, statutory and regulatory body (PSRB) while registered on any professional degree programme such as a taught doctorate at the Norwich Medical School or the School of Education and Lifelong Learning
- 1.2. In any case where there is a conflict between this Procedure under Part D and the requirements of a professional, statutory and regulatory body, the latter shall take precedence.

### **2. Making an allegation**

- 2.1. Allegations against you of professional misconduct and/or professional unsuitability must be made in writing to the Chair of the Fitness to Practise Committee (or Fitness to Practise Lead) at the School offering the professional programme of study concerned, or via a Cause for Concern Form. A copy of the allegations must also be sent to your Head of School.
- 2.2. On receipt of the allegation(s), the Chair of the Fitness to Practise Committee (or Fitness to Practise Lead) must give you details of the allegation(s) or report of concerns as soon as possible. These details must be sufficient for you to understand the nature of the allegations or concerns and the context in which they have arisen.
- 2.3. It must be borne in mind that an allegation of professional misconduct and/or professional unsuitability is a serious and potentially defamatory one. Consequently it is essential that the proceedings should be conducted on a basis of strict confidentiality.

### **3. Considering the allegations**

- 3.1. On receipt of a written allegation or a report of inappropriate behaviour/conduct, the Chair of the Fitness to Practise Committee or the Fitness to Practise Lead shall take the following preliminary steps:
  - 3.2. If a very serious incident had been reported, inform the Head of School without delay, so that the Head of School can consider the safeguarding implications and in particular whether it is necessary for there to be an immediate

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suspension from studies/placement in accordance with the procedure set out in Part E of these University Disciplinary and Investigative Procedures and Powers.

- 3.3. Talk to you as soon as possible if the allegation(s) concern incident(s) in a setting in which you are also employed as a practitioner or member of staff, in order to ascertain whether your employer is aware of the allegation(s).
- 3.4. consider if there is a Fitness for Study issue that may explain your alleged behaviour/conduct.

*Guidance: In complex cases, the Chair of the Fitness to Practise Committee or Fitness to Practise Lead is advised to contact the Chair of the University's Senate Student Discipline Committee for advice and guidance.*

#### **4. Decision by the Chair of the Fitness to Practise Committee or Fitness to Practise Lead**

The Chair of the Fitness to Practise Committee or Fitness to Practise Lead shall then:

- 4.1. determine that there are no Fitness to Practise concerns, in which case no records shall be retained unless the School is required to do so by Professional, Statutory and Regulatory Body requirements; or
- 4.2. refer the issues to your adviser or supervisor, with an email of instructions or a support plan that may help to address the issues identified; or
- 4.3. refer the issues to a senior member of academic staff such as the senior adviser or course director, with an email of instructions and/or request for a meeting to be held with you; or
- 4.4. instruct you to attend a meeting with the full Fitness to Practise Committee or a specially convened Panel; or
- 4.5. Determine that the matter should proceed straight to Senate Student Discipline Committee and not proceed to a hearing in the School; or
- 4.6. recommend to the Head of the School that your alleged misconduct should not be considered under General Regulation 14 but should proceed under one of the other General Regulations instead.

*Guidance: If recommending disciplinary action under one of the other General Regulations, the Chair should enclose appropriate evidence (e.g. record of unsatisfactory or poor attendance that have shown no significant improvement).*

#### **5. Complex cases**

- 5.1. In complex cases, the Chair of the Fitness to Practise Committee or Fitness to Practise Lead may recommend to the Head of School that an Investigating

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Officer be appointed immediately, before a meeting as mentioned in 4.4 above is held.

- 5.2. The Investigating Officer shall assemble all the information relevant to the case.
- 5.3. The Chair of the Fitness to Practise Committee/Fitness to Practise Lead shall, in consultation with the Head of School and Investigating Officer, determine:
  - 5.3.1. a realistic timescale for the relevant information to be collected and for the Investigating Officer to complete his/her report. The Chair/Lead must inform you of the agreed timescale in writing, and provide updates as to any progress/delays thereafter.
  - 5.3.2. whether the Fitness to Practise Committee or Panel should seek the views of external consultants/practitioners from the relevant professional body, and contact the relevant external bodies if required.
- 5.4. On receipt of the Investigating Officer's report, a meeting of the Fitness to Practise Committee or Panel should meet within 10 working days.

*Guidance: The investigation and write-up of the Investigating Officer's report will normally take up to 30 working days.*

## 6. Medical evidence

- 6.1. Prior to its meeting with you, the Fitness to Practise Committee or Panel may instruct you to go for an occupational health or other specialised medical assessment.
- 6.2. Any report from the occupational health or medical assessment shall be made available to the Fitness to Practise Committee or Panel and you at least five working days prior to the meeting.

## 7. Meeting of the School's Fitness to Practise Committee/Panel

- 7.1. Where a full Fitness to Practise meeting with you under 4.4 is required, you must be:
  - 7.1.1. informed in writing of the allegation(s)/concerns made, no later than 5 working days before the meeting; and
  - 7.1.2. invited to submit a statement including, where relevant, any extenuating circumstances, no later than 2 working days before meeting; and
  - 7.1.3. reminded that you can seek the independent support of the Student Union Advice Centre; and
  - 7.1.4. advised that you can be accompanied to the meeting by a Companion who shall not be a legal representative and must have no connection with the allegations and therefore no material interest in the matter.

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- 7.2. The Fitness to Practise Committee shall decide whether, on the balance of probabilities, you have breached Regulation 14.
- 7.3. The outcome of the decision of the full Fitness to Practise Committee shall be one of the following:
- 7.3.1. that there are no fitness to practise concerns in that you have not breached Regulation 14; or
  - 7.3.2. that no further action is required but you are warned of the consequences of repeating the conduct/behaviour that gave rise to the allegation(s)/concerns. Your adviser may also be asked to provide guidance and support to help address the issues identified; or
  - 7.3.3. referral to the University's Fitness to Study procedure; or
  - 7.3.4. referral to other support services such as Student Support Services, or the Student Union Advice Centre, so that you can be provided with appropriate guidance and support; or
  - 7.3.5. a recommendation to the Head of the School that a formal warning be recorded on your file. In the event that you continue to demonstrate conduct/behaviour that generates Fitness to Practise concerns, the Chair of the Fitness to Practise Committee and the Head of School shall consider whether your case should be referred to the University's Senate Student Discipline Committee (SSDC) for consideration; or
  - 7.3.6. a recommendation to the Head of the School that your case should be referred for consideration under General Regulation 14 by the University's Senate Student Discipline Committee (SSDC). In its referral, the Chair of the Fitness to Practise Committee shall set out the findings and conclusions of the Committee; or
  - 7.3.7. where your programme of study has a requirement to pass a Fitness to Practise module or its equivalent, the Fitness to Practise Committee may resolve that you have not met the professional standards/expectations of the programme of study and shall not be permitted to progress to the next stage of study.

*Guidance: Referrals to Referrals to Senate Student Discipline Committee*

*Your attention is drawn to Part F: Senate Student Discipline Committee for information about the process that should be followed. The Head of School must submit to the Secretary of the Senate Student Discipline Committee the evidence, including the report of any Investigating Officer and the findings of any Fitness to Practise Committee/Panel on which the School wishes to rely. The Head of School may also nominate staff/external contacts to be witnesses, to provide further information at the meeting. All witnesses must have some relevance to the case and for each witness proposed, a brief supporting statement must be provided by the Head.*

*It is expected the presenter of the School's case shall be either the Head of School or the Chair of the Fitness to Practise Committee/Lead.*

## Part E: Suspension and exclusion powers

### Definitions

- i. In this Part, there are two types of suspension: a suspension from a programme of study (SS) and a suspension from study coupled with exclusion from University Property and Services (SSEP). (A student cannot be excluded from all Property and Services without also being suspended from study.)
- ii. 'Exclusion' means the temporary removal of access to University Property and Services and not permanent Expulsion from the University.

### 1. Vice Chancellor's powers

- 1.1 The Vice Chancellor has the power to act on behalf of Senate to temporarily exclude or suspend you from some or all of:
  - 1.1.1 the University (SSEP)
  - 1.1.2 any class or classes (SS)
  - 1.1.3 part or all of any programme of study (SS)
  - 1.1.4 participation in University activities (SSEP)
  - 1.1.5 University Property and Services (SSEP).
- 1.2 The power set out in paragraph 1.1 must only be exercised if the purpose of the exclusion or suspension is
  - 1.2.1 to enable a full and proper investigation to be carried out by the Police and/or University; and/or
  - 1.2.2 to protect you or someone else while an allegation is being investigated by the Police and/or University pending the outcome of criminal and/or disciplinary proceedings.

*Guidance: Without limiting the above, this power is most likely to be used where a student presents a serious risk to the safety of themselves, or the University, its staff, officers, or visitors, and/or where there is a pending criminal investigation or proceeding. Such concerns are most likely to be raised by the Disciplinary Officer or the Director of Student Services.*

- 1.3 The Vice Chancellor must specify any exceptions to the effects of the SS or SSEP that are described in sections 9 and 10 below. If the Vice Chancellor does not do so, the provisions of the relevant paragraph (SS or SSEP) shall apply in full.

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- 1.4 The imposition of a temporary suspension and/or exclusion is a precautionary measure only. It is not a penalty or sanction and does not indicate that the university has concluded that you have committed a breach of the Regulations or a criminal offence.
- 1.5 Where such suspension and/or exclusion is contemplated, the Vice Chancellor must provide you with the opportunity make representations (whether verbal or written) about that. These representations must be limited to the need for suspension and/or exclusion and not to the substantive breach of the Regulations that have given rise to the exercise of this power.
- 1.6 However, where the Vice Chancellor believes that the situation is so urgent that it cannot wait for you to have the opportunity to make representations, they can suspend and/or exclude you with immediate effect provided that you are given the opportunity to make representations within 5 working days of the suspension/expulsion.
- 1.7 The Vice Chancellor must immediately following investigation or, if there are pending criminal proceedings, at the conclusion of those, refer the case to the Senate Student Discipline Committee in order that a Panel convened in accordance with Part F of these procedures can consider the alleged breach(es) of the Regulations.
- 1.8 The Vice Chancellor must also report the suspension/exclusion to the next meeting of Senate, and Senate may, if it thinks fit, terminate the suspension/exclusion from the date of that Senate meeting or any future date.
- 1.9 Every four weeks from the date of the suspension/exclusion, the Vice Chancellor must review the need for suspension/exclusion in light of any developments or written representations made by you or on your behalf.
- 1.10 The suspension or exclusion will last until either the Senate Student Disciplinary Committee has considered the case, and/or the suspension/exclusion is terminated by the Vice Chancellor or Senate.
- 1.11 The Vice Chancellor may authorise a Deputy Vice Chancellor or Pro Vice Chancellor to exercise the powers and duties set out in this paragraph 1 on his or her behalf.
- 1.12 The powers set out in this paragraph 1 are in addition to the more specific powers set out below.

## **2. SSEP for students in breach of Immigration Rules**

- 2.1 The University is the licensed sponsor of your Tier 4 visa and it has a number of duties that it must comply with. As part of those duties, the University's Visa Policy, Operations and Compliance Manager will monitor your compliance with the Immigration Rules, to ensure that you comply with the conditions of leave of your Tier 4 or other visa, and will recommend to the Director of Student and Academic Services (or, in the case of postgraduate research

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students, the Director of the Research and Innovation Division) that you be suspended if you are failing to comply.

2.2 The relevant Director is authorised by Senate to immediately suspend you if you are not, in their judgment, compliant with the conditions of leave of your visa.

2.3 The suspension will be a SSEP (see section 9 below).

2.4 If you inform the Director of Student and Academic Services (or, in the case of postgraduate research students, the Director of the Research and Innovation Division) within 10 working days of suspension that you wish to return to studies on the basis that:

2.4.1 you can demonstrate to their satisfaction that you have been compliant with the requirements and conditions of leave of your visa, and that these conditions include the necessary conditions to study; and

2.4.2 your School supports your return to study,

you may be permitted to return to studies. Where the University is your sponsor, if you do not respond within 10 working days and/or you cannot demonstrate to their satisfaction that you have been compliant with the requirements and conditions of leave of your visa then the University will withdraw sponsorship of your visa. As a result of this withdrawal of sponsorship of your visa you will no longer have a right to study at the University and you will be withdrawn from the University. As a consequence your leave to remain in the United Kingdom will be curtailed. If you wish to return to your studies you will be required to interrupt your studies and, provided that your School supports your return to study, repeat the year or semester during which you were suspended. During this period you will be a Student Interrupting Their Period of Study in accordance with Regulation 3.

2.5 The operation of suspensions for students in breach of the conditions of leave of their visa or under immigration laws will be kept under review by the Visa Policy, Operations and Compliance Manager.

*Guidance: Return to study for Tier 4 visa holders is addressed at paragraph 11 below.*

*Guidance: You must supply documents for any evidence to support your demonstration of compliance (e.g. letter from your doctor). If the original document is not written in English you must provide a certified translation.*

### **3. SSEP due to an infectious illness**

3.1 In accordance with Regulation 27.3, you must comply with the terms of any quarantine imposed by the Director of Student Services.

3.2 The Director of Student Services can immediately suspend and exclude you if you are not compliant with the terms of a quarantine imposed upon you.

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- 3.3 Such suspension and exclusion shall come to an end upon receipt of a certificate from a medical practitioner licensed by the General Medical Council which says that you no longer present a risk of infection to other people.
- 3.4 The operation of infectious illness suspensions/exclusions will be kept under review by the Director of Student Services.

#### **4. SSEP pending results of tuberculosis screening**

- 4.1 The Director of Student Services may immediately suspend and exclude you if you are required by Regulation 26 to undertake tuberculosis screening by University Medical Centre and your screening results are not available within 42 days of registration at the University.
- 4.2 You will be suspended and excluded from the University (and therefore from University Property including University Residences) until the screening process is completed.
- 4.3 In the event that your screening is positive for tuberculosis, paragraph 3 above shall apply.
- 4.4 The operation of tuberculosis screening suspensions/exclusions will be kept under review by the Director of Student Services.

#### **5. Placement suspensions**

- 5.1 Your Head of School can suspend you from a placement if you are alleged to be in breach of Regulation 14 (professional misconduct or unsuitability/fitness to practise).
- 5.2 Your Head of School can suspend you from a placement if you are alleged to be in breach of Regulation 28 (placements).
- 5.3 The imposition of a temporary suspension and/or exclusion is a precautionary measure only. It is not a penalty or sanction and does not indicate that the university has concluded that you have committed a breach of the Regulations or a criminal offence.
- 5.4 In each case under paragraph 5.1 or 5.2 above, the Head of School must immediately commence an investigation into the allegations.
- 5.5 If the Head of School believes that a Suspension from Study (SS) or a Suspension from Study and University Property and Services (SSEP) is necessary in addition to the suspension from placement, they should notify the Vice Chancellor in accordance with paragraph 1 of this Part.
- 5.5 Where a student is on a placement which is not a clinical or professional placement, but is, for example an industrial placement, suspension/exclusion pending investigation and referral to SSDC may not take place under this

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paragraph 5 but may be appropriate under paragraph 1 (Vice Chancellor's powers).

- 5.6 The progress of placement investigations and suspensions from placement must be kept under review by the Head of School, with support from the School's Learning and Teaching Service Manager. For students on a programme of study leading to a professional doctorate, support will be provided by the Postgraduate Research Service.

*Guidance: Possible outcomes of the investigation: (i) reinstatement on the existing placement including completion of the assessment requirements (ii) the offer of a new placement with an alternative provider (iii) change of course/module selection (iv) referral to a Fitness to Practise Panel or Professionalism Committee (v) referral to a Senate Student Disciplinary Panel under Regulation 14.*

*Guidance: The decision as to whether to impose a SS or a (wider) SSEP will depend on the nature of the concerns relating to the student.*

## **7. Suspension as a disciplinary penalty**

- 7.1 Senate Student Disciplinary Committee, whether as the result of a Chair's Summary Determination or a Panel hearing, may use suspension as a penalty for breach of a Regulation or Regulations (see Part G: Penalties).
- 7.2 The usual type of suspension is SSEP, but in a rare case the Committee may choose to suspend the student from study (SS) only.
- 7.3 Suspensions resulting from a penalty imposed by a SSDC panel will be kept under review by the Head of Learning and Teaching (Quality) or, in the case of postgraduate research students, the Head of the Postgraduate Research Service.

## **8. SSEP for failure to pay fees and charges (Regulation 30)**

- 8.1 In accordance with Regulation 30.1, if you do not pay all outstanding fees and charges to the University by the due date and you have not agreed with the University a revised payment timetable, you may be suspended and excluded by the University until such time as the fees and charges are paid in full. If the sum or any part thereof remains outstanding for more than twelve months, you will be automatically withdrawn from the University unless the University expressly agrees otherwise.
- 8.2 If you have been suspended and excluded from the University for non-payment of debt and you then clear your debts, you may apply for readmission to your programme of study. Payment of the debt will be taken as your application to return to your course.

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- 8.3 Operation of suspensions under this paragraph will be kept under review by the Learning and Teaching Service (or, if you are a postgraduate research student, the Postgraduate Research Service), with support from the Finance Division.

**9. Effect of suspension from study and exclusion from University Property and Services (SSEP)**

- 9.1 If you have been suspended from study and excluded from University Property you may not attend any teaching (e.g. lecture, seminar, supervision, laboratory session etc.) or organised study event. You may not enter or make use of University Property: You are excluded from all property owned, controlled or managed by the University.
- 9.2 You may not submit coursework or sit examinations or course tests during the period of your suspension. Material submitted for assessment prior to the date of suspension (essays, course tests, exam scripts etc.) will be marked in accordance with usual practice, but you will not receive any award to which you may otherwise be entitled pending resolution of the reason(s) for the suspension. The mark will remain provisional and will not be confirmed by the Board of Examiners until the suspension is lifted.
- 9.3 You may not access any of the central University Services (e.g. Library, IT systems, including your University email account, or, as a student, the Sportspark and car park), unless specific permission is granted by the Director of Student Services or someone acting on their behalf (for example, to give you permission to attend a meeting or an appointment at Student Support Services or the University Medical Centre).
- 9.4 You may continue to access non-academic information, advice and guidance offered by Student Support but by telephone or email only unless prior agreement has been obtained from the Director of Student Services or someone acting on their behalf so that you can come on campus for a specific appointment.
- 9.5 You will normally be required to vacate any University Residences for which you hold a licence and, in the case of an assured tenancy agreement, the University may take legal steps to evict you.
- 9.6 Applications to Student Support Services for loans and/ or grants will not normally be considered during the period of suspension.
- 9.7 If you break the terms of a suspension from study and exclusion from University Property and Services the University may commence immediate disciplinary proceedings under Regulation 10.1.10 as a result.

**10. Effect of suspension from study (SS)**

- 10.1 If you have been suspended from study (but not excluded from University Property and Services) you may not attend any teaching (e.g. lecture, seminar, supervision, laboratory session etc.) or organised study event.

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- 10.2 You may not submit coursework or sit examinations or course tests during the period of your suspension. Material submitted for assessment prior to the date of suspension (essays, course tests, exam scripts etc.) will be marked in accordance with usual practice, but you will not receive any award to which you may otherwise be entitled pending resolution of the reason(s) for the suspension. The mark will remain provisional and will not be confirmed by the Board of Examiners until the suspension is lifted.
- 10.3 You may continue to seek the advice of your Adviser or Senior Adviser (or, in the case of postgraduate research students, your Supervisor or School Postgraduate Research Director) and access all central Services provided to students as normal (Library, email and web facilities, Student Support, etc.).
- 10.4 If you break the terms of a suspension from study the University may commence immediate disciplinary proceedings as a result.

### 11. Effect of suspension/exclusion on those with Tier 4 visas

In accordance with its legal obligations, the University will notify UK Visas and Immigration within 10 working days of your Suspension from Study or Suspension from Study and Exclusion from University Property and Services that it is withdrawing sponsorship of your visa. As a result of that withdrawal of sponsorship, your permission to remain in the United Kingdom will be curtailed. You will be required to return to your home country and it will be necessary to apply for a new visa should you be permitted to return to the University.

### 12. Return from SS or SSEP

- 12.1 We will tell you the period of SS or SSEP and any conditions that must be fulfilled prior to the lifting of it. Subsequent completion of the course must be within the maximum allowable timeframe, normally the duration of the course plus two years.
- 12.2 With the exception of the situations described in 8.2, 12.4 and 12.5, when the period is due to end, or the relevant conditions have been fulfilled, you must apply to return to study by making an application to the Director of Student and Academic Services (or, in the case of postgraduate research students, the Director of the Research and Innovation Division).

*Guidance: With the exception of 8.2, 12.4 and 12.5, the obligation on the part of various officers of the University to monitor operation of the SS and SSEP powers does not mean you don't have to make an application: it is your responsibility to make an application to return.*

- 12.3 The Director of Student and Academic Services (or, in the case of postgraduate research applicants, the Director of the Research and Innovation Division) will:
- 12.3.1 Seek the permission of the Academic Director of Taught Programmes (or, in the case of postgraduate research students, the Academic Director of Research Programmes) to readmit you. The relevant

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Academic Director will consider the length of time that you were suspended.

- 12.3.2 Consult with the relevant Faculty and the Director of Student Services (and, in the case of Tier 4 visa holders, the Visa Policy, Operations and Compliance Manager, on whether you have extant leave to return to study) and decide the arrangements under which any readmission should be approved.
- 12.4 If you are suspended for a finite time as a result of a disciplinary proceeding, the appropriate Learning and Teaching Service Manager or Postgraduate Research Service Officer will proactively contact you to arrange return to study, following the process for return to study after an interruption.
- 12.5 If you are suspended pending investigation and a referral to SSDC has been made, and the outcome of the SSDC proceedings is that you may return immediately to study, the appropriate Manager/Officer will proactively contact you to arrange return to study, following the process for return to study after interruption.
- 12.6 IMPORTANT: The Regulations covering academic awards state that your studies must be completed in a specified amount of time. In some cases, the length of a suspension may mean that you run out of time to complete your studies and have to be withdrawn from the University.**

### 13. Withdrawal from the university

- 13.1 If you are withdrawn from the University, you are no longer a member of the University's student community and have none of the rights or privileges accorded to University students. You may not enter or use University Property other than in accordance with any rights given to any member of the public who is neither a student nor a member of staff.
- 13.2 You may be readmitted only by going through the normal admission procedures for new applicants. Any such application for admission will be considered on its merits and will include full consideration of the circumstances that led to the withdrawal decision, and the length of time that has passed since you were withdrawn.

*Guidance: You may be required to withdraw from the University as a result of disciplinary or professional misconduct proceedings, non-attendance or progression including academic failure, UK Visas and Immigration visa requirements, or as a result of prolonged suspension including for non-payment of fees and charges.*

## Part F: Senate Student Discipline Committee (SSDC)

### Overriding objectives

The overriding objective of this Part is to deal with proceedings fairly. This means that:

- i. Proceedings should be resolved as quickly as is consistent with due process.
- ii. That where a Participant requires reasonable adjustments under the Equality Act 2010 in order to participate, such adjustments will be made.
- iii. Where a provision of the Regulations or this Part is unclear a decision-maker should interpret them in the way most consistent with the requirements of substantive and procedural fairness to you, the student.

### Definitions

**Senate Student Discipline Committee (SSDC)** is a committee authorised by the Senate of the University of East Anglia. It comprises a **Chair and Deputy Chair of the Senate Student Discipline Committee** and members of the Committee who are appointed by Senate from time to time. The current membership of the committee is set out in the University Calendar under 'Statutory Bodies and Committees'. The Secretary to the Committee is the Head of Learning and Teaching (Quality).

The Chair of the Senate Student Discipline Committee and the Deputy Chair have the power to make a summary determination for certain types of cases. A summary determination means that they make the decision as an individual in a shorter process. In other cases, or if they prefer to do so, they can appoint a **Panel** to hear each case referred to it.

The members of the Panel will be drawn from the **Panel Pool**: those members of the Senate Student Discipline Committee who are academic staff as described in Statute 7 and who are not Principal Officers of the University. The Panel sits in different modes according to the nature of the allegations against you. In Professional or Research Misconduct Mode the Panel will also include two additional people.

There will be various **Participants** at the panel hearing. These are:

- you
- any **Companion** that you bring to support you at the hearing
- any other students involved in the same incident
- the Panel members
- the Hearing Secretary, who is usually a senior member of staff of the Learning and Teaching Service (or, for postgraduate research students, the Postgraduate Research Service). They do not take part in the deliberations as they are not a member of the Panel, but they may advise on matters of procedure or the powers that the Panel has

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- the representative(s) of the University who are asserting the University's case, such as the University's Disciplinary Officer or a School plagiarism officer. This person is known as the presenter.
- any witnesses approved by the Panel Chair
- any other person whose presence the Panel Chair deems necessary to resolve the proceedings fairly, or who (with your agreement only) is there for the purpose of training.

## 1 Training of Panel Members

- 1.1 The Secretary to the Senate Student Discipline Committee must ensure that all members of the Panel Pool and Hearing Secretaries have been trained before sitting on a Panel for the first time and at least every two years thereafter.
- 1.2 No person may remain within the Panel Pool unless they have undertaken the training specified in 1.1 above as and when it falls due.

## 2 Reasonable adjustments

- 2.1 The University will apply this Part F in accordance with its Equal Opportunities Policy for Students.
- 2.2 The University will also comply with its legal obligation to make reasonable adjustments under the Equality Act 2010. Reasonable adjustments are person specific but could include use of an intermediary or support worker, provision of documents in a different format, regular breaks, or adaptation in the style of questioning used.
- 2.3 You must tell the Hearing Secretary if you or your Companion or witness requires reasonable adjustments to be made because of a disability. You must do this no later than two working days before the hearing.

<i>Guidance: Participants should contact <a href="mailto:its.ssdsc@uea.ac.uk">its.ssdsc@uea.ac.uk</a>.</i>
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## 3 Making a referral to Senate Student Discipline Committee

- 3.1 Referrals to the SSDC can be made by the Disciplinary Officer, the student's Head of School, the Director of Student and Academic Services, the Director of Student Services, or the Director of the Research and Innovation Division, or any person to whom they have delegated that task. A referral is made by completion of a referral form, to which the referrer should attach the evidence on which they wish to rely and (if possible) identify any evidence they are yet to obtain. It is important that the evidence forwarded should be as full as possible, in order for the Chair of the Senate Student Discipline Committee to

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consider the appropriate route forward under paragraph 4 below, which may include Summary Determination.

- 3.2 Upon receipt of a referral, the Secretary of SSDC should write to you (the student) and tell you that the matter is now being considered by the Chair of Senate Student Discipline Committee under paragraph 4 below.

#### **4 Powers of the Chair of the Senate Student Discipline Committee**

The Chair or Deputy Chair will consider all referrals made to the Senate Student Discipline Committee and can take one or more of the following actions:

- 4.1 Return a referral with a request for further and better information to be provided within 10 working days so that the Chair can consider the matter further.
- 4.2 Determine that the issue should be dealt with under Fitness to Study in preference to a Panel hearing and require the School to commence such a process and confirm within 10 working days that it has done so.
- 4.3 Refer the matter onto or back to the Head of School or Disciplinary Officer where the Chair believes that other more appropriate procedures or steps should be used first. The Head of School or Disciplinary Officer should consider what action to take within 10 working days.
- 4.4 Where the alleged breach is by a person who is no longer a student, determine whether the case against you should proceed, or not proceed, or be suspended, taking into account the factors listed in Part I paragraph 3 of these Procedures and Powers.
- 4.5 Determine that on the balance of probabilities there is no case to answer.
- 4.6 Determine that the case should proceed to a full Panel hearing and specify the relevant mode and select a Panel from the Panel Pool.
- 4.7 Where the alleged breach involves more than one student, decide whether the students should be dealt with separately or at a single hearing, or refer such a decision to the appointed Panel Chair.
- 4.8 In the case of an alleged breach or breaches of Regulation 13, proceed in accordance with paragraph 5 below.
- 4.9 In the case of an alleged breach or breaches of Regulation 18, proceed in accordance with paragraph 6 below.
- 4.10 In the case of an alleged breach or breaches of Regulations 20, proceed in accordance with paragraph 7 below.

#### **5 Summary Determination: Regulation 13 (attendance, engagement, and progress)**

- 5.1 Where it appears to the Chair of Senate Student Discipline Panel on consideration of the referral papers that there is evidence of a breach of

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Regulation 13, the Chair may contact you to propose that the matter be dealt with by way of summary determination and

- 5.1.1 tell you what the allegations are and provide you with any evidence; and
  - 5.1.2 invite you to submit a written statement and/or evidence that may mitigate your alleged breach; and/or
  - 5.1.3 invite you meet with the Chair and a Hearing Secretary to discuss whether you have breached Regulation 13 and consider any evidence that may mitigate your alleged breach.
- 5.2 If you do not respond within 10 working days of this contact, the Chair may at their discretion withdraw you from the University. This power does not limit the Chair's power to refer the matter to SSDC for a full hearing. Any appeal from a decision to withdraw a student goes to Senate Student Discipline Appeals Committee.
- 5.3 If you notify the Chair within 10 working days that you object to summary determination the Chair will refer the matter to a full hearing by an SSDC Panel.
- 5.4 If you respond within 10 working days and agree to summary determination the Chair may either
- 5.4.1 summarily determine whether a breach has, on the balance of probabilities, occurred and, if so, consider any evidence of mitigation provided and impose any penalty or penalties other than one which would have the effect of permanently expelling you from the University or otherwise causing you to be withdrawn. Any appeal from this decision goes to Senate Student Appeals Committee.
- or
- 5.4.2 refer the matter to SSDC for a full hearing, for example because the appropriate penalty or penalties may include expulsion from the University or otherwise have the effect of withdrawing you from the University.
- 5.5 You have the right to bring a Companion to the meeting as long as you comply with paragraph 17 below.

*Guidance: Summary determination means that the Chair makes a decision by themselves using a shorter, simpler, process than if the matter went to a full hearing by a Panel of SSDC.*

*Guidance: Where the Chair decides to refer to SSDC, the chair should not then summarily determine, on the balance of probabilities, that a breach has or has not occurred, but leave that to SSDC.*

*Guidance: In all cases where the Chair imposes a penalty or penalties, the Secretary must keep a careful note of the breach, the admission, any mitigation offered by the student, and the reasons for the penalty imposed.*

*Guidance: Where you are enrolled on a programme of study that may lead to admission to a regulated profession overseen by a Professional, Statutory and Regulatory Body, it may well be appropriate for the matter to be referred to SSDC. This is because SSDC is better placed to determine whether the breach has involved you in dishonesty. Dishonesty can be the principal concern of certain professional regulators and determine whether you will be admitted to a profession. A finding that the breach did not involve you in dishonesty may therefore facilitate you in gaining entry to the profession despite the breach, but conversely a finding of dishonesty may lead a regulator to deny entry to the profession or make entry conditional.*

*Guidance: However, if you are a student who is a Tier 4 visa holder, you may find that you are also in breach of the conditions of leave of your Tier 4 visa and that the University may withdraw sponsorship of your visa. Please refer to Part E paragraph 2 of these University Disciplinary and Investigative Procedures and Powers.*

## **6 Summary determination: Regulation 18**

- 6.1 Where it appears to the Chair of Senate Student Discipline Panel on consideration of the referral papers that there is evidence of a breach of Regulation 18 which, if proven, is likely to be classified as a low or medium level breach, the Chair may contact you to propose that the matter be dealt with by way of summary determination and
- 6.1.1 Tell you what the allegations are and provide you with any evidence; and
  - 6.1.2 invite you to submit a written statement and/or evidence that may mitigate your alleged breach; and/or
  - 6.1.3 invite you meet with the Chair and a Hearing Secretary prior to summary determination in order to discuss whether you have breached Regulation 18 and consider any evidence that may mitigate your alleged breach.
- 6.2 If you notify the Chair within 10 working days that you object to summary determination, the Chair will refer the matter to a full hearing by an SSDC Panel.
- 6.3 If you do not object to summary determination or you do not respond within 10 working days, the Chair may either
- 6.3.1 summarily determine that a breach has, on the balance of probabilities, occurred; consider any evidence of mitigation provided; and proceed thereafter to impose any penalty or

penalties other than one which would have the effect of permanently expelling you from the University or otherwise causing you to be withdrawn. Any appeal from this decision goes to Senate Student Discipline Appeals Committee.

or

6.3.2 refer the matter to SSDC for a full hearing, for example because the appropriate penalty or penalties may include expulsion from the University or otherwise have the effect of withdrawing you from the University.

6.4 You have the right to bring a Companion to the meeting in accordance with as long as you comply with paragraph 17 below.

*Guidance: Summary determination means that the Chair makes a decision by themselves using a shorter, simpler, process than if the matter went to a full hearing by a Panel of SSDC.*

*Guidance: Where the Chair decides to refer to SSDC, the chair should not then summarily determine, on the balance of probabilities, that a breach has or has not occurred, but leave that to SSDC.*

*Guidance: In all cases where the Chair imposes a penalty or penalties, the Secretary must keep a careful note of the breach, the admission, any mitigation offered by the student, and the reasons for the penalty or penalties imposed.*

*Guidance: Where you are enrolled on a programme of study that may lead to admission to a regulated profession overseen by a Professional, Statutory and Regulatory Body, it may well be appropriate for the matter to be referred to SSDC. This is because SSDC is better placed to determine whether the breach has involved you in dishonesty. Dishonesty can be the principal concern of certain professional regulators and determine whether you will be admitted to a profession. A finding that the breach did not involve you in dishonesty may therefore facilitate you in gaining entry to the profession despite the breach, but conversely a finding of dishonesty may lead a regulator to deny entry to the profession or make entry conditional.*

## **7 Summary Determination: Regulation 20**

7.1 Where it appears to the Chair of Senate Student Discipline Panel on consideration of the referral papers that there is evidence of a breach of Regulation 20 which, if proven, is likely to be classified as a medium level breach, the Chair may contact you to propose that the matter be dealt with by way of summary determination and

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- 7.1.1 tell you what the allegations are and provide you with any evidence; and
  - 7.1.2 invite you to submit a written statement and/or evidence that may mitigate your alleged breach; and/or
  - 7.1.3 invite you meet with the Chair and a Hearing Secretary prior to summary determination in order to discuss whether you have breached Regulation 20 and consider any evidence that may mitigate your alleged breach.
- 7.2 If you notify the Chair within 10 working days that you object to summary determination, the Chair will refer the matter to a full hearing by an SSDC Panel.
- 7.3 If you do not object to summary determination or you do not respond within 10 working days, the Chair may either
- 7.3.1 summarily determine that a breach has, on the balance of probabilities, occurred; consider any evidence of mitigation provided; and proceed thereafter to impose any penalty or penalties other than one which would have the effect of permanently expelling the student from the University or otherwise causing the student to be withdrawn. Any appeal from this decision goes to Senate Student Appeals Committee.
- or
- 7.3.2 refer the matter to SSDC for a full hearing, for example because the appropriate penalty or penalties may include expulsion from the University or otherwise have the effect of withdrawing you from the University.
- 7.4 You have the right to bring a Companion to the meeting as long as you comply with paragraph 17 below.

*Guidance: Summary determination means that the Chair makes a decision by themselves using a shorter, simpler, process than if the matter went to a full hearing by a Panel of SSDC.*

*Guidance: Where the Chair decides to refer to SSDC, the chair should not then summarily determine, on the balance of probabilities, that a breach has or has not occurred, but leave that to SSDC.*

*Guidance: In all cases where the Chair imposes a penalty, the Secretary must keep a careful note of the breach, the admission, any mitigation offered by the student, and the reasons for the penalty or penalties imposed.*

*Guidance: Where you are enrolled on a programme of study that may lead to admission to a regulated profession overseen by a Professional, Statutory and Regulatory Body, it may well be appropriate for the matter to be referred to SSDC. This is because SSDC is better placed to determine whether the breach has involved you in dishonesty. Dishonesty can be the principal concern of certain professional regulators and determine whether you will be admitted to a profession. A finding that the breach did not involve you in dishonesty may therefore facilitate you in gaining entry to the profession despite the breach, but conversely a finding of dishonesty may lead a regulator to deny entry to the profession or make entry conditional.*

## Full hearings of SSDC

### 8 Pre-hearing preparation by the University

- 8.1 The Secretary to SSDC must notify you that a referral to SSDC has been made and tell you which Regulations you are alleged to have breached and a brief outline of why/how you are alleged to have breached the Regulations.
- 8.2 The Secretary to SSDC must also notify you if the Chair of SSDC has decided that that the case will be heard by a full panel hearing.
- 8.3 If a full panel hearing is being held, the Secretary to SSDC will request that the referrer provides a presenter to present the case against the student. The Secretary will also book a room or rooms for the hearing, prepare a draft hearing pack for consideration by the Panel Chair, and seek any further information or evidence requested by the Panel Chair in order to consider the case fairly.
- 8.4 Where the Panel hearing is to be held in Special Measures (see paragraph 24 below), the Secretary to SSDC will liaise with the Panel Chair and Hearing Secretary to implement the measures identified.
- 8.5 Nearer the hearing, the Secretary to SSDC will provide you with a formal summons letter to the hearing and a copy of the hearing pack, either hard copy or electronic (see Summons, at paragraph 16 below).

*Guidance: Scheduling of hearings: The University will try to schedule the hearing to avoid clashes with your timetabled academic activities. If that is not possible, the hearing will take priority.*

### 9 Role of the Panel Chair

The Panel Chair appointed for the hearing will:

- 9.1 Review and approve the hearing pack before the hearing

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- 9.2 Lead the hearing and ensure that the schedule is followed.
- 9.3 Ensure that any reasonable adjustments notified in accordance with paragraph 2 are made
- 9.4 Liaise with the Hearing Secretary to ensure the identification and implementation of any Special Measures (paragraph 25)
- 9.5 Ask any questions the Panel wish to ask the student, Presenting Officer or witnesses during the hearing.
- 9.6 Have the final decision on the inclusion of any evidence.
- 9.7 Approve the outcome letter written by the Secretary.

## 10 Composition of disciplinary Panel

The Panel shall sit in one of two Modes, a Professional or Research Misconduct Mode, or a Standard Mode.

### 10.1 *Professional or research misconduct mode*

10.1.1 A Panel shall be convened in Professional or Research Misconduct Mode for cases arising under General Regulation 14 and/or 15. A Panel convened under this Mode may, in addition to considering matters relating to Regulations 14 and 15, also consider allegations and determinate penalties relating to any other Regulations that are alleged to have been breached.

10.1.2 In Professional or Research Misconduct Mode, the Panel shall comprise two members of the Panel Pool, one of whom shall be appointed to act as Chair; and two co-opted Panel members who do not need to be members of Senate Student Discipline Committee:

- 10.1.2.1 one co-opted Panel member who has expertise within the same or a similar discipline to you; and
- 10.1.2.2 one co-opted Panel member who is not a member of staff or officer of the University but who has expertise within the same or a similar discipline to you

Where you are enrolled on a programme that may lead to admission to a regulated profession overseen by a Professional, Statutory and Regulatory Body (or are already regulated by that Body), at least one of the two co-opted Panel members must be regulated by the same Body.

### 10.2 *Standard mode*

- 10.2.1 All cases not involving Regulation 14 or 15 shall proceed in Standard Mode.
- 10.2.2 In Standard Mode, the Panel shall comprise three members of the Panel Pool, one of whom shall be appointed to act as Chair.

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- 10.3 A Panel must comprise the requisite constitution as set out above in order to proceed to hear a case. Where the Panel Chair determines that the composition of the Panel is incorrect, they shall adjourn the hearing and refer the matter back to the Chair of the Senate Student Discipline Committee for reallocation to a new Panel.

## 11 Conflicts of interest

No person may be appointed to a particular Panel if they have knowingly taught or been the personal adviser or supervisor of a student appearing before the Panel or if they have been involved with the disciplinary proceedings at an early level, such as because they are the plagiarism officer, disciplinary officer, or fitness to practise lead who dealt with the case in question.

*Guidance: Panel members must be alert to the risk not only of actual prejudice or bias but to the appearance of prejudice or bias, and should consider removing themselves from the Panel where a reasonable person may consider that there is an appearance of prejudice or bias.*

## 12 The evidence

12.1 The Panel has the power to summons and question any person who is a member of staff, officer, or student at the University, but can only ask a member of the public to provide evidence.

12.2 The Panel Chair will decide at their absolute discretion:

- 12.2.1 whether or not to hear from some or all witnesses giving oral evidence in person; and/or
- 12.2.2 whether to accept witness statements and other documents instead of or in addition to oral evidence; and/or
- 12.2.3 whether to hear oral evidence or read a statement from a person (who is attending or not attending) about a conversation they had with a non-attending third party.

*Guidance: When considering best evidence, the Panel Chair may like to consider:*

- *Whether the witness and/or third party is a member of staff, officer, or student of the University or a member of the public*
- *Whether the hearing is during a University semester or outside of semesters*
- *The nature and seriousness of the allegations*
- *The nature of the evidence to be given and the degree to which it is accepted or likely to be accepted*
- *The importance of that witness's or third party's evidence*

- *Why the witness and/or third party is not proposing to attend*
- *Whether a student can adequately challenge the case against them in the absence of oral evidence and the ability to question that witness and/or third party*

### **13 Language**

All documents (other than assessed work prepared for a language module) must be in English or accompanied by a certified translation into English. A certified translation is one that is made by a professional translator or translation company and which includes the credentials of the translator, confirmation from the translator that it is an accurate translation of the original document, the date of the translation, and the original signature of the translator or an authorised official of the translation company.

The Panel shall conduct its proceedings in English. No member of staff, student, or officer of the University shall have the use of a translator.

### **14 Standard of proof**

The standard of proof is the balance of probabilities. This means that allegations must be shown to be 'more likely than not' to be true.

The burden of proof is upon the University (or, if you are a student at INTO UEA, INTO UEA).

If you have been found guilty of a criminal offence, or accepted a caution, this is at a minimum, a breach of Regulation 10.1.15 and the Panel may proceed on the basis that facts found proven within those proceedings/admissions made by you are true.

### **15 Summons to the hearing**

15.1 The Secretary to SSDC must send you

15.1.1 a copy of the General Regulations and any other Statutes, Regulations Student Charter, Codes of Practice, Rules, and Procedures that you are alleged to have breached

15.1.2 a copy of these University Disciplinary and Investigative Procedures and Powers

15.1.3 a copy of all of the documentation provided by the referrer and presenter that will be considered by the Panel. (This is known as the 'hearing pack'.)

15.2 The Secretary to SSDC must tell you

15.2.1 the Regulation(s) that are alleged to have been breached

15.2.2 the nature of the breach

15.2.3 the time, place, and mode of the hearing

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15.2.4 Whether special measures are to be used (if known)

15.2.5 the identity of the Panel members

15.2.6 the identity of any presenter

15.2.7 the identity of any witnesses, to the extent known

15.2.8 that the Panel may proceed in your absence if you do not attend

15.2.8 your ability to bring a Companion to the hearing subject to paragraph 17 below.

15.3 The summons will be sent to you

15.3.1 no fewer than 20 working days before the hearing in the case of a hearing under Professional or Research Misconduct mode.

15.3.2 no fewer than 5 working days before the hearing in Standard Mode.

15.4 A copy of the summons will be sent to your Head of School and Adviser or Supervisor.

**Guidance: Your pre-hearing preparation**

*Senate Student Discipline Committee has considerable powers, including the power to exclude you from the University. You should therefore prepare carefully and seriously for the hearing, gathering together all the information you want to discuss and considering all the papers provided to you. We recommend that you seek advice from the Students' Union advice centre.*

*At the hearing there are several stages and you need to be prepared for each one.*

*You will receive a folder of the papers relevant to the hearing, including these Procedures, the relevant Regulation(s) and any written evidence against you. You should consider these papers carefully and make notes of any points that you want the Panel to know about. Sometimes students think that Panels automatically assume that students are guilty. That is not the case. The Panel is independent of the School or Disciplinary officer that is bringing the case and will consider the evidence on both sides carefully and fairly. You should try to help the Panel as much as possible to reach the decision that you want it to make,*

*You must confirm your attendance in person (if you are in the UK) or via videoconferencing (if abroad) (see paragraph 18) and whether or not you are bringing a Companion with you (see paragraph 17).*

*At the hearing, you will be given the opportunity to respond to what is said about the case. However, you also have the right to submit a statement prior to the hearing if you want to do so, setting out your position. You can also submit evidence in support of your defence if you want to do so. Please see paragraph 16 below.*

*Please note that all evidence must be in English or accompanied by a certified translation: see paragraph 13 above.*

*If the Panel decides that you have breached the Regulation(s) then it will want to hear from you about whether there are any circumstances that would explain or mitigate*

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*why you breached the Regulation(s). If you believe that there are mitigating circumstances that you wish to bring to the Panel's attention if found guilty of a breach of the Regulations, you should ensure that you tell the Panel about those circumstances and provide evidence in support, such as a doctor's report or death certificate.*

*You cannot appeal to the Senate Student Discipline Committee on the ground that you did not tell the Panel about mitigating circumstances unless you could not reasonably have obtained that evidence for this hearing, or where you are unable to prove the truth of those circumstances on the balance of probabilities. If there is important evidence that you cannot get in time for the hearing, you should ask the Secretary to SSDC about an adjournment (delaying the hearing).*

*You should therefore ensure that you have evidence with you at the Panel or (even better) have provided it to the Hearing Secretary before the hearing. While the Panel will consider whether there are any mitigating circumstances and listen to what you say about that, it may take the view that the breach is of a nature that cannot be mitigated.*

## **16 Evidence submitted by you**

- 16.1 You may (if you wish) submit a statement setting out your position and/or submit evidence in support of your defence. These documents should be sent to the Hearing Secretary no later than two working days before the hearing.
- 16.2 Your statement will be put into the hearing pack. The Panel Chair will consider any evidence that you submit under paragraph 16.1 above and will decide whether it is relevant. If the Panel Chair believes the evidence to be relevant, they will also ensure that this is added to the hearing pack.

*Guidance: Send your statement and/or evidence to [its.ssdsc@uea.ac.uk](mailto:its.ssdsc@uea.ac.uk).*

## **17 Bringing a Companion to the hearing**

- 17.1 You have the right to be accompanied by one Companion. The Companion must have no connection with the allegations and therefore no material interest in the matter.
- 17.2 You must tell the Hearing Secretary no later than two working days before the hearing of the identity and status (for example student union adviser or fellow student) of the Companion. If you do not tell the Hearing Secretary within this timescale, the Panel Chair may decide that you are not allowed to bring a Companion at all.
- 17.3 The Companion may present the case on your behalf and help and support you. However, they cannot answer questions on your behalf, or attend the hearing in your absence.
- 17.4 It is your responsibility to tell your Companion about the date, time, and location of the hearing. If your Companion does not attend the hearing, the hearing may proceed in their absence.

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- 17.5 Your Companion may be excluded from the hearing if they are so disruptive as to impede the conduct of the hearing. In such a case, the Panel Chair will decide whether or not to continue with the hearing even though your Companion has been excluded.

*Guidance: Members of the Student Union advice centre are available to act as Your Companion on your request. You must notify the Hearing Secretary of the identity and status of any Companion by emailing [Its.ssd@uea.ac.uk](mailto:Its.ssd@uea.ac.uk).*

## **18 Attending the hearing**

- 18.1 The hearing will be held in closed session, which means that only Participants can attend the hearing.
- 18.2 You must attend the hearing if you are present in the UK. It is a separate disciplinary offence not to do so (a breach of General Regulation 13). It may also severely harm your case, in that the Panel will not be able to gain a direct impression of you or hear your perspective first-hand. If you do not attend, the Panel may proceed anyway.
- 18.3 If you are no longer in the UK, you may, by prior arrangement, use an agreed videoconferencing facility to call into the hearing. It is your responsibility to ensure that you are contactable at the given time.
- 18.4 The University may decide to require you to use a specified videoconferencing facility instead of physically attending campus if it believes that there may be a risk to you or to others if you come onto campus. A decision to hold a hearing by videoconferencing is a precautionary measure and does not indicate that the University has concluded that you have committed a breach of the Regulations or a criminal offence.

*Guidance: For adjournments, see paragraphs 22 and 23.*

## **19. What happens at the hearing**

- 19.1 The procedure at the hearing will usually include the following elements in the following order. However, the Panel Chair has the power to vary the structure and content of the hearing (for example because there are other students being heard at the same time, or a change is needed as a reasonable adjustment).
- 19.2 The Hearing Secretary should remind the Panel Chair what reasonable adjustments or special measures are in place for the hearing.
- 19.3 If you have not attended in person or by an agreed videoconferencing facility, the Panel will decide whether to proceed with the hearing or adjourn it.
- 19.4 If the hearing proceeds, the Hearing Secretary will invite you and other Participants (other than witnesses) into the room or rooms. The Panel Chair will introduce themselves and ask the other Participants to introduce themselves

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and in what capacity they are there. The witnesses will stay outside the hearing room(s) until the Hearing Secretary calls them to give evidence.

- 19.5 The Hearing Secretary will then briefly state what Regulations it is alleged that you have breached, and how. You will be asked whether or not you admit the allegation(s).
- 19.6 The Panel Chair will invite the person presenting the case against you to outline the allegations and the evidence in the case. It is not always necessary for there to be a presenter if the documents are clear. The presenter may call witnesses to support the allegations. You (or your Companion) will have the opportunity to ask questions of the presenter (if any) and to challenge their evidence.
- 19.7 You (and/or your Companion) must then respond to the allegations. You must also answer any questions from the Panel and the person presenting the case, and your Companion cannot answer questions on your behalf. You may also call your witnesses to support your defence.
- 19.8 The Panel may also call any witnesses not called by another party.
- 19.9 You (or your Companion) and the presenter will have the opportunity to question any witnesses, as will the Panel, regardless of who has called those witnesses. The Panel Chair has the right to prevent a question being asked that is irrelevant to the issues and/or only has the purpose of being vexatious (deliberately rude or upsetting).
- 19.10 If you have a Companion with you, and you wish to speak to them privately at any time, you should ask the Panel Chair to pause the hearing, so you can step outside. If at any time you need a short break to gather your thoughts, you should also ask the Panel Chair. The Panel Chair will try to accommodate these requests.
- 19.11 The presenter will be given the opportunity to make a closing statement. They can also outline what penalty or penalties they are seeking in the event that you are found guilty of a disciplinary offence.
- 19.12 You (or your Companion) will also have the opportunity to make a closing statement. You should use this opportunity to (a) summarise your defence (if any) and (b) to make the Panel aware of any mitigating circumstances that exist. Mitigating circumstances will only be relevant if the Panel finds you guilty of an offence.
- 19.13 You may wish to raise issues of mitigation which are of a private nature. In this situation, you can ask to speak to the presenter, the Panel and the Panel Secretary in the absence of anyone else. However, in order to be fair to everybody, if what you say is relevant to another Participant (for example that you blame another student for the situation) then the Panel Chair will need to invite that person back into the room and tell that person what you have said. However, it should not be necessary to tell them things like health or personal problems. Any mitigation that you offer may be included in the outcome letter and seen by others who are sent that letter.

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- 19.14 The Panel Chair should then ask you whether there is anything in particular that you think that the Panel should look at or anything you want to the Panel to know that hasn't been considered.
- 19.15 The Panel will then end the hearing and ask you, the presenter, and any witnesses to leave.
- 19.16 The Panel will confer among themselves and decide whether the allegations against you are proven on the balance of probabilities.
- 19.17 If the allegations are proven, then the Panel will decide
- 19.17.1 on the balance of probability, whether you have been dishonest (see paragraph 20)
  - 19.17.2 what penalty or penalties should be applied for the proven breach(es).
- 19.18 In making this determination, the Panel will consider
- 19.18.1 whether there are any mitigating factors that you or the presenter have raised but may take the view that the breach is of a nature that cannot be mitigated.
  - 19.18.2 written details of any prior proven breaches dealt with under these University Disciplinary and Investigative Procedures and Powers or previous Disciplinary Procedures.
  - 19.18.3 what weight it would be fair to give to uncorroborated, challenged, evidence that was given other than by oral evidence at the hearing.
  - 19.18.4 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 or penalties under these Procedures.

## 20. Findings of dishonesty

Where possible, the Panel should determine whether any proven breach, or your defence, has involved you in dishonesty. Such dishonesty could relate to the breach itself or to the way in which you have responded to the investigation or determination.

*Guidance: Dishonesty can be the principal concern of certain Professional, Statutory and Regulatory Bodies and it is important that we record at this time whether a proven breach or defence is dishonest so that this finding can be provided to the relevant professional regulator if required in accordance with Part A paragraph 2 (confidentiality). If the outcome letter is silent on this, it can be unhelpful to both the regulator and (if you seek admission to a regulated profession) you.*

*Note that simply making the University prove its case on the balance of probabilities does not by itself mean you are being dishonest – whereas a positive assertion of a false defence may be dishonest.*

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**21. Remitting a case back to the Committee Chair**

21.1 Where the Hearing Chair believes that the hearing should not proceed (or, if commenced, continue) because

21.1.1 evidence (or a witness) is missing or unavailable and that evidence is necessary to resolve the case fairly; and/or

21.1.2 there is strong reason to believe that you have not received the summons and are not deliberately avoiding the summons; and/or

21.1.3 you present at the hearing with serious mental or physical health issues that affects your ability to respond to the allegations such that it would be unfair to continue at the present time; and/or

21.1.4 you have requested an adjournment and have very strong reasons for making that request; and/or

21.1.5 there is another very substantial reason for not proceeding on that occasion

the hearing shall be remitted back to the Chair of Senate Student Discipline Panel.

21.2 The Chair of Senate Student Discipline Panel should then consider the matter afresh under the provisions of paragraph D4. They are free to refer the matter to the same or a differently composed panel of SSDC but may alternatively choose another option outlined in paragraph D4.

*Guidance: Panel Chairs also have a general power to adjourn at the request of the student: see paragraph x above.*

**22. Part-heard hearings**

22.1 A Hearing Chair has the power to bring a hearing to a halt and to adjourn the rest of the hearing for a period not exceeding 10 working days without giving any reason for this adjournment.

22.2 A Hearing Chair has the power to bring a hearing to a halt and to adjourn the rest of the hearing for a period not exceeding 20 working days where the purpose of the adjournment is to enable you to obtain a report from a licensed psychiatrist or alternative appropriately qualified medical practitioner in response to questions identified by the Panel and such a delay is necessary to dispose of the case fairly.

22.3 A hearing above must be resumed using the same Panel as heard the matter prior to the adjournment.

**23. Designation of a proceeding as requiring special measures**

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- 23.1 The Chair of SSDC or their nominated representative shall determine whether a hearing requires the implementation of Special Measures, taking into account the preference of the student Participants and the need for procedural and substantive fairness.
- 23.2 The Panel shall proceed as Standard Mode (Special Measures), or Professional or Research Misconduct Mode (Special Measures) if
- 23.2.1 a Participant is aged under 18; and/or
  - 23.2.2 the case involves an alleged breach of the Policy on Student Harassment and Sexual or Physical Misconduct and a Participant is an alleged victim of such misconduct who does not object to Special Measures; and/or
  - 23.2.3 a witness other than you will give evidence only if Special Measures are provided.
- 23.3 The purpose of these special measures is to enable an alleged victim to give the best quality evidence that they can so that the Panel can make an accurate determination of whether or not a disciplinary offence has been committed. The existence of special measures does not in any way indicate that the allegations are true, as this is for the Panel to determine after hearing the evidence; nor does it deflect from the need for careful due process.

*Guidance: Special Measures are different to Reasonable Adjustments for a disability, which should be considered a routine part of the preparation and conduct of a hearing in any Mode.*

## **24. Conduct of proceedings in special measures**

A hearing in Special Measures may involve the implementation of a number of measures that are designed to assist a Participant in providing the best quality evidence that they can. These measures will be situation specific but may include:

- 24.1 use of more than one hearing room, with a Participant giving evidence by an agreed videoconferencing facility or listening to evidence by an agreed videoconferencing facility; and/or
- 24.2 All questions to a witness being directed via the Hearing Chair, who will relay questions appropriately put; and/or
- 24.3 use of a screen to separate a Participant from another Participant or Participants, other than the Panel; and/or
- 24.4 use of an appropriately qualified or experienced support worker by a Participant (who is in addition to any Companion); and/or
- 24.4 regular breaks.

## **25 Notification of outcome to student**

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- 25.1 The Hearing Secretary will normally notify you of the outcome within 5 working days and the reasons for the Panel's decision. This letter may also be copied to:
- 25.1.1 the presenter, if any
  - 25.1.2 the Panel Chair, who will have approved the letter
  - 25.1.2 those involved in the management or administration of the proceedings, such as the Secretary to the Committee (the University's Head of Learning and Teaching (Quality)) and staff within the University's Academic Services division
  - 25.1.3 those responsible for you (such as your Head of School, adviser or supervisor, and (where relevant) fitness to practise lead and/or degree apprenticeship partner and/or employer.
- 25.2 As stated in Part A paragraph 2 in some circumstances it may be necessary, now or in the future, to provide that information to other organisations.
- 25.3 In the case of a new suspension or expulsion, the Panel Secretary will also notify Student Records of the fact of the suspension or expulsion. Where you are a Tier 4 visa holder, the Panel Secretary will also notify the University's Visa Policy, Operations and Compliance Manager

## **26 Post-hearing actions by Learning and Teaching Services**

- 26.1 Upon receipt of an outcome letter, the relevant Learning and Teaching Service Manager must action any academic penalty such as referral to reassessment. In the case of suspension, the Manager should action any suspension not already actioned by the Vice Chancellor and record when any suspension must be lifted and you can return to study. Further information can be found in Part F.
- 26.2 The Learning and Teaching Service Manager should notify all of your Module Organisers about the suspension and that if you attend one of their classes they should ask you to leave, and if you refuse to leave they should call security.

## **27 Post-hearing actions by the students Head of School (Regulation 14 only)**

If a Panel finds you to be in breach of Regulation 14, your Head of School will decide whether the University should make a report to the relevant Professional, Statutory and Regulatory Body. In doing so, the Head must bear in mind the requirements of Part I paragraph 2.

## **28 Post-hearing actions by the Postgraduate Research Service**

## Part G: Penalties

These Penalties are divided into Powers (the penalties that can be applied) and Guidelines to assist the decision-maker.

### Overriding objective

All penalties must be:

- have an effect on the student that is proportional to the offence; and
- consistent with penalties imposed in genuinely similar cases.

### Status of the penalty guidelines

While the guidelines are intended to assist decision-makers in determining the appropriate penalty or penalties for a breach, it is not possible or desirable to capture all the circumstances that may affect the commission of an offence and the different levels of seriousness or culpability and decision-makers therefore have a high degree of discretion subject only to review in accordance with the Appeal procedure in Part H and any statutory or judicial body.

### Definitions

**Expulsion** (to **expel**) means your expulsion from the University for a period of at least 7 years following which the University will consider any application for readmission only with the express approval of the Vice Chancellor. (It is therefore different to exclusion, which in these University Disciplinary and Investigative Procedures and Powers is used for a type of suspension involving removal of access to University Property and services.)

## **Non-academic penalties**

### **That can be imposed by the Student Services Coordinator, Deputy Accommodation Manager or Disciplinary Officer for low and medium level non-academic misconduct**

1. Issue a warning for low or medium level misconduct
2. Place a restriction on your privilege to have guests visiting in University Residences
3. Require you to undertake formative relevant training such as the online module on sexual consent, Consent Matters, or fire safety training
4. Require you to write a formal letter of apology to a specified person or persons
5. Prohibit you from contacting a specified person or persons either at all or save in respect of specified matters
6. Require you to attend and/or engage with specified internal or external agencies.
7. Require you to move to an alternative University Residence (not available where you hold an assured shorthold tenancy)
8. Terminate any licence to occupy University Residences
9. In the event of damage to persons or property or University Property, require that such damage be made good at your expense either by yourself or jointly and/or severally with other students.

### **That can be imposed by the Disciplinary Officer for high level non-academic misconduct**

The Disciplinary Officer may apply one or more of the following penalties where they find a student in breach of a regulation or regulations and have decided not to refer the matter to Senate Student Discipline Committee:

1. Place a restriction on your privilege to have guests visiting in University Residences
2. Require you to undertake formative relevant training such as the online module on sexual consent, Consent Matters, or fire safety training
3. Require you to write a formal letter of apology to a specified person or persons
4. Prohibit you from contacting a specified person or persons either at all or save in respect of specified matters
5. Require you to attend and/or engage with specified internal or external agencies.
6. Require you to move to an alternative University Residence (not available where you hold an assured shorthold tenancy)

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7. In the event of damage to persons or property or University Property, require that such damage be made good at your expense either by yourself or jointly and/or severally with other students.
8. Require you to engage in reparative or community service activities commensurate with the nature of your breach.
9. Require you to write an essay or reflective account on a topic determined by the Disciplinary Officer
10. Impose a fine not to exceed £500
11. Terminate any licence to occupy University Residences
12. Seek a court order to terminate any assured shorthold tenancy in respect of University Residences (this penalty should only be used where the breach relates to the terms of the tenancy).

**That can be imposed by a Panel of Senate Student Discipline Committee for non-academic misconduct**

A Panel may apply one or more of the following penalties where it finds a student in breach of a regulation or regulations:

1. Place a restriction on your privilege to have guests visiting in University Residences
2. Require you to undertake formative relevant training such as the online module on sexual consent, Consent Matters, or fire safety training
3. Require you to write a formal letter of apology to a specified person or persons
4. Prohibit you from contacting a specified person or persons either at all or save in respect of specified matters
5. Require you to attend and/or engage with specified internal or external agencies.
6. Require you to move to an alternative University Residence (not available where you hold an assured shorthold tenancy)
7. In the event of damage to persons or property or University Property, require that such damage be made good at your expense either by yourself or jointly and/or severally with other students.
8. Require you to engage in reparative or community service activities commensurate with the nature of your breach.
9. Require you to write an essay or reflective account on a topic determined by the Panel
10. Impose a fine not to exceed £1,000
11. Terminate any licence to occupy University Residences

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12. Seek a court order to terminate any assured shorthold tenancy in respect of University Residence (this penalty should only be used where the breach relates to the terms of the tenancy)
13. Temporarily suspend from study and University Property (SSEP) or less commonly from study only (SS)
14. Temporarily or permanently exclude a student from specified University activities or from certain areas of campus
15. Expel a student from the University
16. Impose an alternative or additional penalty of its choosing save that where the penalty or exemption requires or implies a concession under the Regulations governing the award of degrees, diplomas, or certificates, approval should first be sought from the Academic Director of Taught Programmes or the Academic Director of Research Degrees, as appropriate.

## Academic penalties

**Penalties that can be imposed by a Panel of Senate Student Discipline Committee (or the Chair or Deputy Chair exercising their powers of summary determination) for cases involving breach of a regulation relating to academic and professional integrity other than professional or research misconduct**

A panel may apply one or more of the following penalties where it finds you in breach of a regulation or regulations:

1. Determine that a mark of zero should be recorded for the whole or part of the work submitted by you for assessment and either refer you to reassessment or decide that you should not be permitted to reassess
2. Temporarily suspend you from study and University Property (SSEP)
3. Expel you from the University
4. Impose an alternative or additional penalty of its choosing save that where the penalty or exemption requires or implies a concession under the Regulations governing the award of degrees, diplomas, or certificates, approval should first be sought from the Academic Director of Taught Programmes or the Academic Director of Research Degrees, as appropriate. Subject to the penalty guidelines below, the Panel may wish to consider the following alternative or additional penalties:
  - Requiring you to undertake formative relevant training such as the online module on sexual consent, Consent Matters, or fire safety training
  - Requiring you to write a formal letter of apology to a specified person or persons

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- Requiring you to attend and/or engage with specified internal or external agencies.
- Require you to write an essay or reflective account on a topic determined by the Panel, such as the need for academic integrity

*Guidance: In the case of a core module, a decision not to send the student to reassessment of a failed module means that the student cannot progress and will be withdrawn. Panels must ensure that such an outcome is a proportionate response.*

**Penalty guidelines: Breaches of Regulation 13 (attendance, engagement, and progress)**

*Where a Panel of SSDC has determined that you have breached Regulation 13, and you have received a first and second formal warning, the usual penalty is expulsion from the University.*

**Penalty guidelines: Breaches of Regulation 18 (plagiarism or collusion)**

<b>Penalties</b>	<b>Mitigating and aggravating factors that affect the starting point can include:</b>
<p><b>For a first offence under Regulation 18 (but not involving the purchase of assessed work)</b></p> <p><i>For a first offence of sufficient severity to merit referral to SSDC, the normal starting point penalty will be temporary suspension (SSEP) from the University for not less than one semester and a mark of zero in the relevant assessment component.</i></p> <p><i>Where there are mitigating factors and the Panel considers that the starting point is too severe, or when the mark of zero would have the consequence of the student being withdrawn from the University for academic failure (e.g. on a core module) and the Panel considers this excessive, the Panel may impose another Penalty or suspend the application of a suspension.</i></p> <p><i>Where there are aggravating factors and the Panel considers that the starting point is insufficiently severe, the Panel should consider whether a longer period of suspension is appropriate or whether expulsion from the University is appropriate.</i></p>	<p><b>Mitigating:</b></p> <ul style="list-style-type: none"> <li>• <i>Your experience is limited (you are in your first semester of a higher education course in the UK)</i></li> <li>• <i>There is no evidence that other Regulations have been breached by you</i></li> <li>• <i>You accepted your guilt early and have shown remorse</i></li> <li>• <i>You are suffering from an illness or other medical condition affecting your judgment or exacerbating the effect of any penalty imposed</i></li> <li>• <i>At the time you were experiencing family or relationship problems affecting your judgment</i></li> <li>• <i>You have felt under duress</i></li> </ul> <p><b>Aggravating:</b></p> <ul style="list-style-type: none"> <li>• <i>You intended to cheat</i></li> <li>• <i>You are not in your first semester of a higher education course in the UK</i></li> <li>• <i>You have not accepted guilt either shown remorse, or such acceptance/remorse came late in the process</i></li> <li>• <i>There is evidence that you have breached other Regulations</i></li> </ul>

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<p><b>For a second offence under Regulation 18 (but not involving the purchase of assessed work)</b></p> <p><i>For a second offence of sufficient severity to merit referral to SSDC, the normal starting point penalty will be temporary suspension (SSEP) from the University for not less than two semesters and a mark of zero in the relevant assessment component.</i></p> <p><i>Where there are mitigating factors and the Panel considers that the starting point is too severe, or when the mark of zero would have the consequence of the student being withdrawn from the University for academic failure (e.g. on a core module) and the Panel considers this excessive, the Panel may impose another Penalty or suspend the application of a suspension.</i></p> <p><i>Where there are aggravating factors and the Panel considers that the starting point is insufficiently severe, the Panel should consider whether expulsion from the University is appropriate.</i></p>	<p><i>Mitigating:</i></p> <ul style="list-style-type: none"> <li>• <i>There is no evidence that other Regulations have been breached by you</i></li> <li>• <i>You accepted your guilt early and have shown remorse</i></li> <li>• <i>You are suffering from an illness or other medical condition affecting your judgment or exacerbating the effect of any penalty imposed</i></li> <li>• <i>You were experiencing family or relationship problems affecting your judgment</i></li> <li>• <i>You have felt under duress</i></li> </ul> <p><i>Aggravating:</i></p> <ul style="list-style-type: none"> <li>• <i>You intended to cheat</i></li> <li>• <i>You are not in your first semester of a higher education course in the UK</i></li> <li>• <i>You have not accepted guilt either shown remorse, or such acceptance/remorse came late in the process</i></li> <li>• <i>There is evidence that you have breached other Regulations</i></li> </ul> <p><i>The fact of a previous offence under Regulation 18 is not a mitigating or aggravating factor as it creates the starting point.</i></p>
<p><b>For a third offence under Regulation 18 <u>or</u> where the offence involves the purchase or commission of assessed work</b></p> <p><i>For a third offence of sufficient severity to merit referral to SSDC, or for the purchase or commission of assessed work, the normal starting point penalty will be expulsion from the University and a mark of zero in the relevant assessment component.</i></p> <p><i>Where there are mitigating factors and the Panel considers that the starting point is too severe, the Panel may impose another Penalty or suspend the application of expulsion. However, where the offence involves the purchase of assessed work, mitigation would not normally reduce the penalty below the starting point of expulsion.</i></p>	<p><i>Mitigating:</i></p> <ul style="list-style-type: none"> <li>• <i>There is no evidence that other Regulations have been breached by you</i></li> <li>• <i>You accepted your guilt early and have shown remorse</i></li> <li>• <i>You are suffering from an illness or other medical condition affecting your judgment or exacerbating the effect of any penalty imposed</i></li> <li>• <i>You were experiencing family or relationship problems affecting your judgment</i></li> <li>• <i>You have felt under duress</i></li> <li>• <i>Experience of student is limited (purchased work only: if the student is in this category because they have committed a third offence, they are to be considered an experienced student).</i></li> </ul> <p><i>Aggravating:</i></p> <ul style="list-style-type: none"> <li>• <i>You intended to cheat</i></li> </ul>

	<ul style="list-style-type: none"> <li>• You are not in your first semester of a higher education course in the UK</li> <li>• You have not accepted guilt either shown remorse, or such acceptance/remorse came late in the process</li> <li>• There is evidence that you have breached other Regulations</li> </ul>
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## Breaches of Regulation 20 (misconduct in examinations and course tests)

### Penalty guidelines for breaches of Regulation 20:

<b>Penalties to be considered once starting point determined:</b>	<b>Mitigating and aggravating factors that affect the starting point can include:</b>
<p><b>For a medium level offence under Regulations 20</b></p> <p>The normal starting point penalty will be a mark of zero in the relevant assessment component.</p> <p>Where there are mitigating factors and the Panel considers that the starting point is too severe, or when the mark of zero would have the consequence of the student being withdrawn from the University for academic failure (e.g. on a core module) the Panel may impose another Penalty.</p> <p>Where there are aggravating factors and the Panel considers that the starting point is insufficiently severe, the Panel should consider whether a period of suspension is appropriate or whether expulsion from the University is appropriate.</p>	<p>The factors set out above in the classification table have determined that this is a medium level offence and given us the starting point, so should not be considered as relevant to mitigating or aggravating that starting point.</p> <p>Consider other factors:</p> <p>Mitigating:</p> <ul style="list-style-type: none"> <li>• No evidence that other Regulations have been breached</li> <li>• Early acceptance of guilt or remorse</li> <li>• Illness or other medical condition affecting the student's judgment or exacerbating the effect of any penalty imposed</li> <li>• Family or relationship problems affecting the student's judgment</li> <li>• Duress</li> </ul> <p>Aggravating:</p> <ul style="list-style-type: none"> <li>• Failure to accept guilt in a timely manner</li> <li>• Evidence of a breach of other Regulations</li> </ul>
<p><b>For a high level offence under Regulations 20</b></p> <p>The normal starting point penalty will be temporary suspension (SSEP) from the University for not less than one semester and a mark of zero in the relevant assessment component.</p> <p>Where there are mitigating factors and the Panel considers that the starting point is too</p>	<p>The factors set out above in the classification table have determined that this is a high level offence and given us the starting point, so should not be considered as relevant to mitigating or aggravating that starting point.</p> <p>Consider other factors:</p> <p>Mitigating:</p> <ul style="list-style-type: none"> <li>• Early acceptance of guilt or remorse</li> </ul>

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<p><i>severe, or when the mark of zero would have the consequence of the student being withdrawn from the University for academic failure (e.g. on a core module) and the Panel considers this excessive, the Panel may impose another Penalty or suspend the application of a suspension.</i></p> <p><i>Where there are aggravating factors and the Panel considers that the starting point is insufficiently severe, the Panel should consider whether expulsion from the University is appropriate.</i></p> <p><i>Where there is a severely aggravating factor, the normal penalty is expulsion from the University.</i></p>	<ul style="list-style-type: none"> <li>• <i>Illness or other medical condition affecting the student's judgment or exacerbating the effect of any penalty imposed</i></li> <li>• <i>Family or relationship problems affecting the student's judgment or exacerbating the effect of any penalty imposed</i></li> <li>• <i>Duress or undue pressure</i></li> </ul> <p><i>Aggravating:</i></p> <ul style="list-style-type: none"> <li>• <i>Intentionality</i></li> <li>• <i>Failure to accept guilt</i></li> <li>• <i>Evidence of a breach of other Regulations</i></li> <li>• <i>This incident was one of several breaches on the same occasion (e.g. has notes and has dictionary pen at same exam)</i></li> </ul> <p><i>Severely aggravating:</i></p> <ul style="list-style-type: none"> <li>• <i>A previous finding of medium or high level breach of Regulation 20</i></li> </ul> <p><i>As a general rule, no distinction should be drawn between misconduct in an examination and misconduct in a course test. However, the SSDC Panel should take into account the full context and circumstances in which the course test was taken and in particular whether the full procedures governing the invigilation of examinations was followed.</i></p>
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### **Penalties that can be imposed by a Panel of Senate Student Discipline Committee for cases involving breach of a regulation relating to professional or research misconduct**

A panel may apply one or more of the following penalties where it finds a student in breach of Regulation 14 (professional misconduct or unsuitability/fitness to practise) and/or 15 (misconduct in research or research ethics):

1. Require you to undertake formative relevant training
2. Require you to write a formal letter of apology to a specified person or persons
3. Prohibit you from contacting a specified person or persons either at all or save in respect of specified matters
4. Require you to attend and/or engage with specified internal or external agencies.
5. Determine that a mark of zero should be recorded for the whole or part of the work submitted by you for assessment and either refer you to reassessment or not do so

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6. Require you to write an essay or reflective account on a topic determined by the Panel, such as the need for academic integrity
7. Temporarily suspend you from study and University Property (SSEP) or less commonly from study only (SS)
8. Temporarily or permanently exclude you from specified University activities or from certain areas of campus
9. Expel you from the University
10. Impose an alternative or additional penalty of its choosing save that where the penalty or exemption requires or implies a concession under the Regulations governing the award of degrees, diplomas, or certificates, approval should first be sought from the Director of Taught Programmes or the Director of Research Degrees, as appropriate.

***Penalty guidelines: Regulation 15 (misconduct in research and research ethics)***

*In determining the appropriate penalty, the following factors shall be taken into account:*

- *Your level and experience*
- *The nature and extent of your misconduct*
- *The extent to which you intended the misconduct and the extent to which the offence was premeditated*
- *Your previous record*
- *Whether the offence exposed others to actual or potential risk of harm and, if so, the nature and severity of that risk.*
- *The nature of the award (qualification) to which the misconduct relates*
- *Early acceptance of guilt or remorse*
- *Illness or other medical condition affecting the student's judgment or exacerbating the effect of any penalty imposed*
- *Family or relationship problems affecting the student's judgment or exacerbating the effect of any penalty imposed*
- *Duress or undue pressure*

## Part H: Appeals

### Overriding objectives

The overriding objective of this Part is to deal with proceedings fairly. This means that:

- i. Proceedings should be resolved as quickly as is consistent with due process.
- ii. That where a Participant requires reasonable adjustments under the Equality Act 2010 in order to participate, such adjustments will be made.
- iii. Where a provision of the Regulations or these Procedures is unclear a decision-maker should interpret them in the way most consistent with the requirements of substantive and procedural fairness to you, the student.

## Appeals against a decision of the University Disciplinary Officer, Student Services Coordinator, or Deputy Accommodation Manager

### 8 Outline

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, Student Services Coordinator, or Deputy Accommodation Manager, and

Stage Two, which you may follow if dissatisfied with the outcome of the Stage One appeal. Stage Two appeals are considered by the Director of Student and Academic Services (who is not the same person as the Director of Student Services) who may refer the appeal for further investigation.

### 9 How to appeal

9.1 You must complete a Stage One appeal form and in that form you will need to state:

9.1.1 Whether you are appealing against the decision that you have breached the Regulations or the penalty or both

9.1.2 The ground(s) of your appeal.

9.2 You will need to attach to your form your evidence in support of your appeal.

9.3 You are deemed to have received the notification of the Disciplinary Officer's/Student Services Coordinator's/Deputy Accommodation Manager's decision within two working days of it being dispatched to you, whether by email or post or both. You must file any appeal against the decision within five working days of the receipt of the notification of the Officer's/Coordinator's

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Deputy Manager's decision i.e., within seven working days of us sending you the notification.

9.4 The University will not consider any appeal until you have been sent formal written notice of the outcome of the hearing.

*Guidance: Forms are available at <https://portal.uea.ac.uk/learning-and-teaching/students/forms>*

## 10 Grounds for appeal (stage one appeals)

10.1 You cannot appeal against a decision to refer a case to the Senate Student Discipline Committee or a decision to classify the offence as low, medium, or high for the purposes of allocating the case to a decision-maker.

10.2 If you decide to appeal, you must tell us whether the appeal is made against the finding of the Disciplinary Officer/Student Services Coordinator/Deputy Accommodation Manager, or the penalty imposed, or both.

10.3 An appeal will only be considered if one or more of the following grounds is demonstrated:

10.3.1 That evidence (including any mitigation) put to the Disciplinary Officer/Student Services Coordinator/Deputy Accommodation Manager was not fully considered

10.3.2 The correct procedure was not followed and this is sufficient to undermine the validity of the decision

10.3.3 That there was prejudice and/or bias or the appearance of prejudice and/or bias on the part of the Disciplinary Officer/Student Services Coordinator/Deputy Accommodation Manager

10.3.4 That the penalty or penalties imposed was excessive

10.3.5 That there is new information that should be considered that was not known to the Disciplinary Officer/Student Services Coordinator/Deputy Accommodation Manager and you could not reasonably have obtained that evidence at the time that they made their decision.

*Guidance: You should provide as much information as possible about the ground(s) on which you are relying. For example, if you say that evidence put to the Disciplinary Officer was not fully considered, you will need to explain what evidence and in what way you say it was not fully considered. If there is new information, you will need to say what information and why you could not reasonably have obtained that evidence before. We strongly recommend that you seek advice from the Student Union Advice Centre.*

## **11 The appeal process (stage one appeals)**

- 11.1 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 Director of Academic and Student Services (who is not the same person as the Director of Student Services). Notwithstanding this provision, for ease of reference the person responsible for responding to the Appeal will be called the Director of Student Services in this Procedure.
- 11.2 The Director of Student Services must consider all of the evidence previously submitted to the Disciplinary Officer/Student Services Coordinator/Deputy Accommodation Manager and your appeal form and supporting evidence. No evidence submitted can be anonymous.
- 11.3 The Director will determine whether there is evidence that satisfies one of the grounds set out at paragraph 10.3. The Director may ask another member of Student Services to investigate this for the Director, as long as that person has not previously been involved in the case.

## **12 Appeal outcomes (stage one appeals)**

- 12.1 The investigation having been completed, the Director of Student Services will decide whether:
- 12.1.1 To uphold the decision and penalty
  - 12.1.2 To uphold the decision but substitute a lower penalty
  - 12.1.3 Reject the appeal.
- 12.2 If your appeal is rejected and you are unhappy about that then you may have grounds to start a Stage Two appeal.
- 12.3 The decision of the Director of Student Services and the reason(s) for it will be communicated to you in writing. If you want to meet with the Director so that the Director can explain their decision to you then you should request that.

## **Stage two appeals**

### **13 How to appeal (stage two appeals)**

- 13.1 You must complete a Stage Two appeal form and in that form you will need to state:
- 13.1.1 Whether you are appealing against the decision of the Director of Student Services or the penalty or both
  - 13.1.2 The ground(s) of your appeal.

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- 13.2 You will need to attach to your form your evidence in support of your appeal.
- 13.3 You are deemed to have received the notification of the Director of Student Services' decision within two working days of it being dispatched to you, whether by email or post or both. You must file any appeal against their decision within five working days of the receipt of the notification of the Director's decision i.e., within seven working days of us sending you the notification.

*Guidance: Forms are available at <https://portal.uea.ac.uk/learning-and-teaching/students/forms>*

## 14 Grounds for appeal

A stage two appeal will only be considered if one or more of the following grounds is demonstrated:

- 14.1 The correct procedure was not followed in the conduct of the Stage One appeal and this is sufficient to undermine the validity of the decision
- 14.2 That there was prejudice and/or bias or the appearance of prejudice and/or bias on the part of the Director of Student Services and/or any person helping the Director to investigate
- 14.3 That evidence (including any mitigation) put forward at Stage One was not fully considered

## 15 The appeal process

- 15.1 The Director of Student and Academic Services (who is not the same person as the Director of Student Services) is responsible for responding to a stage two appeal. The Director of Student and Academic Services must consider all of the evidence previously submitted to the Disciplinary Officer/Student Services Coordinator/Deputy Accommodation Manager and the Stage One appeal and your stage two appeal form and supporting evidence. No evidence submitted can be anonymous.
- 15.2 The Director will determine whether there is evidence that satisfies one of the grounds set out at paragraph 7. The Director may ask a member of the Learning and Teaching Service or the Postgraduate Research Service to investigate this for the Director, as long as that person has not previously been involved in the case.

## 16 Appeal outcomes (stage two)

- 16.1 The investigation having been completed, the Director of Student and Academic Services will decide whether:

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16.1.1 To uphold the decision and penalty or penalties at Stage One

16.1.2 To uphold the decision but substitute a lower penalty

16.1.3 Reject the appeal.

16.2 The decision of the Director of Student and Academic Services and the reason(s) for it will be communicated to you in writing within fifteen working days of your filing the stage two appeal letter.

16.3 If your appeal is rejected there is no further right of appeal in the University.

### **17 Withdrawing an appeal**

17.1 You can withdraw a stage one appeal at any time. The effect of this will be that the decision and penalty of the Disciplinary Officer/Student Services Coordinator/Deputy Accommodation Manager will stand.

17.2 You can withdraw a stage two appeal at any time. The effect of this will be that the Stage One outcome will stand.

## **Appeals against a decision of a Senate Student Discipline Panel**

### **18 Who can appeal**

Only the student(s) who have been found to have breached a Regulation can appeal against a decision of Senate Student Discipline Panel or a Chair or Deputy Chair's summary determination under Part F paragraphs 5, 6, or 7.

### **19 Timescales**

19.1 You are deemed to have received the notification within two working days of it being dispatched to you, whether by email or post or both.

19.2 You must file any appeal against a decision of a Senate Student Discipline Panel or Chair with the Director of University and Student Services within five working days of the receipt of the notification of the decision of the Senate Student Discipline Panel or Chair, i.e., within seven working days of us sending you the notification.

19.3 The University will not consider any appeal until you have been sent formal written notice of the outcome of the hearing.

### **20 Grounds for appeal**

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- 20.1 If you decide to appeal, you must tell us whether the appeal is made against the finding of the Senate Student Discipline Panel or the penalty imposed, or both.
- 20.2 If you are appealing against the summary determination of the Chair or Deputy Chair of Senate Student Discipline Committee, you must tell us whether the appeal is made against the Chair's finding or the penalty imposed, or both.
- 20.3 An appeal will only be considered if one or more of the following grounds is demonstrated:
- 20.3.1 That evidence put to the SSDC/Chair was not fully considered
  - 20.3.2 That there was procedural irregularity in the conduct of any SSDC hearing or meeting with the SSDC Chair that was sufficient to render the outcome unfair
  - 20.3.3 That there was prejudice and/or bias or the appearance of prejudice and/or bias in the conduct of the hearing by SSDC or, in the case of summary determination, by the Chair or Deputy Chair of SSDC
  - 20.3.4 That the penalty or penalties imposed was excessive
  - 20.3.5 That there is new information that should be considered that was not known to the SSDC Panel /Chair and you could not reasonably have obtained that evidence at the time of the original decision.

*Guidance: You should provide as much information as possible about the ground(s) on which you are relying. For example, if you say that evidence put to the SSDC was not fully considered, you will need to explain what evidence and in what way you say it was not fully considered. If there is new information that was not before the SSDC, you will need to say what information and why you could not reasonably have obtained that evidence before. We strongly recommend that you seek advice from the Student Union Advice Centre.*

## 21 Reviewing your appeal

- 21.1 The Secretary to Senate Student Discipline Appeals Committee will write to you to acknowledge receipt of your appeal.
- 21.2 The Secretary will then review the appeal and confirm
- 21.2.1 That it was received within the specified timescale or, if it was received outside the specified timescale (i.e., late), there is a very good reason to still consider the appeal
  - 21.2.2 That you have clearly stated a ground of appeal
  - 21.2.3 That you have provided evidence in support of your ground of appeal

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- 21.2.4 That you have a real prospect of success if the appeal is heard. This means that your prospect of success must be realistic rather than fanciful.
- 21.3 If one or more of these things is not confirmed, then the Secretary will recommend to the Chair of Senate Student Discipline Appeals Committee that your appeal should be rejected. If the Chair agrees with the Director, then your appeal will be rejected. You will be told the decision of the Chair within fifteen working days of receipt of the appeal form. This decision is final and there is no further right of appeal in the University.
- 21.4 If all of these things are confirmed, then:
- 21.4.1 If the appeal is accepted by the Secretary to Senate Student Discipline Appeals Committee solely on the grounds that there is evidence that there was procedural irregularity in the conduct of a Student Discipline Panel or Chair, the Director will refer the appeal to the Chair of the Senate Student Discipline Committee to remedy the procedural irregularity. The Secretary to Senate Student Discipline Appeals Committee will tell you about this referral within fifteen working days of receipt of the appeal form and the Chair of the Senate Student Discipline Panel must notify you of how the procedural irregularity has been resolved within a further fifteen days. 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.
- 21.4.2 In other cases, you will be notified within fifteen working days of receipt of the appeal form that your appeal will proceed to a hearing.

## Definitions

**Senate Student Discipline Appeals Committee** is a committee authorised by the Senate of the University of East Anglia. It comprises a **Chair and Deputy Chair of the Senate Student Discipline Appeals Committee** and members of the Committee who are appointed by Senate from time to time. The current membership of the committee is set out in the University Calendar under 'Statutory Bodies and Committees'. The Secretary to the Committee is the Head of Learning and Teaching (Quality).

The Chair of the Senate Student Discipline Appeals Committee has the power to make a summary determination as to whether an appeal can proceed. In other cases, they can appoint a **Panel** to hear each case referred to it.

The members of the Panel will be drawn from the **Panel Pool**: those members of the Senate Student Discipline Appeals Committee who are academic staff as described in Statute 7 and who are not Principal Officers of the University. The Panel sits in different modes according to the nature of the allegations against you. In Professional or Research Misconduct Mode the Panel will also include two other people.

There will be various **Participants** at the panel hearing. These are:

- you

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- any **Companion** that you bring to support you at the hearing
- any other students involved in the same incident
- the Panel members
- the Hearing Secretary, who is usually a senior member of staff of the Learning and Teaching Service (or, for postgraduate research students, the Postgraduate Research Service). They do not take part in the deliberations as they are not a member of the Panel, but they may advise on matters of procedure or the powers that the Panel has
- the representative(s) of the University who are asserting the University's case, such as the University's Disciplinary Officer or a School plagiarism officer. This person is known as the presenter.
- any Companion that the person responding to your appeal brings with them
- any witnesses approved by the Panel Chair
- any other person whose presence the Panel Chair deems necessary to resolve the proceedings fairly, or who (with your agreement only) is there for the purpose of training.

## 22 Training of Panel Members

22.1 The Secretary to the Senate Student Discipline Appeals Committee must ensure that all members of the Panel Pool and Hearing Secretaries have been trained before sitting on a Panel for the first time and at least every two years thereafter.

22.2 No person may remain within the Panel Pool unless they have undertaken the training specified in 15.1 above as and when it falls due.

## 23 Reasonable adjustments

23.1 The University will apply this Part in accordance with its [Equal Opportunities Policy for Students](#).

23.2 The University will also comply with its legal obligation to make reasonable adjustments under the Equality Act 2010. Reasonable adjustments are person specific but could include use of an intermediary or support worker, provision of documents in a different format, regular breaks, or adaptation in the style of questioning used.

23.3 You must tell the Hearing Secretary if you or your Companion or witness requires reasonable adjustments to be made because of a disability. You must do this no later than two working days before the hearing.

<i>Guidance: Participants should contact <a href="mailto:Its.ssd@uea.ac.uk">Its.ssd@uea.ac.uk</a>.</i>
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## 24 Scheduling of hearings

The University will try to schedule the hearing to avoid clashes with your timetabled academic activities.

## 25 Role of the Panel Chair

- 25.1 Review and approve the hearing pack before the hearing
- 25.2 Lead the hearing and ensure that the schedule is followed.
- 25.3 Ensure that any reasonable adjustments notified in accordance with paragraph 23 are made
- 25.4 Liaise with the Hearing Secretary to ensure the identification and implementation of any Special Measures
- 25.5 Ask any questions the Panel wish to ask the student, Presenting Officer or witnesses during the hearing.
- 25.6 Have the final decision on the inclusion of any evidence.
- 25.7 Approve the outcome letter written by the Secretary.

## 26 Composition of disciplinary appeals Panel

- 26.1 The Panel shall sit in one of two Modes, a Professional or Research Misconduct Mode, or a Standard Mode. The SSDAC hearing should be in the same mode as the original SSDC hearing.

### *Professional or research misconduct mode*

- 26.2 A Panel shall be convened in Professional or Research Misconduct Mode for cases arising under General Regulation 14 and/or 15. A Panel convened under this Mode may, in addition to considering matters relating to Regulations 14 and 15, also consider allegations and determinate penalties relating to any other Regulations that are alleged to have been breached.
- 26.3 In Professional or Research Misconduct Mode, the Panel shall comprise two members of the Panel Pool, one of whom shall be appointed to act as Chair; and two co-opted Panel members who do not need to be members of Senate Student Discipline Committee:
  - 26.3.1 one co-opted Panel member who has expertise within the same or a similar discipline to you; and
  - 26.3.2 one co-opted Panel member who is not a member of staff or officer of the University but who has expertise within the same or a similar discipline to you
- 26.4 Where you are enrolled on a programme that may lead to admission to a regulated profession overseen by a Professional, Statutory and Regulatory

Body (or are already regulated by that Body), at least one of the two co-opted Panel members must be regulated by the same Body.

### *Standard mode*

26.5 All cases not involving Regulation 14 or 15 shall proceed in Standard Mode. In Standard Mode, the Panel shall comprise three members of the Panel Pool, one of whom shall be appointed to act as Chair.

26.6 A Panel must comprise the requisite constitution as set out above in order to proceed to hear a case. A Panel must comprise the requisite constitution as set out above in order to proceed to hear a case. Where the Panel Chair determines that the composition of the Panel is incorrect, they shall adjourn the hearing and refer the matter back to the Chair of the Senate Student Discipline Appeals Committee for reallocation to a new Panel.

## **27 Conflicts of interest**

27.1 No person may be appointed to a particular Panel if they have knowingly taught or been the personal adviser or supervisor of a student appearing before the Panel or if they have been involved with the disciplinary proceedings at an early level, such as because they are the plagiarism officer, disciplinary officer, or fitness to practise lead who dealt with the case in question.

27.2 No person may be appointed to a particular Panel if they were a member of the Panel or presenter at the original SSDC hearing.

*Guidance: Panel members must be alert to the risk not only of actual prejudice or bias but to the appearance of prejudice or bias, and should consider removing themselves from a Panel where a reasonable person may consider that there is an appearance of prejudice or bias.*

## **28 The evidence**

28.1 The Panel has the power to summons and question any person who is a member of staff, officer, or student at the University, but can only ask a member of the public to provide evidence.

28.2 The Panel Chair will decide at their absolute discretion:

28.2.1 whether or not to hear from some or all witnesses giving oral evidence in person; and/or

28.2.2 whether to accept witness statements and other documents instead of or in addition to oral evidence; and/or

28.2.3 whether to hear oral evidence or read a statement from a person (who is attending or not attending) about a conversation they had with a non-attending third party.

*Guidance: When considering best evidence, the Panel Chair may like to consider:*

- *Whether the witness and/or third party is a member of staff, officer, or student of the University or a member of the public*
- *Whether the hearing is during a University semester or outside of semesters*
- *The nature and seriousness of the allegations*
- *The nature of the evidence to be given and the degree to which it is accepted or likely to be accepted*
- *The importance of that witness's or third party's evidence*
- *Why the witness and/or third party is not proposing to attend*
- *Whether a student can adequately challenge the case against them in the absence of oral evidence and the ability to question that witness and/or third party*

## **29 Language**

29.1 All documents (other than assessed work prepared for a language module) must be in English or accompanied by a certified translation into English. A certified translation is one that is made by a professional translator or translation company and which includes the credentials of the translator, confirmation from the translator that it is an accurate translation of the original document, the date of the translation, and the original signature of the translator or an authorised official of the translation company.

29.2 The Panel shall conduct its proceedings in English. No member of staff, student, or officer of the University shall have the use of a translator.

## **30 Standard of proof**

30.1 The standard of proof is the balance of probabilities. This means that allegations must be shown to be 'more likely than not' true.

30.2 The burden of proof is upon the person appealing (you, the student) to show that your ground(s) of appeal are true.

## **31 Summons to the hearing**

31.1 The Secretary to SSDAC must send you

31.1.1 a copy of the General Regulations and any other Statutes, Regulations Student Charter, Codes of Practice, Rules, and Procedures

31.1.2 a copy of these University Disciplinary and Investigative Procedures and Powers

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- 31.1.3 a copy of all of the documentation available at the first hearing plus the SSDC outcome letter and your appeal documentation. (This is known as the 'hearing pack'.)
- 31.2 The Secretary to SSDAC must tell you
- 31.2.1 the nature and grounds of the appeal
  - 31.2.2 the time, place, and mode of the hearing
  - 31.2.3 Whether special measures are to be used (if known)
  - 31.2.4 the identity of the Panel members
  - 31.2.5 the identity of any presenter
  - 31.2.6 the identity of any witnesses, to the extent known
  - 31.2.7 that the Panel may proceed in your absence if you do not attend or confirm the decision and penalty of the original SSDC Panel
  - 31.2.8 your ability and that of the presenter to bring a Companion to the hearing subject to paragraph 33 below.
- 31.3 The summons will be sent to you no fewer than 5 working days before the hearing in all cases.
- 31.4 A copy of the summons will be sent to your Head of School and Adviser or Supervisor.

**Guidance: Your pre-hearing preparation**

*It is important to understand that Senate Student Discipline Appeals Committee reviews appeals and will only interfere with the decision made by the Senate Student Discipline Committee if you prove, on the balance of probabilities, that your ground of appeal is true.*

*We recommend that you seek advice from the Students' Union advice centre.*

*At the hearing there are several stages and you need to be prepared for each one.*

*You will receive a folder of the papers relevant to the hearing, including these Procedures, the relevant Regulation(s), the SSDC outcome letter, and the appeal documents. You should consider these papers carefully and make notes of any points that you want the Panel to know about.*

*You must confirm your attendance in person (if you are in the UK) or via an agreed videoconferencing facility (if abroad) (see paragraph 34) and whether or not you are bringing a Companion with you (see paragraph 33).*

*At the hearing, you will be given the opportunity to respond to what is said about the case. However, you also have the right to submit a statement prior to the hearing if you want to do so, setting out your position. You can also submit evidence in support of your defence if you want to do so. Please see paragraph 32 below.*

*Please note that all evidence must be in English or accompanied by a certified translation: see paragraph 29 above.*

### **32 Evidence submitted by you**

- 32.1 You may (if you wish) submit a statement setting out your position and/or submit evidence in support of your appeal. These documents should be sent to the Hearing Secretary no later than two working days before the hearing.
- 32.2 Your statement will be put into the hearing pack. The Panel Chair will consider any evidence that you submit under paragraph 32.1 above and will decide whether it is relevant. If the Panel Chair believes the evidence to be relevant, they will also ensure that this is added to the hearing pack.

*Guidance: Send your statement and/or evidence to [Its.ssd@uea.ac.uk](mailto:Its.ssd@uea.ac.uk).*

### **33 Bringing a Companion to the hearing**

- 33.1 You have the right to be accompanied by a Companion. The Companion must have no connection with the allegations and therefore no material interest in the matter.
- 33.2 You must tell the Hearing Secretary no later than two working days before the hearing of the identity and status (for example student union adviser or fellow student) of the Companion. If you do not tell the Hearing Secretary within this timescale, the Panel Chair may decide that you are not allowed to bring a Companion at all.
- 33.3 The Companion may present the case on your behalf and help and support you. However, they cannot answer questions on your behalf, or attend the hearing in your absence.
- 33.4 It is your responsibility to tell your Companion about the date, time, and location of the hearing. If your Companion does not attend the hearing, the hearing may proceed in their absence.
- 33.5 Your Companion may be excluded from the hearing if they are so disruptive as to impede the conduct of the hearing. In such a case, the Panel Chair will decide whether or not to continue with the hearing even though your Companion has been excluded.
- 33.6 This paragraph 33 applies equally to the presenter who, on an appeal hearing, can themselves bring a Companion.

*Guidance: Members of the Student Union advice centre are available to act as Your Companion on your request. You must notify the Hearing Secretary of the identity and status of any Companion by emailing [Its.ssd@uea.ac.uk](mailto:Its.ssd@uea.ac.uk).*

### **34 Attending the hearing**

- 34.1 The hearing will be held in closed session, which means that only Participants can attend the hearing.
- 34.2 You must attend the hearing if you are present in the UK. If you are no longer in the UK, you may, by prior arrangement, an agreed videoconferencing facility into the hearing. It is your responsibility to ensure that you are contactable at the given time. If you do not attend the hearing, in person or by an agreed videoconferencing facility, the Panel may proceed in your absence or it may determine that you have abandoned your appeal and confirm the original decision and penalty.
- 34.3 The University may decide to require you to use a specified videoconferencing facility instead of physically attending campus if it believes that there may be a risk to you or to others if you come onto campus. A decision to hold hearing by videoconferencing is a precautionary measure and does not indicate that the University has concluded that you have committed a breach of the Regulations or a criminal offence.

### **35 What happens at the hearing**

- 35.1 The Hearing Secretary should remind the Panel Chair what reasonable adjustments or special measures are in place for the hearing.
- 35.2 If you have not attended in person or by an agreed videoconferencing facility, the Panel will decide whether to proceed with the hearing or confirm the original decision and penalty.
- 35.3 If the hearing proceeds, the Hearing Secretary will invite you and other Participants (other than witnesses) into the room or rooms. The Panel Chair will introduce themselves and ask the other Participants to introduce themselves and in what capacity they are there. The witnesses will stay outside the hearing room(s) until the Hearing Secretary calls them to give evidence.
- 35.4 The Hearing Secretary will then briefly state what grounds of appeal are to be considered.
- 35.5 The Panel Chair will then invite you (or your Companion) to outline the grounds of appeal and why your appeal should succeed. You must also answer any questions from the Panel and the person presenting the case, and your Companion cannot answer questions on your behalf. You may also call your witnesses to support your defence. You should tell the Panel what remedy you are seeking.
- 35.6 The Panel Chair will invite the person presenting the case against you (or their Companion) to respond. The presenter can indicate (although the Panel is not bound by this) their view of the merits of the appeal.
- 35.7 The Panel may also call any witnesses not called by another party.
- You (or your Companion) and the presenter will have the opportunity to question any witnesses, as will the Panel, regardless of who has called those witnesses. The Panel Chair has the right to prevent a question being asked that

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is irrelevant to the issues and/or vexatious only has the purpose of being vexatious (deliberately rude or upsetting).

- 35.8 If you have a Companion with you, and you wish to speak to them privately at any time, you should ask the Panel Chair to pause the hearing, so you can step outside. If at any time you need a short break to gather your thoughts, you should also ask the Panel Chair. The Panel Chair will try to accommodate these requests.
- 35.9 You (or your Companion) will have the opportunity to make a closing statement. You should use this opportunity to (a) summarise your appeal.
- 35.10 The presenter will be given the opportunity to make a closing statement. They can outline whether they believe the first outcome and penalty to be correct or whether they support the appeal wholly or partly.
- 35.11 The Panel will then end the hearing and ask you, the presenter, and any witnesses to step outside.
- 35.12 The Panel will confer among themselves and decide whether
- 35.12.1 to reject the appeal and to confirm the decision of the Senate Student Discipline Panel; or
- 35.12.2 to uphold an appeal wholly or in part.
- 35.13 In reaching a decision to uphold or reject an appeal, SSDAC must give reasons for its decision.
- 35.14 If the Panel decides to uphold the appeal, wholly or in part, it should decide whether to make an alternative finding of fact, and either acquit you or impose a lower penalty (being one that has a less serious consequence for you than the previous penalty). If the Panel decides to make an alternative finding of fact, it may immediately proceed to hear the substantive allegations, and may call you, the presenter, and any witnesses back into the room for that purpose.
- 35.15 You may wish to raise issues of mitigation which are of a private nature. In this situation, you can ask to speak to the presenter, the Panel and the Panel Secretary in the absence of anyone else. However, in order to be fair to everybody, if what you say is relevant to another Participant (for example that you blame another student for the situation) then the Panel Chair will need to invite that person back into the room and tell that person what you have said. However, it should not be necessary to tell them things like health or personal problems. Any mitigation that you offer may be included in the outcome letter and seen by others who are sent that letter.
- 35.16 The Panel Chair should then ask you whether there is anything in particular that you think that the Panel should look at or anything you want to the Panel to know that hasn't been considered but that is relevant to the appeal.

### 36 Findings of dishonesty

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Where possible, the Panel should determine whether any proven breach, or your defence, has involved you in dishonesty. Such dishonesty could relate to the breach itself or to the way in which you have responded to the investigation, or determination either at SSDC or at SSDAC.

*Guidance: Dishonesty can be the principal concern of certain Professional Statutory Regulatory Bodies and it is important that we record at this time whether a proven breach or defence is dishonest so that this finding can be provided to the relevant professional regulator if required in accordance with xxx (confidentiality). If the outcome letter is silent on this, it can be unhelpful to both the regulator and (if you seek admission to a regulated profession) you.*

### 37 Remitting a case back to the Committee Chair

Where the Hearing Chair believes that the hearing should not proceed (or, if commenced, continue) because

- 37.1.1 evidence (or a witness) is missing or unavailable and that evidence is necessary to resolve the case fairly; and/or
- 37.1.2 there is strong reason to believe that you have not received the summons and are not deliberately avoiding the summons; and/or
- 37.1.3 you present at the hearing with serious mental or physical health issues that affects your ability to respond to the allegations such that it would be unfair to continue at the present time; and/or
- 37.1.4 you have requested an adjournment and have very strong reasons for making that request; and/or
- 37.1.5 there is another very substantial reason for not proceeding on that occasion
- 37.1.6 the hearing shall be remitted back to the Chair of Senate Student Discipline Appeals Committee for rescheduling.

### 38 Part-heard hearings

- 38.1 A Hearing Chair has the power to bring a hearing to a halt and to adjourn the rest of the hearing for a period not exceeding 10 working days without giving any reason for this adjournment.
- 38.2 A Hearing Chair has the power to bring a hearing to a halt and to adjourn the rest of the hearing for a period not exceeding 20 working days where the purpose of the adjournment is to enable you to obtain a report from a licensed psychiatrist or alternative appropriately qualified medical practitioner in response to questions identified by the Panel and such a delay is necessary to dispose of the case fairly.
- 38.3 A hearing above must be resumed using the same Panel as heard the matter prior to the adjournment.

### 39 Designation of a proceeding as requiring special measures

- 39.1 The Chair of SSDAC or her/his nominated representative shall determine whether a hearing requires the implementation of Special Measures, taking into account the preference of the student Participants and the need for procedural and substantive fairness.
- 39.2 The Panel shall proceed as Standard Mode (Special Measures) or Professional or Research Misconduct Mode (Special Measures) if
- 39.2.1 a Participant is aged under 18; and/or
- 39.2.2 the case involves an alleged breach of the Policy on Student Harassment and Sexual or Physical Misconduct and a Participant is an alleged victim of such misconduct who does not object to Special Measures; and/or
- 39.2.3 a witness other than you will give evidence only if Special Measures are provided.
- 39.3 The purpose of these special measures is to enable an alleged victim to give the best quality evidence that they can so that the Panel can make an accurate determination of whether or not a disciplinary offence has been committed. The existence of special measures does not in any way indicate that the allegations are true, as this is for the Panel to determine after hearing the evidence; not does it deflect from the need for careful due process.

*Guidance: Special Measures are different to Reasonable Adjustments for a disability, which should be considered a routine part of the preparation and conduct of a hearing in any Mode.*

### 40 Conduct of proceedings in special measures

- 40.1 A hearing in Special Measures may involve the implementation of a number of measures that are designed to assist a Participant in providing the best quality evidence that they can. These measures will be situation specific but may include:
- 40.2 use of more than one hearing room, with a Participant giving evidence by an agreed videoconferencing facility or listening to evidence by an agreed videoconferencing facility
- 40.3 All questions to a witness being directed via the Hearing Chair, who will relay questions appropriately put
- 40.4 use of a screen to separate a Participant from another Participant or Participants, other than the Panel
- 40.5 use of an appropriately qualified or experienced support worker by a Participant
- 40.6 regular breaks.

#### **41 Notification of outcome to student**

- 41.1 The Hearing Secretary will normally notify you of the outcome within 5 working days and the reasons for the Panel's decision. This letter may also be copied to:
- 41.1.1 the presenter, if any
  - 41.1.2 The Chair of SSDC and the SSDC Panel chair that heard your case
  - 41.1.3 the Panel Chair, who will have approved the letter
  - 41.1.4 those involved in the management or administration of the proceedings, such as the Secretary to the Committee (the University's Head of Learning and Teaching (Quality)) and staff within the University's Academic Services division or Postgraduate Research Service
  - 41.1.5 those responsible for you (such as your Head of School, adviser or supervisor, and (where relevant) fitness to practise lead and/or degree apprenticeship partner and/or employer).
- 41.2 As stated in Part A paragraph 2 in some circumstances it may be necessary, now or in the future, to provide that information to other organisations.

#### **42 Appealing against a decision of the Senate Student Discipline Appeals Committee**

If you are dissatisfied with the outcome of your appeal or if your appeal was rejected without a hearing then there are no further appeals within the University. However, you may be able to make a complaint to the Office of the Independent Adjudicator for Higher Education once our internal procedures are completed. We will tell you more about this in our final outcome letter.