

SEN09D026

Title: Review of Disciplinary Regulations/Procedures
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Date: June, 2010
Version: Draft
Circulation: The Senate – 16 June, 2010
Agenda: SEN09A003
Status: Open

1. Introduction and background

1.1. The Learning and Teaching Committee (LTC) of Senate commissioned a review of existing disciplinary regulations and procedures approximately eighteen months ago. This was in part in accordance with LTC practice regularly to review current regulations, policies and procedures etc but also – and more importantly – in response to a recognition that certain aspects of the regulations and procedures were not working as efficiently as they might and that greater clarity and connection with the associated General Regulations for Students and other related policies was needed.

1.2 A Review Group was established under the leadership of Professor Geoff Moore, Director of Taught Programmes, working closely with the current Chair of the Senate Discipline Committee, Professor Nigel Norris and with students' representatives including the Academic Officer of the Union of UEA Students and the Manager of the Student Advice Centre, as well as academic and administrative representatives from across UEA, including Heads of Schools, a Director of Faculty Administration, an Associate Dean (LTQ), the Academic Registrar and the Head of LTQO.

1.3 Regular reports have been presented to LTC which has endorsed the principles and other proposed changes put forward by the Review Group.

1.4 A draft of the proposed revised regulations and procedures has been submitted to the University's lawyers and comments received. These have informed the draft now before the Senate. **(Attached as Appendix A).**

1.5 In advance of the meeting of Senate, the LTC asked the Chair of the Review Group to visit Faculty Executives to brief them about the developments prior to the 16 June meeting of Senate, if possible (three such meetings have already taken place (FOH, SCI, HUM)). It is proposed that there will be CSED-sponsored briefing sessions on the operation of the new regulations and procedures which could be Faculty-based events, if so desired.

1.5 Further work needs to be done next session on matters such as the handling of confidential information and anonymous allegations, and to complete the parallel review of the current regulations and procedures concerning allegations of professional misconduct and/or unsuitability. Originally separate groups, the two Reviews have combined into one given the commonalities between them.

2. Overview of the main changes

2.1 It is proposed that we change the *title* of the current Senate Discipline Committee and the Senate Appeals Committee to that of, respectively: Senate Student Discipline Committee and Senate Student Discipline Appeals Committee, better to reflect their purpose. The *membership* of both Committees has been increased (more so in the case of the Senate

Student Discipline Committee) to enable the Committee to conduct its business more efficiently and to draw on appropriate expertise of academic colleagues. Cases will be heard by Senate Student Discipline Panels, drawn from the membership of the full Committee.

2.2 The *remit* of the Senate Student Discipline Committee (and consequently that of the Senate Student Discipline Appeals Committee) has been *extended* to incorporate consideration of allegations of professional misconduct and/or unsuitability and its membership adjusted to incorporate appropriate internal and external members of the relevant professional area.

2.3 A *distinction* is made between *non-academic and academic discipline matters* and a *change* to the way in which *appeals* against decision of the Disciplinary Officer are handled has been proposed. Currently, such appeals are heard by the Senate Student Discipline Committee, including two members of academic staff, two student members and a secretary, which the Review Group considered to be disproportionate in comparison with the type of appeal being heard (generally, appeals against car parking fines involving relatively small amounts of money). As a result, it is proposed that an appeal against a decision of the Disciplinary Officer will be heard at Stage 1 by the Dean of Students and at Stage 2, by the Head of the Academic Division. This process has been modelled on the academic appeals procedures.

2.4 A Senate Student Discipline Panel will determine the *seriousness* of an offence, reaching a view into which of *three levels* the offence falls (Level 1 – ‘low’; level 2 – ‘medium’; and level 3 – ‘high’) and will have at its disposal for guidance, indicative penalties that may be applied. The introduction of the ‘levels’ approach reflects procedure adopted in the 2009/10 academic year in respect of alleged offences of plagiarism and/or collusion.

2.5 The new procedures establish a *link* between *student discipline* and *staff matters*, enabling a Senate Student Discipline Panel to bring to the attention of the relevant Head of School and the Director of Human Resources, any issue arising out of the hearing which concerns staff. There are three reasons for this:

- i) a desire to protect (the reputation of the University) and future students;
- ii) to demonstrate to outside bodies (such as the Office of the Independent Adjudicator) that the University is taking appropriate action where it deems necessary; and
- iii) to facilitate staff development.

3. General Regulations

3.1 The revisions to the Disciplinary Regulations and Procedures have also led us to review the range of General Regulations for Students in order to create clearer links between these and the disciplinary action that might be taken in the event of (a) breach(es).

3.2 To this end, the General Regulations (attached as **Appendix B**) have been clustered around four major areas and include some new or revised regulations and associated policy and procedures. These are:

a) Regulations relating to Student Life

(eg registration, health, fitness for study (**new**), payment of accounts, change of address, student accommodation (*now incorporated within the General Regulations*), and notices and letters)

b) Regulations relating to Student Behaviour

(eg General Conduct, including a **new regulation** specifically relating to conduct and behaviour in any kind of teaching, supervisory or advisory event and/or expressed in any work submitted for assessment (excluding plagiarism and/or collusion), statements to the press, and health and safety)

c) **Regulations relating to Academic Provision**

(eg Attendance, Engagement and Progress (*revised regulation and associated policy/procedure*, as part of the University's general drive to raise student engagement and achievement. The new regulation also incorporate UK Borders Agency requirements), professional misconduct and/or unsuitability, conduct of research, University Ethics Policy, University Examinations, and Plagiarism and/or Collusion (cross-referencing to the policy/procedure), Students' Religious Beliefs and Organisation of University Work) and Conferment of Qualifications).

d) **Regulations relating to University Property**

(eg Library Rules, Computing Facilities, Electronic Resources, Databases and Journals, Intellectual Property, Copyright, Data Protection and Car Parking.)

This style of presentation will promote greater clarity for students and staff and clearer 'signposting' to the relevant disciplinary procedure that may apply in the event of (a) breach(es).

4. **Next Steps**

4.1 The attached appendices are the latest drafts. Further tidying up of the documents and conversation with the University's solicitors is required.

4.2 In the light of the above, Senate is asked to: i) endorse the direction of travel in the revised documents and ii) to give authority to the Chair to approve the final versions for incorporation in the 2010-11 edition of the University Calendar.

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

SECTION A: PREAMBLE AND DISCIPLINARY POWERS

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

1 Preamble

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

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

1.2 The Statutes, the Student Charter, Regulations, Codes of Practice, Policies, Rules and Procedures – or notices of their whereabouts - are published annually in the University Calendar, a copy of which is available via the University website (<https://www.uea.ac.uk/ltqo/calendar>) and which is also accessible to students via the Student Portal.

1.3 Serious breaches of any other Regulation, Code of Practice or Rule of the University to which the student is subject, excepting where the Senate has approved special and separate procedures.

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

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

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

2 Disciplinary Powers

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

2.1 *The Senate*

2.1.1 By the provisions of the University Charter (Provision 4.1.3.1) the University has the power "to prescribe rules for the discipline of students'. The responsibility of students is set out in The Student Charter.

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

2.2 *The Vice-Chancellor*

2.2.1 The Vice-Chancellor has disciplinary powers to refuse to admit any person as a student of the University and may suspend any student from any class or classes, and may exclude any student from any part of the University or its precincts. The Vice-Chancellor (or if absent a Pro-Vice-Chancellor) may act on behalf of Senate in any situation which in his or her judgement constitutes an emergency and warrants immediate action. The Vice-Chancellor has the power:

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

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

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

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

2.3 *Office of the Dean of Students*

2.3.1 The Dean of Students has overall responsibility to the Senate for the welfare and discipline of students under the General Regulations **except for** academic discipline under the following General Regulations and related policies and procedures:

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

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

2.3.3 Any incident which may constitute a breach of the University's Regulations (with the exception of matters of academic discipline noted in 2.3.1 above) shall be reported initially to the Senior Resident Tutor (being a member of the Office of the Dean of Students) who shall make enquiries as he /she sees fit. If the Senior Resident Tutor considers that there may be a case to answer, s/he may refer the matter to:

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

2.4 *Head of Security*

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

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

The Head of Security shall make both documents available in advance to the student concerned.

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

2.5 *Disciplinary Officer*

2.5.1 The Disciplinary Officer is appointed by the Senate and has the power to investigate, hear and determine any case which has been referred to him or her in accordance with these *Disciplinary Procedures* and may at his/her discretion:

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

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

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

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

- i) the offence under the criminal law would be considered to be not serious and no criminal proceedings are being, or in the opinion of the Disciplinary Officer, are likely to be, brought against the student in respect of that offence. If after proceedings against a student have been commenced under these Disciplinary Procedures, any criminal proceedings are commenced against the student in respect of the same incident, the disciplinary proceedings shall be suspended to await their outcome (including any appeal there from);
- (ii) in the case of all other offences under the criminal law, the matter has been reported to the police and either a decision to prosecute, or a decision not to prosecute has been taken or a prosecution has been made.

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

of the University so to do, with the following exception:
where no criminal proceedings are being brought against a student in connection with a serious offence (i.e. one which is likely to attract a custodial sentence on conviction or is triable only on indictment in the Crown Court) because the complainant will not report the matter to the police, or co-operate in their enquiries, disciplinary action under these Procedures shall not be invoked.

Where action is instituted under these Procedures:

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

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

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

SECTION B: NON-ACADEMIC DISCIPLINE PROCEDURE

This section sets out what happens where a student commits a breach which is considered to be non-academic

3.1 The Disciplinary Officer shall hear cases in accordance with provisions set out in Notes of Guidance on the Conduct of Disciplinary Procedures which he or she shall make available to the student concerned in advance of the hearing. A written summons to a hearing shall be sent to the student required to appear before the Disciplinary Officer stating;

- (i) the alleged offence
- (ii) the written evidence available relating to the alleged offence
- and (iii) the date, time and place of the meeting
- and (iv) the right of the Disciplinary Officer to reach a decision regarding a breach of the regulations and summarily to apply a penalty not exceeding £400 in the student's absence, if having been properly summoned, the student fails to appear without good reason.

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

3.2 The student shall have the right to be accompanied by a friend or representative provided that the Disciplinary Officer is informed of this intention and of the identity and standing of any friend or representative at least **two working days** before the interview (Saturdays, Sundays and University closure days excepted). The friend or representative may present the student's case on his/her behalf but may not answer questions on the student's behalf, nor may a student be represented at a hearing in his or her absence. The Disciplinary Officer may be accompanied by a note-taker.

3.3 The Disciplinary Officer may exonerate the student or if finding that there has been a regulatory breach, may summarily impose a fine not exceeding £300, taking into account an assessment of the student's intent in the commitment of the regulatory breach and any mitigating considerations.

3.4 The Disciplinary Officer shall notify the student in writing of the decision and any penalty imposed within five working days of the hearing. The Disciplinary Officer shall at his or her sole discretion and depending upon the nature of the regulatory breach copy the notification of penalty to the Head (and, if applicable, to the Senior Adviser) of the student's School and to the student's Adviser or Supervisor.

3.5 A student whose case is determined by the Disciplinary Officer and who has been informed of the decision of the Disciplinary Officer may in certain circumstances submit an appeal against the decision, as set out in the appeals procedure in Section D below.

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

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

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

Membership of the Senate Student Discipline Committee and Senate Student Discipline Appeals Committee

4.1 The membership of the Senate Student Discipline Committee and the Senate Student Discipline Appeals Committee is set out in the Appendix to this policy.

4.2 The Vice-Chancellor shall not sit on either of the student discipline committees.

4.3 A Pro-Vice-Chancellor is eligible for appointment by the Senate to either of the discipline committees, although a Pro-Vice-Chancellor who has acted for the Vice-Chancellor in accordance with paragraph 2.2.2, or otherwise has prior involvement in a case, shall not sit on any Committee or Panel convened to hear that case in accordance with paragraph 5.1 below.

4.4 Neither the Dean of Students nor any member of the Office of the Dean of Students is eligible for membership of either of the Senate student discipline committees.

4.5 The Executive Officers of the Union of UEA Students and the President of the Graduate Students' Association are not eligible for membership of any of the student discipline committees.

4.6 The Secretary of the Senate Student Discipline Committee and of the Senate Student Discipline Appeals Committee shall be the Registrar and Secretary or his or her representative. The Secretary shall act as note-taker and shall advise the Chair and members of the Senate Student Discipline (Appeals) Committee regarding procedural matters.

4.7 Allegations against individual students or groups of students which are referred to the Senate student discipline committees for consideration in accordance with the policies and procedures of the University shall be considered by Panels drawn from members of the Senate Student Discipline Committee and the Senate Student Discipline Appeals Committee as appropriate, which shall be convened in accordance with this Policy.

5 Student Discipline Panels

This section describes how Student Discipline Panels operate
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5.1 Student Discipline Panels are appointed from the membership of the Senate Student Discipline Committee, and where provided for under this Policy, from other appropriately-qualified persons, to hear allegations relating to student discipline, including allegations arising from professional misconduct and/or unsuitability.

5.2 Where the disciplinary policies and procedures of the University prescribe that a case should be heard by a Student Discipline Panel, a statement of the allegations against the student and all relevant supporting documentation shall be forwarded by the relevant Head of School or other member of academic or support staff to whom this task has been delegated by the Head of School to the Secretary of the Senate Student Discipline Committee. The student shall be informed in writing by the Secretary of the Senate Student Discipline Committee that a referral to a Senate Student Discipline Panel has been made and that a hearing will be convened. (Paragraph 5.10 below sets out what information a student who is summoned before a Senate Student Discipline Panel, shall receive).

5.3 Where the statement of allegations involves more than one student, the Chair of the Senate Student Discipline Committee shall determine whether the

cases should be heard by individual hearings of Student Discipline Panels or by a single hearing by one Panel for all the students. In the event of a single hearing for multiple students, the Chair shall determine any variations to these procedures which shall be required.

5.4 Where the allegations concern the attendance, engagement and/or progress of the student, the report of the Head of School shall include: the dates of any previous Formal Warnings; details of the student's academic performance in response to those warnings; in the case of a student who is referred to the Committee on the ground that his or her attendance is unsatisfactory, an appropriate attendance record certified by the members of faculty concerned ; and any medical certificates already submitted by the student. The Head of School may include a statement from the student's Adviser or any other member of faculty.

5.5 The Chair of the Senate Student Discipline Committee shall review each case received for consideration under these procedures. Where the Chairman determines that other procedures for the consideration of the allegations have not yet been exhausted, he may refer the case back to the relevant Head of School or Officer for further action before determining that a hearing of the case by a Student Discipline Panel should be convened.

5.6 The Chairman of the Senate Student Discipline Committee shall confirm the mode of each hearing and approve the Chairman and members of the Student Discipline Panel to hear the case, drawn from the members of the Senate Student Discipline Committee. The Secretary to the Senate Student Discipline Committee shall identify a Secretary to the Panel.

5.7 A Student Discipline Panel shall be convened in the mode most appropriate to the allegation(s) presented. The mode in which a Panel shall normally be convened is:

- **Mode A:** for cases arising under General Regulations 8, 10, 11, 12, 19, 23 and 26 as the final stage under the Non-Academic Disciplinary Procedures
- **Mode B:** for cases arising under
 - i) General Regulation 13 as the final stage under the Procedures relating to Attendance, Engagement and Progress;
 - ii) General Regulation 17 as the final stage of consideration of matters of academic assessment under the procedures relating to breaches of examination regulations; and
 - iii) (for students on programmes leading to research degree awards only), cases arising under General Regulation 15, as the final stage of consideration under the Procedures for Dealing with Misconduct in Research; and
- **Mode C:** for cases arising under General Regulation 14, as the final stage of consideration under the Procedures for Dealing with Allegations relating to Professional Misconduct and/or Unsuitability.

5.8 Wherever possible, one Panel will be convened to give a full hearing and determine penalties relating to the allegations presented against a student. A panel convened in Mode C may, in addition to considering allegations relating to matters of academic assessment, consider allegations and determine penalties relating to General Regulation 13 (Attendance and Progress). A panel convened in Mode D may, in addition to considering matters relating to professional misconduct and unsuitability, consider allegations and determine penalties relating to General Regulations 8, 10, 11, 12, 13, 17, 19, 23, and 26 (Non-Academic Disciplinary Procedures, Attendance and Progress or matters of academic assessment).

5.9 Additional information on the policies and procedures associated with each mode is set out in this policy and its appendix.

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

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

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

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

5.12 The summons shall be delivered to the student's pigeon-hole in his or her Faculty/School of Studies, University email address and contact address at least 5 working days (Saturdays, Sundays and University closure days excepted) before the meeting of the Panel.

5.15 A copy of the summons shall be sent to the Head (and, if applicable), to the Senior Adviser) of the student's School and to the student's Adviser or Supervisor.

General considerations for Hearings (all modes)

5.16 The Panel shall hear the case in accordance with provisions set out in the Notes of Guidance on the Conduct of Disciplinary Procedures which shall be made available in advance to the parties concerned. The ruling of the Chair on any point of procedure shall be final.

5.17 Where he or she determines that the nature of the case requires it, the Chair of the Panel may require the attendance of a Head of School, or of the Disciplinary Officer, or of another member of academic or non-academic staff (as appropriate) to present the case against the student.

5.18 If the student wishes, he or she may, prior to the hearing, provide to the Secretary a statement concerning the allegations presented against him or her and/or such additional written evidence as he or she considers is relevant to the case. Students are advised that information presented, including information relating to any personal or other circumstances which they consider are relevant to the case ('mitigating circumstances'), should wherever possible be supported by documentary evidence.

5.19 The Chair of the Panel may request or admit as evidence any additional written information which he or she deems relevant to the case.

5.20 All written evidence made available to the Panel will also be made available to the student and (where applicable) the person (if any) presenting the case against the student, wherever possible in advance of the hearing. The Panel may determine that some or all of the written evidence should be made available to each witness. The Chair may determine that a hearing should be postponed if any written evidence is supplied without sufficient notice for it to be circulated and properly considered by all relevant parties.

5.21 Either the student required to appear before the Panel, or the person (if any) presenting the case against the student, or the Chair of the Panel, may call witnesses to attend the hearing. Where practicable, the Secretary to the Panel shall inform all parties of the identity any witnesses in advance of the hearing. It is the responsibility of the party calling the witness to ensure their attendance at the hearing, except where the witness is a member of the public. If the witness is a member of the public (being neither a student nor member of staff of the University) the party calling the witness must inform the Secretary as soon as possible. The Secretary will issue an invitation to attend, making clear who has requested their evidence and explaining the procedures. The Panel reserves the right to proceed in the absence of any witness and the ruling of the Chair of the Panel in this matter shall be final.

5.22 The ruling of the Chair of the Panel shall be final on the admission of all evidence for consideration by the Panel, including the admission of written evidence and of oral evidence from witnesses or other parties at the hearing. This shall include the power to refuse to admit evidence or hear witnesses on the basis of lack of relevancy.

5.23 Both the student required to appear before the Panel and any person presenting the case against the student shall have the right to be

accompanied by a friend, colleague or representative, provided that the Secretary is informed of this intention and of the identity and standing of any friend, colleague or representative at least two working days before the hearing. Where practicable, the Secretary to the Panel shall inform all parties in advance of the hearing of the identity of any friend, colleague or representative who will be in attendance. However, it is the responsibility of the party wishing to be accompanied to inform the friend, colleague or representative of the date, time and place of the hearing. The friend, colleague or representative may undertake the presentation of the case on behalf of the student, but a student may not be represented at a hearing in his or her absence and the friend, colleague or representative may not answer questions on the student's behalf.

Order of proceedings for hearings (all modes)

5.24 The hearing shall proceed as follows:

- i) The person (if any) presenting the case against the student shall set out the allegations and evidence in the case, answer questions from the Panel and student, and may call witnesses;
- ii) The student (or person representing him or her) shall respond to the disciplinary charge(s) against him or her, answer questions from the Panel and the person (if any) presenting the case against him or her relating to the case, and may call witnesses;
- iii) The Panel may call any witnesses not called by the other parties.
- iv) The presentation of any closing statement by the person (if any) presenting the case against the student;
- v) The presentation of any closing statement by the student (or person representing him or her).

5.25 All parties shall have an opportunity to ask questions of all witnesses called. The party calling the witness will normally ask the first questions of the witness.

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

5.26 The Chair of a Student Discipline Panel may, if he or she determines that there is good cause, adjourn a hearing for a period of not normally more than seven working days. Where a hearing is adjourned, the Secretary to the Panel shall notify all parties of the date, time and place of recommencement of the hearing. A reconvened hearing may proceed in the absence of the student if the Chair is satisfied that due notice has been served of the recommencement.

5.27 Where the Chair of a Student Discipline Panel determines that the mode in which the Panel has been convened is not competent to hear the

case presented at a hearing, he or she shall adjourn the hearing without reaching a judgement and refer the matter to the Chair of the Senate Student Discipline Committee. The Chair of the Senate Student Discipline Committee may determine that a new Panel is convened in another mode for the case to be reheard. Members of the original Panel may be appointed to the new Panel with the written agreement of the student.

Students who withdraw from the University

5.28 Where a student withdraws from the University at any point in the process after a statement of allegations has been received by the Senate Student Discipline Committee, the matter shall be referred to the Chair of the Senate Student Discipline Committee. (This shall include situations in which the University deems, due to non-response to communication that a student has *in fact*, although not in writing, withdrawn his or her self from the University). In such cases, the Chair of the Senate Student Discipline Committee shall then determine whether consideration of the case against the student should proceed.

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

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

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

5.31 On the basis of the evidence available to it, a Student Discipline Panel may:

- (1) exonerate the student from the allegations presented against him or her;
- (2) determine that, on the balance of probabilities, the student committed wholly or in part the alleged offence(s). **[Add link to the penalties table in appendix]**

5.32 Having reached a decision regarding commitment wholly or in part of the alleged offence(s), a Senate Student Discipline Panel will take into account its assessment of the level of offence in determining the penalty, having regard to indicators including the student's intention in the commitment of the regulatory breach, the severity of the breach, whether previous disciplinary breaches have occurred (of the same or of a different type) and the level of study of the student. Having determined the penalty which should be imposed for an offence, a Senate Student Discipline Panel may take into account any mitigating circumstances presented by students in explanation of their actions or circumstances, and vary the penalty if it deems it appropriate.

5.33 Where any penalty determined by a Panel requires or implies a concession or exemption under the University's regulations, this will be subject to approval by a Pro-Vice-Chancellor and the Head of the Academic Division.

5.34 The Panel shall normally inform the student in writing of its decision within four working days, giving reasons for its decisions, and shall copy this communication to the student's Head of School, Adviser and the person (if any) presenting the case against the student at the hearing.

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

5.35 The following additional provisions apply to the outcomes to cases of professional misconduct and/or unsuitability (Mode C):

5.36 A Panel meeting in Mode C may determine that a student is guilty of professional misconduct and/or of professional unsuitability. In addition, it may determine that a student has contravened any of the University's regulations or policies relating to academic or non-academic discipline.

5.37 The Panel shall have the power to suspend or preclude from further study in the University any student it finds guilty of professional misconduct or of professional unsuitability. In addition, the Panel may impose any penalties with regard to academic or non-academic disciplinary offences which are in accordance with this policy.

5.38 Where a the student is found guilty of professional misconduct and/or professional unsuitability, by a Panel the Head of the School in consultation with the Head of the Academic Division shall decide whether a report should be made to the relevant professional, statutory or regulatory body.

Outcomes relating to cases of misconduct in research (research students only – Mode B)

5.39 The following additional provision applies to the outcomes to cases of misconduct in research (research students only -Mode B:

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

SECTION D: APPEALS AGAINST THE OUTCOMES OF STUDENT DISCIPLINARY HEARINGS

This section describes how a student may appeal against decision(s) made by the Disciplinary Officer and a Senate Student Discipline Panel.

Commitments

- (i) Students who submit an appeal under this procedure will not be disadvantaged for having done so. Any Student who believes that s/he has been disadvantaged by submitting a case should contact the Head of the Academic Division immediately. The University expects that Students will not engage in frivolous or malicious appeals.
- (ii) The University will in considering appeals apply the Procedure in accordance with its Equal Opportunities Policy. In particular, reasonable adjustments will be made for those with disabilities, specific learning difficulties or long-term medical conditions.
- (iii) All parties to the appeal and individuals who have been involved in any related investigation and/or the management and/or administration of the appeal will observe the requirements for confidentiality. Whilst confidential information may need to be disclosed in order to consider the appeal, this will only be to those staff involved in the consideration of the appeal. In addition, confidential information may be disclosed to governmental, police or regulatory authorities as required by law.
- (iv) All personal information will be processed by the University in accordance with the Data Protection Act 1998.

6.1 Appeals Procedure relating to decisions made by the Disciplinary Officer

6.1.2 Purpose

- (i) The Appeals Procedure comprises two parts: Stage One, in which the Dean of Students considers the appeal against a decision made by the Disciplinary Officer and Stage Two, which a Student may follow if dissatisfied with the outcome of the Stage One appeal. Stage Two appeals are considered by the

Head of the Academic Division who may refer the appeal for further investigation.

- (ii) A decision by the Disciplinary Officer to refer a case to the Senate Student Discipline Committee may not be appealed against. An appeal against the outcome and penalty given by the Senate Student Discipline Committee would be considered at the Senate Student Appeals Committee. (See Disciplinary Procedures in Section 7 below).

* Students studying at UEA or registered for UEA programmes and based at UEA London or at Affiliated Institutes and students on validated, jointly validated or franchised at Associate Colleges/Partner Institutions wishing to submit Stage One and Stage Two appeals should use the relevant procedures at their place of study.

6.2 *Reason(s) for appeal*

There may be a number of reasons why a student might be concerned about a disciplinary verdict. Grounds for bringing an appeal are:

- correct procedure was not followed which undermined the validity of the verdict;
- prejudice and/or bias and/or the appearance of prejudice and/or bias on part of the Disciplinary Officer, Dean of Students or Head of the Academic Division affected the verdict;
- new evidence or information comes to light that has not previously been considered;
- the student's behaviour was adversely affected by extenuating circumstances that were not taken into account or not fully taken into account.

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

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

STAGE ONE APPEAL

6.3 *How a student submits a Stage One appeal*

- (i) A student must submit a completed Stage One Appeal Form (and any supporting evidence) to the relevant office as listed at the end of the form. Forms are available <http://www1.uea.ac.uk/cm/home/services/units/acad/ltqo/student>

experience/...or from the listed offices. All evidence submitted by the Student will be provided to the Dean of Students under paragraph 3.6.5 (i). No evidence submitted can be anonymous.

- (ii) A Student may decide to withdraw a Stage One appeal, providing the Dean of Students is advised in writing before a decision has been made.

6.4 *Response to the appeal*

- (i) The Dean of Students is responsible for responding to an appeal. If the Dean of Students 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 Dean of Students' Office. Notwithstanding this provision, for ease of reference the person responsible for responding to the Appeal will be called the Dean of Students hereafter in this Procedure.
- (ii) The Dean of Students may delegate investigation of an appeal to one or more members of the Dean of Students' staff who do not have a conflict of interest with respect to the appeal (the "Investigating Officer"). In such cases the Dean of Students will retain responsibility for the decision reached at Stage One and will act in accordance with subsequent sections of the Appeals Procedure where required.
- (iii) The Investigating Officer will provide the Dean of Students with the appeal documentation submitted by the Student under Stage One and will assist the Dean of Students with the investigation as to whether the appeal meets one or more of the grounds set out in paragraph 6.2 above. The Dean of Students having completed the investigation will decide whether the decision of the Disciplinary Officer should be reviewed, whether any other action should be taken, whether the case should be referred back to the Disciplinary Officer, or whether the appeal should be rejected. The decision of the Dean of Students and the reason(s) for it will be communicated to the Student in writing.
- (iv) With limited exceptions (for example, where information cannot be disclosed because of the University's obligations under the Data Protection Act), all written material considered by the Dean of Students under this procedure will be accessible to the Student as accompanying evidence to the decision of the Dean of Students. In the first instance, the evidence will take the form of a list of the documents considered, included with the Dean of Students response to the Student. The following documents would normally be considered as evidence:

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

6.5 *Timescales for Stage One*

- (i) The Student must submit the completed Appeal Form and any supporting documents to the Dean of Students within 10 working days of the notification of the verdict / penalty. Appeals submitted after this deadline with good reason for the delay may still be considered. The Student should contact the Dean of Students if s/he is unable to meet this deadline. Disputes about whether an appeal submitted after the deadline should be accepted should be referred to the Head of the Academic Division.
- (ii) The Dean of Students must advise the Student of the outcome of the investigation into the Stage One appeal in writing within 15 working days of receipt of the Appeal Form, or advise the Student within that time if more time is needed for referral or investigation.

6.6 *Actions and outcomes*

- (i) The Dean of Students will notify the Student of the outcome of Stage One giving a full and clear explanation of the decision. The Student may request a meeting with the Dean of Students to discuss the outcome.
- (ii) A Student who is not satisfied with the outcome of the Stage One appeal may decide to move to Stage Two of the Appeals Procedure as described below under paragraphs 6.7 – 6.10 below.

STAGE TWO APPEAL

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

- (i) For a Stage Two appeal to be considered there must be at least one of the following grounds:
- there is new information to be put forward by the student that was not known to the Disciplinary Officer or to the Dean of Students who investigated the original appeal;
 - that evidence put forward at Stage One was not fully and properly considered;
 - that there was procedural irregularity in the conduct of the Stage One appeal;
 - that there was prejudice and/or bias and/or the appearance of prejudice and/or bias in the conduct of the Stage One appeal.
- (ii) A Student must submit a completed Stage Two Appeal Form (and any supporting evidence) to the Head of the Academic Division. Forms are available at: <http://www1.uea.ac.uk/cm/home/services/units/acad/ltqo/forms> or from the listed offices. No evidence submitted can be anonymously.
- (iii) A Student may decide to withdraw a Stage Two appeal, providing the Head of the Academic Division is advised in writing before a decision has been made.

6.8 *Response to the appeal*

- (i) The Head of the Academic Division is responsible for responding to a Stage Two appeal and will check whether the appeal meets at least one of the conditions in paragraph XXX;
- (ii) If the appeal is accepted solely on the grounds that there is evidence that there was procedural irregularity in the conduct of the Stage One appeal, the Head of the Academic Division will refer the appeal back to the Stage One process;
- (iii) If the appeal is accepted on grounds other than or in addition to procedural irregularity, the Head of the Academic Division may decide to reconsider the Stage One decision (if for instance new information has been provided), and will proceed as in paragraph 6.4). In such a case, the Student retains the right to submit a Stage Two appeal should s/he be dissatisfied with the outcome;
- (iv) If the appeal is accepted on grounds other than on or addition to procedural irregularity and the provisions of paragraph 6.8 (iii) above do not apply, the appeal will proceed to Stage Two.
- (v) An appeal which the Head of the Academic Division does not believe meets any of the conditions should be rejected. The

Student will be informed of the outcome within 15 working days of receipt (by the Head of the Academic Division). If the appeal is rejected, this decision is final and there is no further right appeal in the University. Paragraph 6.11 below refers to how a complaint can be pursued outside of the University.

- (vi) The Head of the Academic Division may delegate investigation of an appeal to one or more members of staff who do not have a conflict of interest with respect to the appeal. In such cases the Head of the Academic Division will retain responsibility for the decision reached at Stage Two and will act in accordance with subsequent sections of the Appeals Procedure where required.
- (vii) The Learning, Teaching and Quality Office will provide the Head of the Academic Division with the appeal documentation submitted by the Student under Stage Two and will assist the Head of the Academic Division with the following investigation. The Head of the Academic Division having completed the investigation will decide whether the decision of the Dean of Students taken at Stage One should be reviewed or whether any other action should be taken. The decision of the Head of the Academic Division and the reason(s) for it will be communicated to the Student in writing.
- (viii) With limited exceptions (for example, where information cannot be disclosed because of the University's obligations under the Data Protection Act), all written material considered by the Head of the Academic Division under this procedure will be accessible to the Student as accompanying evidence to the decision of the Head of the Academic Division. In the first instance, the evidence will take the form of a list of the documents considered, included with the Head of the Academic Division response to the Student. The following documents would normally be considered as evidence:
 - Stage Two Appeal form and any additional accompanying evidence submitted by the Student;
 - statement from the Disciplinary Officer;
 - any original case evidence presented to and considered by the Disciplinary Officer;
 - statement and decision from the Dean of Students;
 - statements from other appropriate parties.
- (ix) The student may request in writing to the Head of the Academic Division a copy of the evidence considered.
- (x) Each appeal will normally be considered individually, (though depending on circumstances, where a series of appeals involve the same incidence or individual(s), the University may consider

such appeals collectively, subject to any confidentiality requirements).

6.9 *Timescales for Stage Two*

- (i) The Student must submit the completed Stage Two Appeal Form and any supporting documents to the Head of the Academic Division within 10 working days of the notification of the result of the Stage One appeal. Appeals submitted after this deadline with good reason for the delay may still be considered. The Student should contact the Head of the Academic Division if s/he is unable to meet this deadline.
- (ii) The Head of the Academic Division must advise the Student of the outcome of the investigation into the Stage Two appeal in writing within 15 working days of receipt of the Stage Two Appeal Form, or advise the Student within that time if more time is needed either for investigation.

6.10 *Actions and outcomes*

- (i) The Head of the Academic Division will notify the Student of the outcome of Stage Two giving a full and clear explanation of the decision. The Student may request a meeting with the Head of the Academic Division to discuss the outcome.

6.11 *Further right to appeal*

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

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

7.1 A student may appeal against decision(s) of a Student Discipline Panel. Any appeal must be lodged with the Head of the Academic Division within five working days (Saturdays, Sundays and University closure days excepted) of the notification of the decision(s) of the Student Discipline Panel. An appeal will not normally be considered until a student has received a formal written statement of the decision of a Student Discipline Panel.

7.2 If a student decides to make an appeal, he or she must state whether the appeal is made against the finding of the Student Discipline Panel or the penalty imposed or both finding and penalty.

7.3 For an appeal to be considered, there must be at least one of the following grounds:

- there is new information to be put forward that was not known to the Student Discipline Panel that for good reason was not presented to the original Student Discipline Panel;
- that evidence put to the Student Discipline Panel was not fully and properly considered;
- that there was procedural irregularity in the conduct of the Student Discipline Panel hearing;
- that there was prejudice and/or bias and/or the appearance of prejudice and/or bias in the conduct of the hearing by the Student Discipline Panel;
- that the penalty imposed was excessive.;

7.4 A student may decide to withdraw an appeal, providing the Head of the Academic Division is notified in writing before the date of any appeal hearing.

Review of Appeals Submissions

7.5 The Head of the Academic Division will review each appeal received, and will check whether it has been submitted within the specified time limit or whether there is good cause to account for submission outside the specified time limit and whether or not it meets at least one of the conditions set out in paragraph 6.3 above.

7.6 If the appeal is accepted by the Head of the Academic Division, the student will be informed within 10 working days of receipt.

7.7 If the appeal is accepted by the Head of the Academic Division solely on the grounds that there is evidence that there was procedural irregularity in the conduct of a Student Discipline Panel, the Head of the Academic Division will refer the appeal to the Chair of the Senate Student Discipline Committee to remedy the procedural irregularity. Provided that there are no further procedural irregularities in this part of the process, there shall be no further right of appeal in the University. Section 9 below refers to how a complaint can be pursued outside the University.

7.8 If the Head of the Academic Division does not believe that the appeal meets any of the conditions set out in *.* above, and should therefore be rejected, the appeal will be referred to the Chair of the Senate Student Discipline Committee. The Chair will review the decision and the student will be informed of the outcome within fifteen working days of receipt (by the Head of the Academic Division). If the rejection of the appeal is confirmed, this decision is final and there is no further right of appeal in the University. Section 9 below refers to how a complaint can be pursued outside the University.

7.9 If the appeal is accepted, the Chair of the Senate Student Discipline Appeals Committee shall review the appeal submission, shall confirm the

mode of the appeal hearing (see paragraph 7.0 below) and approve the Chair and members to be appointed to the Student Discipline Appeals Panel, drawing these from amongst the members of the Senate Student Discipline Appeals Committee, plus co-opted members, where appropriate, to hear the case. The mode of the hearing shall normally be the same as that of the original Student Discipline Panel. Members of the original Student Discipline Panel shall not be eligible to sit on the Student Discipline Appeals Panel considering any subsequent appeal.

7.10 The modes in which a Panel may be convened are:

- Mode D: for appeals relating to non-academic disciplinary offences; arising under General Regulations 8, 10, 11, 12, 19, 23 and 26 which were referred to a Student Discipline Panel;
- Mode E: for cases arising under
 - i) General Regulation 13 for appeals against decisions relating to attendance, engagement and/or progress, (including breaches of the plagiarism and/or collusion policy);
 - ii) General Regulation 17 for appeals against decisions relating to breaches of examination regulations;
 - iii) (for students on programmes leading to research degree awards only), cases arising under General Regulation 15, for appeals against decisions relating to misconduct in research;
- Mode F: for cases arising under General Regulation 14 for appeals against decisions relating to professional misconduct and/or unsuitability.

7.11 Wherever possible, one Panel will be convened to give a full hearing to all aspects of an appeal. A panel convened in Mode E may, also in addition to considering appeals relating to decisions concerning matters of academic assessment (General Regulation 17), consider appeals relating to General Regulation 13 (Attendance, Engagement and Progress). A panel convened in Mode F may, in addition to considering appeals relating to professional misconduct and/or unsuitability (General Regulation 14), consider appeals relating to General Regulations 8, 10, 11, 12, 13, 17, 19, 23, and 26 (Non-Academic Disciplinary Procedures, Attendance, Engagement and Progress or matters of academic assessment).

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

Notification of students and schools concerning hearings of Student Discipline Appeals Panels

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

- (1) the nature and grounds of the appeal
- (2) the mode and membership of the Panel;

- (3) the name of the person, if any, who will present the case against the student and, as far as is practicable, the names of any witnesses who are already expected to be attending the hearing
- (4) the date, time and place of the hearing;
- (5) the information on the order of proceedings in hearings set out in Paragraph 6.19 below;
- (6) the information set out in *.* and *.* below.
- (7) the right of the Panel to proceed in the student's absence or to determine that the appeal is abandoned and to confirm as a consequence the original decision without further hearing if having been properly summonsed, if the appellant fails to attend the hearing.

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

General considerations for Hearings (all Modes)

7.15 Both the student required to appear before the Panel and the person (if any) presenting the case against the student shall have the right to be accompanied by a friend, colleague or representative, provided that the Secretary is informed of this intention and of the identity and standing of any friend, colleague or representative at least two working days before the hearing. Where practicable, the Secretary to the Panel shall inform all parties in advance of the hearing of the identity of any friend, colleague or representative who will be in attendance. However, it is the responsibility of the party wishing to be accompanied to inform the friend, colleague or representative of the date, time and place of the hearing. The friend, colleague or representative may undertake the presentation of the case on behalf of the student, but a student may not be represented at a hearing in his or her absence and the friend, colleague or representative may not answer questions on the student's behalf.

7.16 The Panel shall receive all the written evidence which was before the Student Discipline Panel at the original hearing and the Secretary shall invite to appear before it all witnesses who gave evidence at the original hearing. It may also require the presentation of such further evidence and the attendance of additional witnesses as it deems appropriate.

7.17 The Student Discipline Appeals Panel, the Presenter or the student may request an adjournment of not normally more than seven working days, on which the ruling of the Chair as to whether to grant an adjournment, shall be final.

Order of proceedings for hearings (all modes)

7.18 The hearing shall proceed as follows:

- i) the person (if any) presenting the case against the student shall set out the allegations and evidence in the case, answer questions from the Panel and student, and call witnesses;
- ii) the Panel may call any witnesses not called by the other parties;
- iii) the presentation of any closing statement by the student (or person representing him or her);
- iv) the presentation of any closing statement by the person (if any) presenting the case against the student.

7.19 All parties shall have an opportunity to ask questions of all witnesses called. The party calling the witness will normally ask the first questions of the witness.

Outcomes of Senate Student Discipline Appeals Panels

7.20 Having considered all the evidence presented, the Senate Student Discipline Appeals Panel shall determine one of the following outcomes to the appeal in accordance with Appendix 4. It shall inform the student and the Presenter in writing of its decision within five working days (Saturdays, Sundays and University closure days excepted) which shall not then be the subject of further discussion or appeal except as laid down in paragraph 7.21 below and shall copy this communication to the Head of the student's School (and, if applicable, to the Senior Adviser of the student's School) and to the student's Adviser or Supervisor.

7.21 The decision of the Student Discipline Appeals Panel shall be final and not normally subject to further appeal within the University (see Section F below).

7.22 Hearings of Student Discipline Panels and Student Discipline Appeals Panels shall take place in closed session.

SECTION E: PAYMENT OF FINES

This section explains how any fines imposed by the Disciplinary Officer, a Senate Student Discipline Panel or a Senate Student Discipline Appeals Panel are to be paid.

8.1 A fine imposed by the Disciplinary Officer, a Senate Student Discipline Panel or a Senate Student Discipline Appeals Panel must be paid to the Finance Office by the date prescribed by the person or body levying the fine.

SECTION F: FURTHER RIGHT TO APPEAL

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

9.1 Following a decision of a Senate Student Discipline Appeals Panel, there is no further right to appeal within the University except in the circumstances outlined in paragraph 9.2 below.

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

APPENDICES

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

Chair and Members of the Senate Student Discipline Committee from 2010-11

The Chair and members of the above Committee will serve for a period of three years starting on 1 August, 2010 and expiring on 31 July, 2013.

Chair of the Senate Student Discipline Committee

*Professor Nigel Norris, EDU (reappointed for one further session, to July, 2011 by Chair of Senate)

Members of the Senate Student Discipline Committee, who may chair Senate Student Discipline Panels:

HUM

Mr Ian Farr, HIS

FoH

Mrs Rosie Doy, NAM

SCI

Dr Susan Barker, PHA

SSF

Dr Nalini Boodhoo, EDU

Professor Gillian Schofield, SWP

*Professor Alastair Mullis, LAW (July 2012)

*Professor Nigel Norris, EDU (July 2011)

Members (including existing members):

HUM

Dr Simon Dell, ART

Dr Heather Savigny, PSI

FoH

Ms Maggie Quinn, NAM

Mrs Shaune Richardson, NAM

*Mrs Catherine Wells, AHP (July 2012)

SCI

*Dr Helen James, BIO (July 2011)

Professor Andy Johnston, BIO

Professor Vic Rayward-Smith, CMP

Dr Grant Wheeler, BIO

Dr Michael Wormstone, BIO

SSF

*Dr Ian Dewing (extended to December 2011)

Dr Jonathan Dickens, SWP

Additional members will be appointed where a Senate Student Discipline Panel hears professional misconduct and/or unsuitability cases, in accordance with the provisions in the Disciplinary Procedures. The

Chair of the Senate Student Discipline Committee has the right to co-opt members

*Existing chair and members will continue to serve on the Senate Student Discipline Committee until their term of office expires.

Members of the Senate Student Discipline Appeals Committee from 2010-11

The members of the above Committee – one of whom shall be Chair – will serve for a period of three years from 1 August, 2010 – 31 July, 2013.

HUM

(Awaited: 2 vacancies)

SCI

Dr Paul Hammerton (MTH)
(Awaited: 1 vacancy)

FOH

Dr Zoe Butterfint (AHP)
Mr Rupert Wood (NAM)

SSF

Dr Sue Long (ECO)
Ms Ann McDonald (SWP)

Additional members will be appointed where a Senate Student Discipline Appeals Panel hears professional misconduct and/or unsuitability cases, in accordance with the provisions in the Disciplinary Procedures.

APPENDIX 2: COMPOSITION OF SENATE STUDENT DISCIPLINE PANELS (MODES A TO D)

Student Discipline Panels
<p>Mode A Chair, One non-student member of the Senate Student Discipline Committee, One undergraduate student (normally identified from the pool nominated by the Union of UEA Students and one graduate student (where possible identified from the pool nominated by the Graduate Students' Association, otherwise identified by the Union of UEA Students).</p>
<p>Mode B Chair and two non-student members of the Senate Student Discipline Committee</p>
<p>Mode C Chair, one non-student member of the Senate Student Discipline Committee, and one member of faculty with appropriate status within the relevant professional discipline (who does not need to be a member of the Senate Student Discipline Committee) and one external representative from the relevant profession</p>
<p>The Chair and members of the Student Discipline Panel shall have had no association with the teaching of the student appearing before the Panel. Wherever possible, the Panel shall be constituted with due regard to the need to ensure equality of representation.</p>

Senate Student Discipline Appeals Panels

Mode D

Chair, One non-student member of the Senate Student Discipline Appeals Committee, One undergraduate student (normally identified from the pool nominated by the Union of UEA Students and one graduate student (where possible identified from the pool nominated by the Graduate Students' Association, otherwise identified by the Union of UEA Students).

Mode E

Chair and two non-student members of the Senate Student Discipline Appeals Committee

Mode F

Chair, one non-student member of the senate student discipline appeals committee, one member of faculty with appropriate status within the relevant professional discipline (who does not need to be a member of the senate student discipline appeals committee) and one external representative from the relevant profession.

The Chair and members of the Student Discipline Appeals Panels shall have had no association with the teaching of the student before the Appeals Panel nor shall they be the same persons who heard the original case. Where possible, the Panel shall be of mixed gender.

Disciplinary Procedures

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

Student Discipline Panel : Mode A

General Regulations relating to non-academic disciplinary matters

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

- 1 Temporarily suspend a student, or permanently preclude him or her, from further study in the University;
- 2 Exclude a student from the University, or any part thereof, or from any University activity, for a specified period;
- 3 In the event of damage to persons or property, require that such damage be made good at the expense of the student or students concerned, in whole or in part;
- 4 Impose a fine not exceeding £400;
- 5 Where a panel determines that none of the above penalties would be appropriate, impose another appropriate penalty providing that where the penalty or exemption requires or implies a concession under University regulations, policies, Codes of Practice and/or procedures, approval shall be sought from the relevant Pro-Vice-Chancellor and the Head of the relevant central Division who shall act on behalf of Senate and/or Council in deciding such requests.

Student Discipline Panel : Mode B

General Regulations relating to academic disciplinary matters and misconduct in research

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

- 1 Temporarily suspend a student, or permanently preclude him or her, from further study in the University;
- 2 Determine that, as a consequence of an academic offence, a mark of zero be recorded for the whole or part of the work submitted by a student for assessment;
- 3 (For cases of misconduct in research) recommend to the Registrar and Secretary that a report is made to an external body, which may include a professional body, a research ethics committee external to the University, or an employer.
- 4 Where a panel determines that none of the above penalties would be appropriate, impose another appropriate penalty providing that where the penalty or exemption requires or implies a concession under the Regulations governing award of degrees, diplomas or certificates, approval shall be sought from the relevant Pro-Vice-Chancellor and the Head of the Academic Division who shall act on behalf of Senate in deciding such requests.

* * *

Senate will publish guidance to panels on the determination of penalties for academic disciplinary offences.

Student Discipline Panel : Mode C

General Regulations relating to Professional Misconduct or Unsuitability

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

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

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

Senate Student Discipline Appeal Panel acting in all Modes (D, E and F)

A Panel may:

1 Confirm the decision(s) of a Senate Student Discipline Panel; **or**

2 **May substitute a lower penalty** except that:

- i) in so doing, the new, lower penalty must be consistent with the level of penalty imposed by a Senate Student Discipline Panel or the Senate Student Discipline Appeals Committee for (a) similar offence(s); and
- ii) where any penalty determined by a Senate Student Discipline Appeals Panel requires or implies a concession or exemption under the University's regulations, this will be subject to approval by a Pro-Vice-Chancellor and the Head of the Academic Division; **or**

3 On the basis of evidence of prejudice and/or bias and/or the appearance of prejudice and/or bias or procedural irregularity in the conduct of the original hearing, may

- i) notwithstanding this finding, confirm that the verdict and penalty should stand; **or**
- ii) may set aside the verdict and penalty; **or**
- iii) may find that the verdict was unsafe in part and find the student guilty of a lesser offence and impose a lesser penalty in accordance with 2i) and ii) above.

Senate will publish guidance to the Senate Student Discipline Appeals Committee on the determination of penalties.

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General Regulations for Students**Preamble**

- (1) A student is a person who is currently registered with the University for a programme of study under Regulation 3 below. For the avoidance of doubt, this definition includes:
- (a) 'Registration-only' students, i.e. postgraduate research students who, not having submitted their thesis within their prescribed period of study, remain registered for such further period as may be permitted under Regulations for degrees and awards laid down from time to time by the University;
 - (b) 'Dormant' students, i.e. students registered for a modular programme of study who are not currently enrolled on any module of that programme.
- (2) An intercalating student is a student who has been permitted, in accordance with Regulation 3(4) below, to interrupt for a specified period an otherwise current registration of a programme of study.

Regulations relating to Student Life**1 Obligations**

- (1) All students shall be bound by all Statutes, Regulations, Codes of Practice, Rules and Procedures of the University in force for the time being in so far as they concern students. For the avoidance of doubt, such Statutes, Regulations, Codes of Practice, Rules and Procedures shall be held:
- (a) not to concern intercalating students except
 - (i) if referring specifically to the latter and/or to the arrangements by which a period of registration may be interrupted;
 - or (ii) as may be stated in a Notice to Intercalating Students as approved and issued from time to time by the University;
 - (b) to apply to all persons holding sabbatical office in the Union of UEA Students, irrespective of registration status (see Regulation 3(4) below).
- (2) All students shall be subject to and shall conform to any regulations, rules and procedures set by or pertaining to any other organisation or institution to which they have been granted access by virtue of their status as students of the University; serious breaches may lead to action under the University disciplinary procedures (which will take into account any penalty imposed by the organisation/institution concerned). See section headed 'Disciplinary Procedures'.
- (3) All students shall on each occasion of initial or renewed registration with the University for a programme of study under Regulation 3 below

agree to a declaration of obedience to the authorities of the University, in the following terms:

“I hereby promise to conform to the discipline of the University, and to all Statutes, Regulations and Rules in force for the time being, in so far as they concern me.”

(4) In providing information requested by the University or by a body acting on its behalf (for example UCAS), both prospective and registered students are required to respond fully, unambiguously and honestly. When inaccurate information has been dishonestly provided to the University or where wilful misrepresentation or omission has occurred, a student may be precluded from further study in the University.

2 Breaches of General Regulations

Students who are alleged to have breached one or more General Regulations may have their case(s) considered under the University's disciplinary procedures. See section headed 'Disciplinary Procedures'.

3 Registration

(1) Before being allowed to register with the University for a programme of study, a person must have:

- (a) fulfilled the general entrance requirements and any particular requirements for that programme and/or for that person as laid down from time to time by the University;
- (b) complied with the requirements of General Regulation 6 below if seeking to make a fresh or renewed registration;
- (c) provided all information and documentation which the University may require as a pre-requisite to registration.

(2) All persons wishing to register for a programme of study must do so for such periods, by such means and on such occasions as the University may specify. Persons seeking to register other than on the appointed date may do so only with the special permission of the Registrar and Secretary. An additional fee may be charged if the Registrar and Secretary's permission for a later registration has not been obtained in advance or if any documents required for registration have not been produced by the due date.

(3) A student's registration is effective during all University breaks and vacations falling within the specified periods covered by such registration.

(4) A student may be permitted to interrupt a programme of study for which he or she is currently registered in accordance with such Regulations for degrees and awards as may be laid down from time to time by the University. If so permitted, the student shall, except in the circumstances described in paragraph 5(a) of this Regulation, be referred to as an 'intercalating student' for the specified period of interruption and shall be subject to such restrictions regarding use of facilities as may be specified in Notices issued from time to time by the University.

(5) Persons holding sabbatical office in the Union of UEA Students shall:

- (a) in cases where they would otherwise have been registered with the University for a programme of study, be permitted to interrupt their programme of study for the period for which they

- are Sabbatical Officers (without being defined as intercalating students);
- (b) in all other cases, be required to register as full-time Visiting Students, without fee, during the period in which they hold sabbatical office.
- (6) Any certificate or other document issued by the University as verification that the person named upon it is a student remains the property of the University and must on request be shown to University staff or surrendered. There will be a charge for the issue of a replacement.

4 Student Health

- (1) The following students are required to register either with one of the doctors in the University Medical Centre or with a local medical practitioner:
- (a) a full-time student registered for a period of study exceeding three consecutive months;
 - (b) a part-time or registration-only student if intending to reside in University accommodation for a period exceeding three consecutive months.

All such students must either register with or give their doctor's name and address to the University Medical Centre not later than:

- (a) four weeks after their initial registration for study if in category (a) above;
- (b) the start of their residential licence period if in category (b) above.

The University Medical Centre must also be notified immediately of any change of doctor.

(2) Each student registering for the first time with the University who is normally resident in a country outside the United Kingdom shall be required to undertake a Heaf test for tuberculosis and an evaluation of the test unless their country of normal residence is included on the list published by the University. The list of countries not requiring Heaf testing includes most of Western Europe, North America and Australasia and is published annually in consultation with the University Medical Centre. The test and evaluation shall be carried out at the University Medical Centre at the University's expense soon after arrival at the University. Failure to undertake the test and evaluation as required shall render the student liable to suspension from the University until these processes have been completed.

(3) Each student whose programme of study entails any form of clinical placement shall be required to present evidence of a satisfactory standard of health and level of immunisation in accordance with criteria published by the University before being permitted to undertake such a placement. Failure to comply with this requirement shall render the student ineligible to undertake any placement and may result in exclusion from the module of study and/or suspension from the University.

(4) Any student suffering or believing that he or she may be suffering from a notifiable infectious illness, or in whose home or lodgings there is

or has been such illness, must immediately notify the University Medical Centre, the Dean of Students and the Head of their School. Any such student may be required to be quarantined or to leave University premises. If a student is required to leave University premises, s/he may not return to the University without permission. Such permission will be granted by the University on the advice of the University Medical Officer of the University Medical Centre following the receipt of a certificate from a medical practitioner stating that there is no longer any danger of infection being conveyed to other persons. The notifiable infectious illnesses concerned are as follows (noting that this list may be subject to amendment from time to time by the University): Chicken Pox, Cholera, Diphtheria, Hepatitis, Influenza A/H1N1, Leptospirosis, Measles, Meningitis, Poliomyelitis, Rubella (German Measles), Tuberculosis, Typhoid.

5 Fitness for Study

UEA acknowledges its role and responsibility in ensuring the welfare of its students, staff and the wider community. These regulations form part of a suite of regulations, policies and procedures that will support the University in ensuring that students are fit to pursue the course of study for which they are registered. The regulations apply when concerns arise in the University about a student's fitness for study which are not recognised and addressed by the student themselves despite the presence of objective evidence to the contrary.

A number of professional bodies require that consideration is given during the period of particular professionally oriented courses to ensuring fitness to practise. In such cases the relevant fitness to practise requirements will normally be used taking precedence.

- (1) Students studying for qualifications of the University need to be fit or deemed fit for study throughout their programme of study. Some of the key reasons for this are:
 - (a) so that they have the opportunity to benefit from their programme of study and pursue it for the required period with a reasonable chance of successfully obtaining the award for which they are registered;
 - (b) so that they shall not in any way prevent, hinder or disrupt the study or assessment of other students at the university, staff in the discharge of their duties or academic pursuits, or visitors to the University from carrying out their lawful business;
 - (c) so that they shall not in the context of their study or assessment at the University or required or necessary presence on campus, constitute an unacceptable risk to the health or safety of themselves or others;
 - (d) so that they are in a position to engage satisfactorily in any elements of study or assessment which take the form of placements, particularly those taking place in a professional and/or work-based setting.

(2) Considerations of fitness for study are primarily related to issues of student welfare, safety and risk management and not issues of discipline. If issues of discipline are identified, separate regulations and processes dealing with disciplinary issues will be followed. However, these procedures are inter-related, in as much as a student may be in breach of the university's academic or non-academic regulations, but the underlying reason for that breach might be ill-health.

(3) Concern about fitness for study may arise in a number of ways, for example through second or third party reports about a student's behaviour, from issues of concern about health and safety, or reports of failure to engage in study without due explanation. These concerns may be raised by teaching, administrative or student services staff, fellow students or family members.

(4) Fitness for study may be considered at a number of levels:

(a) Level 1 Concern – emerging concerns

A situation where there may be emerging concerns about an individual's health, safety and/or their behaviour would be categorised as a Level 1 Concern. These might include significant changes, in personal hygiene, demeanour or attitude or unexplained or erratic absences. In the first instance the concern should be reported to the student's adviser or supervisor who will approach the student in a sympathetic and understanding way with a view to identifying any problems and sources of help. The nature of the concern should be made clear to the student and the Adviser/Supervisor should lodge a suitable record of the discussion with the Head of School. The Adviser or Supervisor should make it clear to the student that a record of the discussion will be kept and placed on the student's file. The student should also be given a copy of the record.

In addition, the student should be specifically referred to relevant sources of additional support, for example, University Medical Centre, Dean of Students Office or Counselling, with, when appropriate, informal guidance from the Dean of Students. At this stage, all concerned should endeavour to protect the confidentiality of the student, avoiding naming them whenever possible.

(b) Level 2 Concern – formal concern

A concern relating to a student's behaviour or appearance which suggests more serious and enduring difficulties will be categorised as a Level 2 Concern. There may be evidence of considerable deterioration in health which may manifest itself in physical changes signalling lack of sleep, low mood or depression, anxiety or panic attacks, alcohol or drug abuse.

In these circumstances the student, if well enough, will be required to attend a meeting with the Head of School (or

her/his representative) and the Dean of Students (or her/his representative). Other relevant staff such as the Adviser or Senior Adviser may also be invited to attend by the Head of School or the Dean of Students to provide reports of their concerns, and, when it is considered to be in the best interests of the student, to attend in person. The student may be accompanied by a friend or someone from the Union Advice Centre or Graduate Students' Association. If the student declines to attend, the hearing will be held in absentia unless the student provides good reason for not attending the meeting in which case the meeting will be rescheduled. A member of administrative staff from a Faculty Office shall act as the Secretary to the meeting.

The purpose of the meeting shall be to seek to discuss areas of concern, in order to identify a constructive way forward – for example a referral to the University Medical Centre, the Dean of Student's Office or Student Counselling, and/or consideration of an application to intercalate for a specified period or that withdrawal from the University may be deemed necessary if the unwarranted behaviour continues – subject to procedures described at Level 3 below.

A record of the meeting shall be made by the Secretary to the meeting and a copy provided to the student concerned. The Secretary to the meeting will also arrange for a copy of the record to be sent to the Dean of Students' Office and to be lodged on the student's file. It will be the responsibility of the Secretary to the meeting to ensure that actions arising from the meeting are followed up.

If there is no apparent improvement in the student's health or behaviour noted by those who initially raised their concerns, or if others raise new concerns, the Head of School should be alerted and consideration should be given to referral of the case to Level 3 – serious concern (see below).

(c) Level 3 Concern – serious concern

Where there is either a continuing concern despite action taken at Level 2 or the circumstances will have been identified as sufficiently serious to proceed to Level 3 without reference to Level 2, the circumstances will be categorised as Level 3 Concern. At this level there are likely to be serious concerns about behaviour/attitude, health and safety and/or the good order and reputation of the University. At Level 3 a Fitness for Study Hearing shall be requested by the Head of School or the Dean of Students. The Fitness for Study Hearing will be chaired by the Dean of the Faculty (or his/her representative). It will include those that the Head of School and/or Dean of Faculty (or his/her representative) determine to be relevant to

the circumstances of the concern paying due regard to the likely sensitivity of the situation and the potential for further exacerbating the student's health status. A report on the student's current academic standing, recent attendance pattern and/or details of missed coursework submissions shall be provided for the meeting by the relevant Teaching Office.

The student shall be invited to attend and may be accompanied by a friend or someone from the Union Advice Centre/Graduate Students' Association. A member of the administrative staff from a Faculty Office should act as the Secretary to the meeting. If the student declines to attend, the hearing will be held in absentia unless the student provides good reason for not attending the meeting in which case the meeting will be rescheduled. A member of the administrative staff from a Faculty Office shall act as Secretary to the meeting.

The purpose of the hearing will be to establish clearly the grounds for the concern and determine what action should be taken in the best interests of the student, the University and its students and staff. The outcome of a hearing might be that a student be allowed to continue their course, subject to engaging with medical or relevant therapeutic services, or, that they be required to intercalate for a defined period of time, subject to further review. Additionally, further requirements may be placed on the student, such as that they attend a course of treatment or therapy while intercalating, or that they be excluded from any or all property owned, controlled or managed by the University during their period of intercalation.

A record of the meeting shall be made by the Secretary to the meeting and a copy provided to the student concerned. The Secretary to the meeting will also arrange that a copy of the record will also be sent to the Dean of Students' Office and to be lodged on the student's file. It will be the responsibility of the Secretary to the meeting to ensure that actions arising from the meeting are followed up.

If the outcome of the Fitness for Study hearing requires the student to intercalate, then this decision will be reviewed by the Pro-Vice-Chancellor (Academic) or his representative who may seek guidance as she/he sees fit. The student will be informed of the outcome within 15 working days of the Fitness for Study hearing by the Dean of Faculty. If the Pro-Vice-Chancellor or his representative agrees that the decision of the Fitness to Study hearing should be upheld, then this decision is final. If the student still does not accept the requirements resulting from the Level 3 process then they will be required to withdraw from the University.

(6) A student may return to study following a period of voluntary or forced intercalation following a fitness to study process provided that the University is satisfied that the issues giving rise to the intercalation have been addressed and subject to a decision as to the academic conditions for return e.g. the need to repeat some or all of the course of study.

(7) At all stages of the process due consideration will be given to issues of confidentiality and data protection. Full consideration shall also be given to any reasonable adjustment(s) that emerge as a result of a better understanding of the student's position. Where possible the aim will be to keep the student at the centre of decision-making, while balancing his or her concerns with those of the wider staff and student body.

6 Payments of Accounts

(1) All fees and other charges must be paid within twenty-eight days from the date of the University's invoice or account. See section headed 'Fees and Charges'.

(2) Fees and charges (including fines) that have not been paid by the due date may be subject to a late fee which shall be on the following scale:

<u>Debt</u>	<u>Late Fee</u>
Up to £20	Amount outstanding
£20.01 to £25.99	£20
£26.00 to £100.99	£25
£101.00 to £500.99	£30
£501.00 to £1,000	£40
Over £1,000.01	£50

(3) A fine imposed by any of the discipline committees is subject to the provisions of the University's Disciplinary Procedures.

(4) Any grant or payment due to be made by the University to a student in debt to the University may be reduced by the amount of the outstanding debt or may be set off against the outstanding debt.

(5) A student in debt to the University at 17 December 2010 who does not pay all outstanding fees and charges (including fines and any instalments due during the break) before 4 January 2011, and who has not applied for an extension of time to pay for a reason acceptable to the University, may be suspended from the University and will be re-admitted only with the permission of the Vice-chancellor and after payment of the outstanding amount including any late fees. General Regulation 6 also applies to students in debt at 8 April 2011 who do not pay all outstanding fees and charges before 9 May 2011. Persons are not allowed to make a fresh or renewed registration for a programme of study if they have any debts to the University outstanding from a previous academic year (including fines and instalments due during a break or vacation).

(6) No degree, diploma or other qualification shall be conferred upon any person who has not fulfilled all financial obligations to the University.

7 Change of Address

Students are required at registration to state their address during a semester as well as their permanent home address. Any change in either address must immediately be notified to the Head of the School via the appropriate Faculty Office where relevant. This should either be notified in writing or preferably via the student portal.

8 Student Accommodation Regulations

University Residences

(1) Students living in University residences shall sign Licences or Tenancy Agreements to occupy the accommodation allocated to them. They shall abide by the terms and conditions of the Licences or Tenancy Agreements and by such regulations as may for the time being be in force for those residences.

(2) Students who occupy University residential accommodation shall do so for not less than the period shown on the Licence to Occupy/Tenancy Agreement, unless termination is allowable under the terms of the Licence to Occupy/Tenancy Agreement, or there are circumstances which, in the opinion of the Deputy Dean of Student or the Accommodation Manager warrant a change.

External Accommodation

(3) If you are a full-time student who is **not** living in University accommodation, you must live within a 50-kilometre radius of the campus in Norwich or the UEA Study Centre in London, depending on where your course is based. If your course requires or you obtain approval for, a placement, year or semester away from the University, the residence requirement does not apply for the duration of your time away from the campus or Study Centre (as appropriate). Similarly, if you are given permission to intercalate (take time out from your studies) the requirement does not apply. If for good reason you cannot fulfil the requirement, you must seek an exemption from the relevant Faculty Associate Dean (Learning, Teaching and Quality) for your Faculty.

Students may request permission to stay in University residences during intrasemester breaks and the summer vacation subject to the same conditions and Regulations as apply during University semesters. If this permission is granted it will be on the understanding that accommodation will not necessarily be in the same room or in the same residence as the student lives in during a semester.

9 Notices and Letters

Students should be in a position to respond to any notice or communication directed to them within forty-eight hours of it being made available to them, i.e. of it being posted on a University, Faculty or School notice board, on their E-mail account or in their pigeon hole, or being delivered to their contact address. For students who are not required to attend on a daily basis, the forty-eight hour rule shall apply to periods of required attendance only. It is the responsibility of each student to be aware of the following arrangements regarding notices and letters:

- (1) students must refer to the Student Handbook issued by their Faculty or School of Study, which will provide specific guidance on the arrangements regarding notices and letters. It is the responsibility of the student to inform the School (via the appropriate Faculty Office where relevant) of changes to their address and contact details;
- (2) it is the responsibility of all students to make arrangements with their School to maintain contact at all times, and to ensure that such arrangements would enable them to respond to messages within forty-eight hours (excluding Saturdays and Sundays) of receipt/availability;
- (3) the contents of any notice posted on University notice boards or on official Faculty/School notice boards shall be assumed to be known to students within forty-eight hours (excluding Saturdays and Sundays) during their period of required attendance.

Regulations relating to Student Behaviour

10 General Conduct

- (1) No student shall intentionally commit or participate in the commission of any act which:
 - (a) is detrimental to the University's obligations under its Charter; or
 - (b) has the effect of preventing, hindering or disrupting
 - (i) students or staff of the University in the discharge of their duties or academic pursuits; or
 - (ii) visitors to the University from carrying out their lawful business; or
 - (c) has the effect of preventing, hindering or improperly disrupting students or staff 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; or
 - (d) results in damage or loss to:
 - (i) the persons and/or property of students or staff of the University or visitors to the University; or
 - (ii) the property of the University.
- (2) No student shall commit or participate in the commission of any act which:
 - (a) is unlawful; or
 - (b) constitutes disorderly conduct either causing nuisance and/or whose effect is to bring the University into disrepute.
- (3) No student shall dishonestly misappropriate any property of the University or of its students or staff.
- (4) No student shall use or occupy any premises or other property of the University except as may be expressly or by implication authorised by the University authorities concerned.
- (5) The University shall publish a Code of Practice relating to Freedom of Speech and dealing with any or all of the matters referred to in Section 10(1) above. A breach of any provision of this Code of Practice shall be treated as a breach of this General Regulation.
- (6) The making good of any damage or loss resulting from any contravention of Section 10(1), 10(2), 10(3) or 10(4) above or of the

Code of Practice relating to Freedom of Speech shall be the joint and several liability of the student or students responsible.

(7) Incitement to conduct leading to a breach of any provision of this General Regulation shall itself constitute a breach of the Regulation

(8) The Student Charter states that students have a responsibility 'to respect the rights of all members of the University's diverse community and treat staff and fellow students with courtesy and respect' and also 'to respect University property, grounds and facilities'. Where a student intentionally (i) commits or participates in the commission of any inappropriate acts and/or behaviour in relation to teaching events of any kind, in supervisions and/or in meetings with Advisers and/or (ii) includes in work submitted for assessment (including formative and summative assessment, coursework of any form, dissertations, examinations and oral/written statements in presentations) any material that is deemed to be gratuitously offensive (excluding plagiarism and/or collusion) the Dean of Students in conjunction with the Head of the Academic Division shall determine whether the alleged offence(s) shall be treated as (a) breach(es) of this General Regulation 10 (General conduct), of General Regulation 13 (Attendance, Engagement and Progress) or, where the matter may give rise to concerns about the professional conduct and/or suitability of the student, of General Regulation 14. Additionally, where an offence relates to material in work submitted for assessment as stated above, s/he will not receive any marks for that portion of work deemed to be gratuitously offensive.

11 Statements to the Press

No student may make statements to the press, radio or television on behalf of the University without the prior permission of the Vice-chancellor through the Executive Officers of the Union of UEA Students. Disciplinary action shall be taken against any student who purports to speak on behalf of the University without such permission. This is without prejudice to the right of an individual to make statements on his or her own behalf to the press.

12 Health and Safety

- (1) A student shall exercise reasonable care:
 - (a) for his or her personal safety
 - and (b) for the safety of other persons who may be affected by his or her acts or omissions
 - and (c) for the safety of the property of the University and of its students, staff and visitors.
- (2) As regards any duty or requirement imposed on the University, its employees or any other person under the Health and Safety at Work Act or under any relevant statutory provisions relating to health and safety, a student shall co-operate with that body or person so far as is necessary to enable that duty or requirement to be performed or complied with.
- (3) A student shall comply with the University's Health and Safety policy as published from time to time and with any health and safety procedures relating to the facilities which the student is using.

(4) A student shall not intentionally or recklessly interfere with or misuse anything provided by the University in the interests of health, safety or welfare in pursuance of the Health and Safety at Work Act or of any relevant statutory provisions relating to health and safety.

(5) Where a period of work experience / placement away from the University campus is an integral and required part of a student's course, attendance will be in accordance with the University's Code of Practice on Placement Learning.

(6) It shall be a disciplinary offence to be in or on the Broad except as may be expressly or by implication authorised by the University authorities concerned.

Regulations relating to Academic Provision

13 Attendance, Engagement and Progress

(1) A student on a taught programme is required to register/sign in at the beginning of the Autumn Semester and at such other times as required by the University, to attend lectures and other classes as may be prescribed for the programme of study and to be available to undertake such work as prescribed. A student on a research degree programme is likewise required to register/sign in at the beginning of the Autumn Semester and at such other times as required by the University, to attend lectures and other classes, research training and undertake independent research as may be prescribed for the programme of study and to be available to undertake such work as is prescribed.

Students who have been granted a visa under the Points-based Scheme operated by the UK Border Agency (UK-BA) to study in the UK under the sponsorship of the University should note that failure to comply with some or all the expectations set out in the Student Charter and General Regulations may be deemed an unauthorised absence under UK Law and that the University is required to report such absences to the UK-BA and will in addition take any further action(s) required under UK immigration law. (See the Statement of Policy and Procedures on Attendance, Engagement and Progress below).

(2) All students are required to attend any meeting called by the Head of their School of Studies, the Dean of Students, the University Disciplinary Officer and any Senate Student Disciplinary Panel (if one is called) throughout the academic year.

(3) A student registered on a taught programme is allocated an Academic Adviser who is ready to give advice and help at any mutually convenient time in accordance with the advising policy. A minimum of three individual meetings per year will be offered with a student's Adviser at appropriate times and with the purpose of the meeting made clear at the time they are offered. It is essential that a student attends at least one of these meetings each year.

The policy on the Advising system can be found at:

<https://intranet.uea.ac.uk/ltqo/taughtprogs/advisingsystem/UEA+Advising+System+Policy>

A student registered on a research degree programme is allocated a supervisory team whose role is to provide academic and pastoral guidance as set out in the Code of Practice: Research Degrees: https://www.uea.ac.uk/polopoly_fs/1.132120!COP_PGR_2009.pdf.

A research student is required to attend the initial and formal supervisory team meetings as set out in the Code of Practice for Research Degrees.

(4) A student is required to inform the relevant Faculty Office at once of any changes in her/his circumstances. The Faculty Office will collect the information on behalf of a student's Academic Adviser or Primary Supervisor (as relevant) and will pass it on to the Academic Adviser or Primary Supervisor.

(5) A student who is unable to engage with their course of study or research degree programme due to ill health must report this immediately to the relevant Faculty Office which will collect the information on behalf of the Head of School and will pass it on to the Head of School and the student's Academic Adviser or Primary Supervisor.

(6) A student may be granted a leave of absence (authorised absence) of up to two weeks during a course of study or research degree programme only with the prior permission of the Head of the relevant School of Study. Such leave will be dependent on the student having good cause for absence and undertaking to fulfil all obligations to the University. Longer absences will be dealt with under other concessionary procedures.

(7) The University may at any time suspend or preclude from further study:

- (a) any student whose attendance and engagement is deemed to be unsatisfactory;
- (b) any student who fails to make satisfactory progress in the programme of study.

There are separate regulations dealing with other aspects of the academic conduct of students or conduct relating to their studies, for example the regulations dealing with plagiarism and/or collusion; professional misconduct and/or unsuitability or general conduct and behaviour in any form of class and during any individual contact time with (a) member(s) of staff and in any form of work that is submitted for assessment (formative and summative). These are set out in or referred to in other General Regulations below.

14 Professional Misconduct and/or Unsuitability

(1) A student on a programme of study where a practical professional placement is a required part of the course shall not act or behave in a manner which:

- (a) jeopardises the welfare of the subject (whether patient, pupil or client) (i.e. professional misconduct); and/or
- (b) contravenes the relevant professional code of conduct (i.e. professional misconduct); and/or
- (c) is incompatible with behaviour required by the profession (i.e. professional unsuitability);

and may at any time be suspended or precluded from further study by the University if in breach of the above. Also see Fitness to Practice <https://www.uea.ac.uk/ltqo...>

(2) Any allegations against a student of professional misconduct and/or professional unsuitability shall be made in writing to the Head of the School of Studies offering the professional programme of study concerned and shall be dealt with in accordance with procedures approved by the Senate.

15 Conduct of Research

(1) Students conducting research are required to do so with propriety and shall comply with the University Code of Practice Relating to Misconduct in Research, which can be consulted at <https://www.uea.ac.uk/ltqo...>

.Where a student commits misconduct in research the issue may be referred to the Senate Student Disciplinary Committee.

(2) In this context, the term 'misconduct in research' means fabrication, falsification, plagiarism, misrepresentation, impersonation, or other practices that seriously deviate from those that are commonly accepted within the academic and scientific communities for proposing, conducting or reporting research. It specifically encompasses the following:

- (a) Piracy - the deliberate exploitation of ideas from others without acknowledgement;
- (b) Plagiarism - the copying of ideas, data or text (or various combinations of the three) without permission or acknowledgement;
- (c) Fraud - deliberate deception, usually involving the invention of data;
- (d) Conducting research in a manner which contravenes the terms of ethical approval granted by the University or by other relevant bodies and accepted by the University as governing the conduct of the research in question;
- (e) Conducting research for which the University requires there to be prior ethical approval whilst having failed to secure that approval;
- (f) Failure to follow accepted procedures or to exercise due care in carrying out responsibilities for avoiding unreasonable risk of harm to humans, animals or the environment.

It does not include honest error or honest differences in interpretations or judgments of data.

16 **University Research Ethics Policy** All students shall comply with the University Research Ethics Policy, which can be found at <https://www.uea.ac.uk/ree/rs/resethics>.

17 University Examinations

(1) *General*

- (a) No student shall be eligible for examination unless the appropriate examination fee has been paid to the University at the due time.
- (b) Examination fees are normally included in the annual composite fee but the fee for any re-examination shall be paid separately.
- (c) An entry for an examination or for re-examination or the submission of an exercise required for an examination after the date advertised by the Registrar and Secretary for the receipt of entries can only be accepted, if at all, on payment of a late fee.
- (d) If a candidate withdraws from an examination or leaves the University without entering for an examination or is not required to enter for examination at the end of any year, the candidate is not entitled to recover any annual or examination fee paid and the fee paid shall not be transferable to a later occasion of examination. The refund of any fee shall be made only in exceptional circumstances.
- (e) The University will release the examinations timetable as early as possible during Semester 2 and will make every effort to include reasonable adjustments to the timetable having regard to major religious festivals, other significant religious observance or other significant obligations in accordance with Regulation 20 below. A student should notify the relevant Faculty Taught Programmes Office as early in the session as possible if s/he is unlikely to be able to attend examinations that may be timetabled to take place during a religious festival or other significant religious observance or if there are other significant obligations.

(2) *Conduct of Examinations*

- (a) Candidates for examinations are responsible for noting correctly the times and places of their examinations. No special arrangements can be made for candidates who fail to attend for examination at the proper time if such failure is due to their mistake or inadvertence.
- (b) In the event of illness or other personal emergency at the time of the examination, candidates are advised to sit the examination and report the circumstances to their Adviser. Candidates too ill to attend the examination must go to the University Medical Centre immediately or, if too ill to do so, immediately inform the Medical Centre. Candidates absent from an examination will need a completed University medical certificate from the Medical Centre. Candidates prevented by

some urgent cause other than illness from attending an examination must inform their Adviser or relevant Faculty/School Manager at once.

- (c) The invigilators are responsible for maintaining good order in the examination room, and may take such steps as they consider necessary to ensure that the examination is conducted under proper working conditions.
- (d) Under no circumstances may a candidate enter the examination room more than half an hour after the examination has begun, or leave it until half an hour of the examination period has elapsed. At other times during the course of the examination candidates may leave the examination room only with the prior permission of an invigilator, and under supervision. Candidates must also sign out and in if they visit the toilet during an examination.
- (e) Candidates may not leave the examination room in the last fifteen minutes of the examination.
- (f) If candidates have to leave their desks for any reason they should move quietly and create as little disturbance as possible. See section headed 'Students' Religious Beliefs and the Organisation of University Work'.
- (g) Smoking is prohibited in the examination rooms.
- (h) Personal effects such as brief cases or bags may not be taken into the examination room. If they are they will be collected by invigilators and returned at the end of the examination.
- (i) No book or writing paper may be taken into the examination room unless specifically provided for a particular examination paper. Where there is reasonable suspicion that a candidate may have brought into an examination any unauthorised material(s), the Invigilator(s) may ask the candidate to empty his/her pockets. Non-compliance by any candidate with such a request shall be referred to the Academic Registrar.
- (j) No examination stationery may be taken from the examination room.
- (k) Candidates are forbidden to communicate with anyone except an invigilator during the examination.
- (l) Answers to questions must be written legibly, in ink unless otherwise specified. The examiners may award a mark of zero for any answers deemed to be illegible.
- (m) Candidates who do not wish to hand in an answer book at the end of the examination must report this to the Senior Invigilator, who will annotate the cover to this effect and ensure that it is retained by the Examinations Section.
- (n) The Learning and Teaching Committee of the Senate, on the recommendation of the Board of the School concerned, may determine that the use of electronic calculators is prohibited for certain examination papers. For all other examination papers electronic calculators may be used under the following conditions:

- (i) the calculator shall be of a non-programmable and non-communicable type, with no text retrieval or graphical capabilities, unless otherwise specified on the front of the examination paper;
- (ii) only those models of calculator that appear on the University's list of approved calculators shall be used;
- (ii) the calculators shall be subject to checking by the examination invigilators;
- (iii) candidates are entirely responsible for the working order of their calculators;
- (iv) candidates must show on each answer book the type of calculator, if any, used in answering the questions. The rubric of the examination paper may also require the candidate to show all workings including intermediate results.

Candidates are warned that although electronic calculators have a high degree of reliability, they should check the correct entry of data and the credibility of results. The commonest form of malfunction is due to the run down of batteries.

- (o) Candidates whose first language is not English may use a dictionary in any examination except where:
 - (i) the purpose of the assessment is to test competence in a language (unless the Learning and Teaching Committee has granted permission for the use of a dictionary or dictionaries);
 - (ii) the Learning and Teaching Committee has prohibited the use of dictionaries.

Where the use of a dictionary is permitted, it must be paper-based unless there is an approved special educational need. Technical dictionaries and dictionaries where the content includes more information than simple translations are prohibited. English to a foreign language, foreign language to English and foreign language to foreign language dictionaries are permitted unless excluded under (i) or (ii) above. Candidates must provide their own dictionaries, in accordance with the University's list of approved dictionaries, which will be checked by the Invigilator in the examination room. Dictionaries should not contain any notes or annotations whatsoever save the candidate's name. Any notes or annotations discovered in a dictionary will be presumed an intention to cheat and the circumstances referred to the Academic Registrar in accordance with 17 (2) (p) below.

- (p) Candidates who are referred to Reassessment or who have been granted a concession or Good Cause ruling for a first sit attempt at Reassessment are expected to sit the examinations at the University of East Anglia. Candidates who have extenuating circumstances which prevents them from returning to the University may apply to the Learning and Teaching Committee of Senate for permission to sit at an overseas examination centre in their country of residence.

The overseas examination centre will be subject to approval by the Learning, Teaching and Quality Office.

- (q) Cheating is defined as an attempt to subvert the assessment process by communication with another/others, and/or commissioning or otherwise allowing another person to pass himself/herself off as the candidate, or by impersonating another candidate, and/or by possession of, access to and/or use of any unauthorised materials such as, but not restricted to, notes, texts, visual or audio material.

It is a serious offence. Any official entrusted with the duty of invigilation in a University examination shall, if a candidate is suspected of cheating, immediately:

- (i) inform the candidate of the fact, mark the answer book accordingly, and allow the candidate to continue with the examination;
- (ii) inform the Academic Registrar, who will confirm to the candidate in writing that he or she is suspected of cheating, collect the evidence, and refer the case to a Senate Discipline Committee, acting in Mode 'C'.

18. **Plagiarism and/or Collusion**

All students shall abide by the University's policy on plagiarism and/or collusion. A student who is alleged to have committed plagiarism and/or collusion shall be dealt with in accordance with the policy (see the relevant section of the Calendar) or, if registered for a research degree programme, in accordance with the policy on Misconduct in Research which can be consulted at: <https://www.uea.ac.uk.ltgo...>

19. **Students' Religious Beliefs and the Organisation of University Work**

(1) A student who for religious reasons is unable to carry out University work or examinations on Saturdays or on certain other days during the year shall give notice of this fact in writing to the Registrar and Secretary on first registering at the University.

(2) It is the responsibility of such students to inform themselves concerning the work which has been done in classes from which they have been absent.

(3) Although every effort will be made to avoid holding examinations on those days for which students concerned have given notice in writing to the Registrar and Secretary, the University reserves the right to hold examinations on those days if no alternative time is convenient.

20. **Conferment of Qualifications**

(1) No persons shall be entitled to describe themselves as holding a degree or other qualification granted by the University unless the qualification has been awarded in Congregation or by special resolution of the Senate.

(2) Candidates for a degree, postgraduate certificate or diploma, Diploma or Certificate of Higher Education, or Higher National Diploma or Certificate may either present themselves in person at Congregation or elect to have the qualification conferred *in absentia*.

- (3) Other diplomas or certificates shall be conferred *in absentia*.
- (4) Congregation shall be held at such times and places and in such manner as the Senate may from time to time prescribe.
- (5) Candidates who wish for a qualification to be awarded in Congregation either in person or *in absentia* must enter their names in the form and at the time prescribed by the Registrar and Secretary.

Regulations relating to University Property

21. **Library Rules**

All students shall comply with the Library Rules currently in force. See the section of the Calendar headed 'Library Rules'.

22. **Computing Facilities**

All students shall comply with the Conditions of Computer Use currently in force. These can be found at <http://www.uea.ac.uk/is/itregs/usepols>.

23. **Electronic Resources, Databases and Electronic Journals**

In order that the University may comply with its Licences for access to electronic resources, students shall ensure the security and confidentiality of the electronic resources made available to them, whether accessed via University-provided PCs, or via their personally owned PC connected to the network. In addition, students shall ensure that any information derived from these resources is used only for the purpose defined in the Licences. Copies of these Licences, which include details of copyright restrictions, are available for inspection on application to the Main Library.

24. **Intellectual Property**

A student shall comply with the University's Intellectual Property Regulations. See the section of the Calendar headed 'Intellectual Property Regulations'.

25. **Copyright**

In order that the University may comply with the law relating to copyright, students may 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 is defined as reproducing the work in any material form, including storage in any medium by electronic means.

26. **Data Protection**

In order that the University may comply with the law relating to Data Protection:

- (1) students may not construct, maintain or use computer or manual files of personal data relating to living individuals for use in connection with their study or research without the written authorization of their Adviser or Supervisor, who will send a copy of that authorisation to the University's Data Protection Officer;
- (2) when giving such authority the Adviser or Supervisor will make the student aware of the requirements of the Data Protection Act and the appropriate security arrangements which should apply;

(3) students must abide by the Data Protection Principles whenever they use personal data registered by the University.

Note for information: Higher Education Statistics Agency

In common with all universities in the United Kingdom this University provides to the Higher Education Statistics Agency (HESA) information on an annual basis relating to academic staff and students. This is a national computerised record operated on the universities' behalf for the purpose of providing statistical material for the Higher Education Funding Councils and for the universities themselves. The data provided to the HESA are subject to strict confidentiality safeguards and material is drawn from the record only in the form of statistical tabulations. A fuller description of the HESA scheme may be obtained from the office of the Registrar and Secretary. Anyone wishing to see a print-out of the information that is held on the HESA record about them may obtain the relevant application form from the Registrar and Secretary.

27. Car Parking

No student shall drive or park a motor vehicle on premises owned, controlled or managed by the University except as permitted by the University's Vehicle Regulations, copies of which are obtainable from The Lodge or on-line at <https://www.uea.ac.uk/Estates/transport>.