

Birmingham City University
Student Disciplinary Procedure

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1 Introduction

- 1.1 This procedure helps us to meet our responsibilities relating to caring for and protecting our community and others. The procedure aims to provide a quick, simple process with a strong focus on dealing with concerns proportionately and as quickly as possible. The primary aims of this procedure are to support students in understanding what the University considers to be harmful behaviour; to ensure that reports of harmful behaviour are thoroughly investigated wherever necessary, and that proportionate penalties are applied as appropriate; and to ensure that cases are used as an opportunity for learning to ensure that behaviour is not repeated.
- 1.2 We expect you to behave in a way that does not disrupt the learning of others and does not cause, or potentially cause, harm to others. Where your behaviour falls short of those expectations, this procedure allows us to investigate and apply suitable penalties where there is a good reason to do so.

2 Scope

- 2.1 This Policy applies to all registered students of the University, including those studying at partner institutions under franchise or validation arrangements in the UK and overseas. Harmful behaviour by an apprentice may be considered by the University or by the apprentice's employer, depending on the context of the behaviour and any agreement between the University and the employer.
- 2.2 We will use this procedure to consider any report of harmful behaviour we receive. This includes behaviour between students and behaviour that takes place off campus, and is irrespective of how the behaviour is carried out e.g. online, in person, via telephone.
- 2.3 Within this procedure, we use the terms 'reporting party' and 'reported party / reported student' to distinguish between the person who has made a report of harmful behaviour and the person (student) who is the subject of the report.
- 2.4 This procedure should be read in conjunction with the University's University Community Agreement; Student Bullying and Harassment Policy; Gender-Based Violence Policy; and Definitions of Harmful Behaviours and Related Issues document. Links to these documents, and other relevant documents, are listed at section 7 below.
- 2.5 The procedure does not apply to potential misconduct which is intended to give you an academic advantage: such behaviour will be considered under the Academic Misconduct Procedure. If you are on a programme of study

covered by the Fitness to Practise Procedure, we may investigate alleged misconduct under the Fitness to Practise Procedure rather than this procedure.

- 2.6 This procedure does not apply to concerns relating to staff behaviour. If you are a student and wish to report concerns about staff behaviour, please refer to guidance in the Student Complaints Procedure.

3 Types of misconduct

- 3.1 The types of behaviour listed below represent examples of behaviour we would consider harmful.
- 3.2 The list below is not intended to be exhaustive and we may investigate where we receive a report of behaviour not captured by the list below or elsewhere in this procedure.

3.3 Examples

- **Antisocial behaviour** e.g. setting off fire alarms unnecessarily, smoking and / or vaping inside buildings.
- **Behaviour likely to bring the University into disrepute**, such as disruptive behaviour in the community; inappropriate behaviour during a University-arranged activity such as a field trip or sports event; inappropriate social media activity.
- **Bullying** e.g. targeted behaviour intended to make a flatmate or cohort colleague unwelcome or intimidated; sending abusive or threatening messages on social media.
- **Causing a health or safety concern** e.g. misuse of laboratory or workshop equipment; falsely reporting that you have contracted an infectious disease; failure to follow instructions given during a fire evacuation.
- **Damage to University property or abuse of its facilities** e.g. breaking equipment on campus or in University accommodation.
- **Discriminatory conduct**, whether intentional or unintentional, including direct discrimination, indirect discrimination, discrimination by association, or discrimination based on assumed characteristics. Students are expected to act in ways that uphold equality, inclusion, and dignity for others and must not engage in behaviour that excludes, sidelines, pressures, or disadvantages others within academic, professional, or social contexts. This includes

excluding individuals from group work or activities, making participation conditional in ways that disadvantage others, enforcing informal social norms that restrict access or belonging, or failing to reasonably accommodate differences within student-organised activities.

- **Failure to abide by security arrangements for building access** e.g. by giving your ID card to another student or a non-student; jumping over access barriers; or allowing someone else to tailgate you through an access barrier.
- **Failure to follow a reasonable instruction issued by a member of University staff** e.g. failing to provide your name and student ID when instructed to do so; failing to abide by an instruction not to communicate with another student.
- **Fraudulent, dishonest, or deceptive conduct** e.g. registering a fellow student as in attendance at a class in the knowledge that the student is not present, or asking a student to register you as present when you are not; presenting falsified evidence in support of a claim for extenuating circumstances; falsifying a University reference or qualification.
- **Gender-based violence** ('GBV'), as described in the University's Student Gender-Based Violence Policy. GBV includes all form of sexual misconduct including rape and sexual assault; sexual harassment; stalking; coercive control; and so-called honour-based abuse crimes.
- **Harassment** e.g. sending emails or social media messages to someone with inappropriate frequency. In considering any report of harassment, we will be mindful of the University's obligations in association with freedom of speech: see further details at section 3.5.
- Any **hate crime, hate incident, or hate-motivated conduct**, whether occurring in person, online, or through written or visual material, which targets or disadvantages others on the basis of a protected characteristic. Students are expected to uphold equality, respect, and dignity and must not engage in, support, or normalise behaviour that promotes hatred, discrimination, or hostility within the University community or beyond.
- **Homophobic, biphobic, or transphobic behaviour**, whether intentional or unintentional, and whether occurring in person, online, or through written or visual material. Students are expected to uphold equality, dignity, and respect and must not engage in, support, or tolerate conduct that creates a hostile, degrading, or offensive environment for others based on actual or perceived sexual orientation or gender identity.

- **IT misuse** when using the University's networks or equipment, such as visiting inappropriate websites, uploading/downloading inappropriate content, propagation of computer viruses.
- **Racism**, whether intentional or unintentional, and whether occurring in person, online, or through written or visual material. Students are expected to uphold equality, dignity, and respect and must not engage in conduct that creates a hostile, degrading, or offensive environment, or that reinforces racial prejudice or inequality within the University community. Examples include using stereotypes associated with specific ethnic groups such as Muslims, Jews, or people of Black-African descent.
- **Sexual assault, sexual violence, or sexually abusive behaviour**, whether intentional or reckless, and whether occurring on or off campus, on placement, or within University-related activities. Students are expected to respect consent at all times and must not engage in any sexual behaviour without clear, voluntary, informed, and ongoing consent. Consent cannot be assumed, implied, or obtained through pressure, impairment, fear, or misuse of power. Examples include unwanted pinching, embracing, kissing or touching of intimate body parts; non-consensual activity during sex, such as non-fatal strangulation; rape.
- **Sexual harassment**, whether intentional or unintentional, and whether occurring in person, online, or through written, visual, or digital media. Students are expected to maintain respectful, professional, and appropriate boundaries and must not engage in conduct of a sexual nature that is unwelcome, intimidating, or offensive to others, or that undermines safety, equality, or dignity within the University community. Examples include sexual comments or jokes; physical behaviour, including unwelcome sexual advances, touching and various forms of sexual assault; displaying pictures, photos or drawings of a sexual nature; or sending emails or other messages with sexual content.
- **Victimisation**, whether direct or indirect, and whether occurring in person, online, or through others. Students must not retaliate against, intimidate, disadvantage, or subject another person to negative treatment because they have exercised their rights, complied with their responsibilities, or supported safeguarding, disciplinary, or complaint processes. Such behaviour will be treated as a serious breach of student conduct expectations. Examples include shunning or intimidating another student because they have provided evidence in a complaint against you; posting derogatory remarks about a student on social media because they have reported harmful behaviour by your or another under formal University processes.

- **Violence or threat of violence**, including possession of a weapon (see further details in the [Firearms, Imitation Firearms & Offensive Weapons Policy](#)).

3.4 Behaviour which might constitute a criminal offence

- 3.4.1 Behaviour that may amount to a criminal offence is usually best dealt with by the police and criminal justice system. The University reserves the right to investigate and take action under its own procedures where this is necessary to safeguard students, staff, the wider community, or the integrity of its programmes, independently of any criminal process or outcome. Students must comply with disclosure requirements set out in the [Students with Criminal Convictions Policy and Procedure](#). Non-disclosure, partial disclosure, or misleading disclosure may result in disciplinary action.
- 3.4.2 Where alleged behaviour is being considered or investigated by the police or courts, the University will usually defer its internal investigation until those proceedings have concluded, in order to avoid duplication or prejudice. The University will remain in appropriate contact with the student and relevant external agencies throughout this period. The University may, however, implement immediate, interim, or precautionary measures where necessary to safeguard others, manage risk, or meet regulatory, placement, or professional requirements. Such measures are provisional, reviewed regularly, and do not imply guilt or a finding of misconduct. Further information about temporary measures, including suspension and conditions of study, is provided in the Student Suspension Guidance.
- 3.4.3 An acquittal, absence of charge, or closure of a criminal investigation does not preclude the University from taking action under this procedure, where the alleged behaviour would still represent misconduct under the procedure.
- 3.4.4 A conviction for a criminal offence does not prevent the University from taking its own action, including under this procedure. Where imprisonment or other serious penalties are imposed as part of a criminal outcome, the University will determine whether continuation on the programme is feasible or appropriate and whether interim or permanent outcomes are required. All matters relating to disciplinary proceedings will be treated confidentially so far as possible, subject to the University's duties under law, safeguarding requirements, and obligations to external bodies e.g. professional regulators.
- 3.4.5 If you report behaviour that may amount to a criminal offence, we will ensure that you understand your options and support you whatever action you choose to take. Your options might include reporting the matter to the police; asking the University to take disciplinary action; or taking no further action.

We will provide you with appropriate signposting information depending on the nature of the behaviour you report, and if you decide to report the matter to the police, we will help and support you to do so. In exceptional circumstances we may consider reporting the incident(s) directly to the police where the safety of students, staff or another member of the public may be at risk. Any such decision will be taken carefully, proportionately, and with due regard to safeguarding duties.

3.5 Behaviour which might constitute free speech

- 3.5.1 Freedom of speech means that everyone has the right to express lawful views and opinions freely, in speech or in writing, without interference. The University has a Code of Practice on Freedom of Speech.
- 3.5.2 Freedom of speech within the law is protected. This means that freedom of speech will not be protected if it contravenes some other law and illegal or unlawful acts will not be tolerated by the University.
- 3.5.3 The University has a duty to protect its staff and students from unlawful discrimination, harassment, intimidation or threats of violence on the grounds of race, sex, age, religion or philosophical belief, sexual orientation, disability, gender reassignment, marriage and civil partnership, or pregnancy or maternity. However, this should not be interpreted to undermine freedom of speech and academic freedom. As a result, your learning experience may include exposure to individuals expressing views or otherwise presenting information that you find offensive, contentious or unacceptable, but are nonetheless within the law.
- 3.5.4 Where we receive a report about a student expressing views or otherwise presenting information that is perceived to be offensive, contentious or unacceptable, we will consider the report in line with this procedure. However, we will assume that the matters raised constitute free speech unless our investigation demonstrates that harassment (or any other behaviour in breach of University policies or procedures) has taken place. If the evidence gathered through investigation does not demonstrate that harassment has taken place, we will assume it has not.

4 Support available

4.1 Wellbeing support

- 4.1.1 Although we would need to conduct a formal investigation to make specific findings about allegations of harmful behaviour and to produce a formal outcome, where you raise concerns about another student's behaviour you

are not obliged to pursue the formal process and support is available to you irrespective of whether or not you make a formal report.

- 4.1.2 Students who experience harmful behaviour are entitled to access support irrespective of whether or not they make a formal report about the behaviour. If you want to access support but do not want to pursue a formal report about the behaviour of another student, we encourage you to log your concerns with contact details via [Report and Support](#). This will ensure the [Mental Health and Wellbeing team](#) can contact you to offer support. The team can also talk you through your options in respect of issues such as accessing internal support; contacting external specialist agencies; making a report to the police; or pursuing the matter through the internal formal process.
- 4.1.3 In all cases, if you tell us that you need wellbeing support or the nature of the reported behaviour means we think you would benefit from wellbeing support, we will signpost you to appropriate internal and/or external support services.
- 4.1.4 We will be mindful of circumstances where discussing your experience or commenting on evidence may be traumatising for you, and will limit as far as we can the situations where you need to engage in such activities.

4.2 *Independent advice*

- 4.2.1 Independent advice on reporting harmful behaviour and the disciplinary process is also available from the [Students' Union Advice Centre](#).

4.3 *Companion at meetings*

- 4.3.1 You are entitled to take someone with you to disciplinary meetings. This may be a student advisor from the Students' Union or a friend or relative who is not acting in a legal capacity. The role of this person is to support and advise you. While you will generally be expected to speak for yourself in any meeting or panel hearing, a companion may at times speak in support of you or on your behalf, especially in circumstances where recounting your experience may be traumatising for you.
- 4.3.2 The disciplinary process is not a legal process and therefore we do not expect you to have or seek legal representation at any stage of the process. Advice and support can be accessed from the Students' Union Advice Centre, who have advisors familiar with this procedure and the structures of the University.

4.4 *Reasonable adjustments for disability*

- 4.4.1 If you have a disability and want us to consider making specific reasonable adjustments to the disciplinary procedure, you should raise this as soon as possible during the process. We may need to speak to a Disability Adviser to confirm what adjustments would be appropriate. If you have a Disability Support Summary and / or Placement Action Plan in place and wish the contents to be taken into account as part of the disciplinary process, you should submit the DSS and / or PAP to Student Governance, or provide Student Governance with consent to obtain the relevant document(s) directly from the relevant support service.
- 4.4.2 Note that we will not usually accept the existence of a disability as an explanation for harmful behaviour, unless there is clear and independent evidence to demonstrate that the behaviour arose as a result of disability.
- 4.4.3 Anyone taking part in a disciplinary meeting is entitled to ask for a break at any time, irrespective of whether or not you have a disability.

5 The misconduct process

5.1 *Staff involvement*

- 5.1.1 Staff involved in misconduct cases will be impartial and will have had no previous involvement in the case under consideration. In all cases, we will use suitable alternative staff members if the individuals named in the procedure are unavailable for any reason e.g. due to absence or because of a conflict of interest.
- 5.1.2 If it is considered necessary and / or appropriate in the context of the behaviour reported, we will seek to appoint as investigator a staff member who has undertaken specific relevant training e.g. in cases of sexual misconduct. In exceptional circumstances, we may consider using individuals external to the University to complete some parts of the process e.g. investigation. This might be where a case is particularly sensitive or requires specialist knowledge of a particular type of behaviour, for example.
- 5.1.3 In all cases, we will seek to limit the extent to which we share information about the allegations made. There may be occasions when we need to disclose the allegations to staff members as part of an investigation; however, we will only disclose details if it is necessary for the purposes of the investigation, and will gather evidence without disclosing specific details wherever possible.
- 5.1.4 We will not disclose sensitive personal information through our disciplinary process. For example, we will not include details of a student's gender identity

or sexual identity within a disciplinary investigation report or other procedural documentation, unless with explicit consent or where there is a lawful basis; and we will not refer to a student engaging in sex work within a disciplinary process, where a student has revealed that information through a disclosure or during the course of an investigation. Staff with involvement in such processes will receive training on ensuring that sensitive personal information is not disclosed, and we will use our procedural approval processes to check that information of this kind is removed from relevant documents.

5.2 *Burden and standard of proof*

- 5.2.1 In all cases of potential misconduct, the University is responsible for determining whether or not misconduct has been committed. Our decisions will be based on the balance of probabilities i.e. the person or panel investigating the case will accept the explanation that they consider is more likely to be true. This is a lower standard of proof than the one used in criminal proceedings, where allegations must be proved beyond reasonable doubt.

5.3 *Anonymous reports*

- 5.3.1 Where harmful behaviour is reported anonymously, there may be limited action we take in response because we will usually need to disclose the identity of the complainant. However, we can use the information gathered to provide better support to others and inform prevention work across the university.
- 5.3.2 If we receive an anonymous report which raises behavioural concerns and is supported by evidence, we will consider what action is most appropriate. We may take action under this procedure if, for example, an anonymous reporter has provided screenshots of public social media posts which give rise to disciplinary concerns; in that instance, the identity of the reporting party is not directly relevant to the behaviour of concern, so we may conduct a disciplinary investigation.
- 5.3.3 If we receive an anonymous report which raises behavioural concerns and is **not** supported by evidence, we will also consider what action is most appropriate. This may involve speaking to the reported student about the report in the first instance. We will not take formal action under this procedure if, for example, an anonymous report is not supported by evidence and the reported student provides what we consider to be a reasonable response to the concerns raised; and / or, if we believe a report has been made falsely or maliciously. This would include, for example, situations where we believe an

anonymous report has likely been made by an ex-partner with the intention of causing harm to a student.

- 5.3.4 If you make a report about the behaviour of another student and wish to remain anonymous and / or do not want formal action to be taken, you need to be aware that exceptionally there may be occasions where, as part of our duty of care, we are required to investigate the incident and take any necessary action against individuals involved. This will be done only where necessary due to a significant risk or ongoing duty of care which we have to act upon. We will carefully consider why you do not want any further action to be taken, as well as the safety and wellbeing of anyone else affected.

5.4 Timescales

- 5.4.1 We do not apply a specific timeframe within which you must make a report of harmful behaviour. However, you must be aware that the more time that passes after an incident occurs, the harder it usually is to investigate. This is due to factors such as the availability of evidence and the reliability of individuals' memories. There may also be occasions where we are unable to investigate and / or apply a penalty, because e.g. the other party has left the University since the behaviour occurred. If we cannot investigate or apply a penalty, we will tell you and provide reasons. In all cases we encourage you to make a report as soon as possible. Students experiencing harmful behaviour do not have to have made a report in order to access support services.
- 5.4.2 Where a case is investigated formally (see section 5.8), we will aim to complete the investigation within 35 working days. Where a panel is held, this timeframe will be extended and we will aim to conclude the panel within an additional 20 working days.
- 5.4.3 Guidance on the timescales applicable to the review stage of the disciplinary process is included below at 5.12.7 – 5.12.10.
- 5.4.4 In all cases we will endeavour to keep you updated throughout the process and to advise you of relevant timeframes. Where cases are delayed, we will tell you and will explain the reasons for the delay wherever appropriate. It may not be possible to give specific reasons for a delay if it is due to staff illness, for example.

5.5 How to report harmful behaviour

- 5.5.1 We recognise that students may choose to disclose harmful behaviour to whomever they feel most comfortable approaching: this might be, for example, a Personal Tutor, a lecturer, or a member of the Students' Union.

We do not place any limitation on who students can report to, as we understand that making a disclosure to anyone can be difficult and takes courage. However, where you experience harmful behaviour at the University, we encourage you to report it through the [Report and Support online reporting system](#) (please open with Google Chrome as some display features do not function in other browsers).

- 5.5.2 If you are a staff member and report harmful behaviour by a student via Report and Support, your report will be received by a member of the [Mental Health & Wellbeing team](#) who will refer the matter to Student Governance. A member of Student Governance staff will contact you to advise on next steps (see section 5.7).
- 5.5.3 It is for the University to decide whether a student has, or may have, breached the terms of the Student Disciplinary Procedure. For this reason, students are not able to make direct formal referrals under this procedure.
- 5.5.4 If you are a student and report harmful behaviour by another student via Report and Support, your report will be received by a member of the [Mental Health & Wellbeing team](#) who will contact you to discuss the report, offer support, and talk you through the options available to you. This includes the University taking action to investigate under this procedure (see section 5.7). Where you inform the Mental Health and Wellbeing team that you want formal disciplinary action to be taken, a member of Student Governance staff will usually contact you to provide you with further detailed advice on next steps.
- 5.5.5 You may request that all or part of your report (for example, a witness statement) is treated confidentially. The University will manage all reports sensitively and will limit the sharing of information to those who need to know in order to assess risk, provide support, and discharge its safeguarding duties.
- **Confidentiality** means that your information will be handled discreetly and shared only where necessary; it does not automatically mean that the information can be withheld entirely from other parties if this would prevent fair and proper consideration of the matter.
 - **Anonymity**, where your identity or evidence is not disclosed to another party, is different from confidentiality and cannot always be guaranteed. In some circumstances, anonymous evidence may not be relied upon, where doing so would prevent another party from understanding the case against them or from providing a meaningful response, in line with principles of procedural fairness.

Where it is not possible to proceed using anonymous evidence, we will seek to discuss this with you and explain the options available. Further information about how anonymous reports are handled is set out in section 5.3.

- 5.5.6 You will not be disadvantaged as a result of making a report of misconduct. If your report raises concerns for the safety of you or any other members of the University community, we will consider what actions can be taken to manage those concerns. This may include, but is not limited to, making temporary or permanent changes to timetables; issuing a formal instruction to a reported student not to have any form of contact with other named parties; or issuing a temporary suspension from premises to a reported student, in line with the [Student Suspension Guidance](#).
- 5.5.7 Where potential misconduct by a reporting student is disclosed, either as part of their own report or during the course of a disciplinary investigation, action the University takes in response will take into account the full circumstances of the case. There may be occasions when it is considered necessary to take disciplinary action against a reporting student, but such action will not be triggered automatically and, as noted, all decisions will be informed by the full circumstances of the case. For example, if you disclosed that you were sexually assaulted at a time when you were under the influence of an illegal substance, we would offer support and would not pursue disciplinary action associated with drug use.

5.6 *Informal stage*

- 5.6.1 It may not always be necessary or proportionate for a formal investigation to be undertaken in response to reported behaviour of concern. In some cases, issues may be appropriately addressed through informal resolution, particularly where the behaviour is low-level, isolated, and capable of being resolved quickly and constructively. The purpose of the informal stage is to secure a timely, proportionate, and educational resolution where appropriate. Any consideration undertaken at this stage will be limited in scope and is not intended to be a full or exhaustive investigation. Where concerns cannot be resolved informally, or where further information indicates that more detailed consideration is required, the matter may be escalated to the formal stage.
- 5.6.2 Informal resolution will not normally be appropriate for reports involving serious, repeated, or potentially harmful behaviour, or where there are concerns relating to safeguarding, discrimination, harassment, sexual misconduct, or gender-based violence. However, informal resolution may be appropriate in some circumstances, for example:

- low-level antisocial behaviour (such as being excessively noisy in a quiet study space);
- isolated incidents of rudeness or discourtesy;
- inappropriate use of social media where the content does not raise significant concerns.

In determining whether informal resolution is appropriate, the impact of the behaviour on others, the context in which it occurred, any previous relevant concerns, and the views of those affected will be taken into account.

5.6.3 Staff and students should feel empowered to challenge inappropriate or harmful behaviour safely and respectfully, where they feel able to do so (for example, asking others to be quiet in a designated study area). Where an individual does not feel comfortable addressing behaviour directly, support may be sought through alternative routes, including:

- contacting Security Services for on-campus behaviour (0121 331 6969); or
- submitting a report via Report and Support.

Students and staff should note that reports made through Report and Support may not result in an immediate response and are intended to allow concerns to be recorded, risk-assessed, and followed up appropriately.

5.7 Formal stage – Referral and Triage

5.7.1 The formal process begins when a Student Disciplinary Concerns Form is completed. The form is completed by a staff member, who will provide details of the allegation and supporting evidence.

5.7.2 If you are a student who has submitted a report via Report and Support and you confirm you wish formal investigation to be considered, we will give you the opportunity to rely on your Report and Support report or provide a fresh statement, depending on your preference. Details will then be shared with a suitable staff member and they will complete the Student Disciplinary Concerns Form as appropriate.

5.7.3 The completed Student Disciplinary Concerns Form should be submitted, together with any supporting evidence, by email to the Head of Department in which the student is based (or their nominee). Student Governance must be copied into the correspondence.

5.7.4 Upon receipt of a referral, Student Governance will confirm to the Head of Department (or their nominee) whether the student has any previous

disciplinary referrals recorded, to support informed and consistent decision-making.

5.7.5 Having considered the available information, the Head of Department (or their nominee) may take one or more of the following actions:

- Seek further information or evidence from the referring staff member before making a substantive decision.
- Take no further action, where the threshold for formal disciplinary action is not met.
- Instruct the referring staff member to meet with the student to discuss the concerns and reinforce behavioural standards and expectations, without initiating formal proceedings.
- Appoint a Case Officer to undertake a formal investigation (see section 5.8). This option will normally be selected where the concerns may reasonably result in a sanction under this procedure but are unlikely, on initial assessment, to result in exclusion from the University. The appointment of a Case Officer does not preclude these outcomes if justified by the findings.
- Refer the matter directly to a Disciplinary Panel (see section 5.9). This option will normally be selected where the concerns raised are sufficiently serious that exclusion from the University may be required.

5.7.6 The Head of Department (or their nominee) will confirm their decision to the referring staff member and to Student Governance. Student Governance will notify the reported student of the decision and provide appropriate procedural information.

5.7.7 Where evidence is not available at the time the concerns form is submitted, we may take no further action until evidence is provided; or we may proceed on the basis that evidence will be gathered as part of any formal investigation.

5.7.8 It is not always the case that a disciplinary referral being made means that a formal investigation will follow: the Head of Department (or their nominee) may consider the referral and supporting evidence and conclude that there is no case to answer, so an investigation should not be held. If we feel there is no case to answer, we will tell the reporting party and explain why we feel there is no case to answer. We may inform the reported student that concerns had been raised if we consider it appropriate and if disclosure of the report is supported by the reporting party.

5.8 Formal stage - Investigation

- 5.8.1 Where the Head of Department (or their nominee) determines that a matter should proceed to a formal investigation, they will appoint a Case Officer from a trained pool of staff. The Case Officer may be drawn from either within or outside the student's School or Department but will have had no prior involvement in, or knowledge of, the student or the reported behaviour, ensuring impartiality and independence.
- 5.8.2 Unless there are exceptional and justifiable circumstances, the identity of the reporting party will normally be disclosed to the reported student. This is necessary to enable the reported student to understand the substance of the concerns raised and to provide a meaningful response, in line with the principles of natural justice and procedural fairness. Information regarding the handling of anonymous reports, and the limited circumstances in which anonymity may be maintained, is set out in section 5.3.
- 5.8.3 The Case Officer will usually arrange separate meetings with the reporting party and the reported party to discuss the referral and any evidence provided. The Case Officer might also meet with staff, other students, and other relevant individuals as part of their investigation. If you are the reporting party or the reported student and do not attend an arranged meeting with the Case Officer, they may proceed to conclude their investigation without speaking to you. If a meeting is arranged but you find you cannot attend, you should inform Student Governance so that an alternative meeting can be arranged. Meetings will not normally be rescheduled more than once. Where a further postponement is requested due to personal circumstances, the University may require supporting evidence.
- 5.8.4 Case Officer meetings will not usually be video- or audio-recorded, unless recording the meeting represents an agreed reasonable adjustment for disability. You must not record a Case Officer meeting if you do not have permission to do so; permission can be sought from Student Governance. Recording a meeting without authorisation may itself give rise to further disciplinary concerns.
- 5.8.5 If any party wishes to present evidence, we expect you to give it to the Case Officer in advance of any scheduled meeting.
- 5.8.6 In exceptional circumstances, you may be able to provide evidence after the Case Officer meeting and / or the Case Officer may ask you or any other relevant person to provide evidence after the meeting.
- 5.8.7 At the conclusion of the investigation, the Case Officer will produce a written report setting out:

- the scope of the investigation and process followed;
- the information and evidence gathered and considered;
- the findings reached, applying the appropriate standard of proof; and
- their recommendations for next steps under this procedure.

5.8.8 The Case Officer can make any of the following recommendations:

- To take no further action.
- To instruct the referring staff member to discuss the concerns with the student, including providing guidance on behavioural standards and expectations, with no further formal action taken.
- To impose one or more of the penalties set out in section 5.10, with the exception of exclusion from the University, which may only be decided by a panel.
- To refer the matter to a Disciplinary Panel (see section 5.9). This recommendation will normally be made where the Case Officer considers that the findings may justify exclusion from the University.

5.8.9 The Case Officer's report and recommendations will be provided to the Head of Department (or their nominee). At this stage, the Head of Department (or their nominee) may take into account any previous relevant disciplinary findings against the reported student when deciding whether to accept the Case Officer's recommendation. The Head of Department (or their nominee) may make one of the following decisions:

- To accept the recommendation in full.
- To accept the recommendation with minor amendments.
- To reject the recommendation and determine an alternative course of action, with reasons recorded.

5.8.10 The final decision of the Head of Department (or their nominee) will be communicated to the reported student by Student Governance, together with information about any next steps, outcomes, or rights of review or appeal, where applicable.

5.9 Formal stage - Disciplinary panels

5.9.1 Where a matter is referred to a panel under this procedure, the panel will be convened and conducted in accordance with the University's Guidance on University Panels. All panel arrangements, including membership, scheduling, and procedural oversight, will be managed by Student Governance, ensuring consistency, independence, and compliance with institutional requirements.

5.9.2 A referral to a Disciplinary Panel may arise through one of the following routes:

- The Head of Department (or their nominee) refers a case directly to a panel at the triage stage; or
- Following a Case Officer investigation, the Head of Department (or their nominee) determines that the matter should proceed to a panel, whether or not the Case Officer has recommended referral.

5.9.3 Where a case is referred to a panel following a Case Officer investigation, the panel will be provided with the Case Officer's report and all relevant supporting evidence, including any evidence submitted by the reported student, so that the panel can undertake a full and informed consideration of the case.

5.9.4 Where a case is referred directly to a panel without a prior Case Officer investigation, a panel date will be scheduled and the reported student must submit any evidence on which they wish to rely no later than 10 working days before the panel meeting. Any initial questions identified by the panel will, where possible, be shared with the student in advance to support preparation. However, the student should be aware that additional questions may arise during the panel meeting as issues are explored and clarified. It is not possible to confirm all questions in advance.

5.9.5 Where the behaviour of concern has been reported by another student, panels will not normally be conducted with both the reporting and reported parties present at the same time, to prevent potential distress to either party. We may hold a panel with both parties present if, for example, the circumstances of the case are such that neither party is likely to be caused distress and both parties have agreed to proceed with the other present. At no point will the reported student be permitted to cross-examine the reporting party. This approach is intended to protect all parties, avoid re-traumatisation, and ensure a fair and respectful process while enabling the panel to test evidence appropriately.

5.9.6 Attendance at a Disciplinary Panel is not mandatory, and the reported student may choose to submit a written statement in place of attending the panel. However, students should be aware that choosing not to attend may limit the panel's ability to explore aspects such as insight, reflection, remediation, and responses to questions arising from the evidence.

5.9.7 The panel will first determine whether the allegation(s) against the student are upheld, applying the appropriate standard of proof. Only where the panel determines that allegations are upheld will it proceed to consider the

appropriate outcome or penalty. The penalties available to a Disciplinary Panel are set out at section 5.10.

5.10 Penalties

5.10.1 Penalties applied under this procedure will be proportionate to the identified misconduct. Available penalties include (but may not be limited to):

- A Guidance Note that advises the reported student as to their future behaviour.
- An Action Plan that requires the reported student to undertake certain actions within a given timeframe. This might include completing educational modules in respect of issues and behaviour, for example.
- A written formal apology directed to the recipient of the reported student's behaviour.
- A fine, where it is directly relevant to the behaviour and its impact e.g. the reported student is found to have broken a lamp and is asked to pay to replace it; or the reported student has broken a door and is required to cover the cost associated with having it fixed.
- A formal Written Warning.
- A formal Final Written Warning. It is not usually possible to be given more than one final written warning.
- Exclusion from the University for a period of up to five years, during which time the reported student will not be able to re-apply to study at the University.

5.10.2 Only a panel can exclude a student.

5.10.3 The following is a non-exhaustive list of factors that can be taken into account when deciding upon an appropriate penalty:

- Whether the reported student has admitted to the misconduct.
- Whether the reported student has shown remorse for your actions.
- The impact of the reported student's behaviour on others.
- The impact of the reported student's behaviour on the reputation of the University.
- Any mitigating circumstances the reported student chooses to put forward.
- Whether the reported student has engaged with any support services in order to address their behaviour.
- How any ongoing impact of the reported student's behaviour can best be mitigated.
- Any records of previous misconduct cases upheld against the reported student.
- The impact of potential penalties on the reported student's personal circumstances e.g. potential impact on health or visa status.

5.10.3 Penalties the reported student has already been given for academic misconduct will not normally be taken into account in deciding the penalty in non-academic misconduct cases.

5.10.4 Details of any relevant previous misconduct will only be shared with panel members after they have found the misconduct to be upheld and decided on an applicable penalty for the misconduct under consideration. A panel may decide to issue an alternative penalty after they have been informed of any previous relevant misconduct.

5.11 *Confirming disciplinary outcomes*

5.11.1 The reported student will be sent the formal outcome and full details of the penalty to be applied, if applicable, by Student Governance.

5.11.2 The outcome of student disciplinary cases is usually only shared with the reported student. Details of outcomes are not usually shared with the reporting party. However, in all cases we will take into account whether the reporting party has a legitimate interest in knowing the outcome of a case and the extent to which it might be appropriate to share details of an outcome with the reporting party. We might provide limited details if we think this is likely to mitigate against any distress or harm caused to the reporting party by not knowing the outcome, for instance, and where this is possible in line with data protection requirements.

5.11.3 If you are the reporting party and a student, we will also consider whether you can be offered a remedy in respect of any harmful behaviour we find you have been subjected to. A remedy might be e.g. an apology, an explanation of any actions we have taken as a result of learning from the complaint, or an academic or financial remedy, depending on the nature of the concern, the impact on you, and what you are seeking. In all cases, we will confirm to you that the case has been concluded.

5.11.4 We do not make use of non-disclosure agreements in disciplinary cases. By 'non-disclosure agreements' we mean all agreements that seek to prevent students from disclosing information about their experiences to a third party. Agreements of this kind are banned by the Office for Students where they relate to allegations about harassment or sexual misconduct, but we apply the same position to all harmful behaviours on the basis that agreements of this kind can prevent students from speaking about their experiences.

5.11.5 If you are the reporting party and a student, and are concerned about how your report has been handled, you have the right to submit a separate

complaint under the [Student Complaints Procedure](#). An investigation into the handling of your report will then be conducted as appropriate. We will ensure anyone involved in such a complaint has had no involvement in the underlying disciplinary matter. When you reach the end of the Student Complaints Procedure, we will issue you with a Completion of Procedures letter as appropriate. Completion of Procedures letters entitle you to pursue any issue further through the Office of the Independent Adjudicator ('the OIA'). For further information on the OIA, please see our dedicated OIA page on iCity.

5.12 Review

5.12.1 The following guidance on accessing the review stage of the procedure is applicable **only to reported students**. Guidance for reporting students who are dissatisfied with the outcome of a formal disciplinary case is provided at section 5.11.5.

5.12.2 If you are the reported party and are not satisfied with the outcome of a formal disciplinary case, you can request a review. There are limited grounds for asking for a review, which are as follows.

- There is new evidence which you were unable, for valid reasons, to provide earlier in the process that would have had a significant effect on the outcome of the formal complaint stage;
- The correct procedure was not followed during the formal complaint stage and this has had a significant effect on the outcome;
- The outcome was unreasonable given all the circumstances and the evidence considered.

5.12.3 At the review stage, we will not usually consider the issues again or investigate the matter further. A case must have been considered at the formal disciplinary stage before it can move to the review stage.

5.12.4 Review requests should be submitted to the Student Governance team using the relevant review request form. You must set out your grounds clearly and briefly, and provide evidence, where possible, of the issues raised. If you do not provide evidence when submitting your form then we may ask you to provide the evidence and give you a time limit to do so; the review may be paused while we await your evidence.

5.12.5 Review requests will usually be considered by the Associate Director Student Services, but in cases of conflict or absence will be considered by a suitably senior staff member with experience of considering disciplinary cases. The reviewer will always be independent of you and the case, and will decide between the following outcomes:

- There are no grounds for taking the matter further; or
- The case will be referred back to the formal disciplinary stage with a recommendation. Where a matter is referred back to the formal stage, the timescales applying to that stage will begin again; or
- The issues are complicated and so it would be better to deal with them through a review panel. A review panel will be held in line with our standard procedures for such panels.

5.12.6 The review decision will be sent to you as a formal decision along with guidance on any relevant next steps.

5.12.7 You should usually submit a review request within 15 working days of being sent the formal disciplinary outcome.

5.12.8 If you submit a review request beyond the timeframe of 15 working days, you must provide an explanation and evidence to account for your delay. We will then consider whether or not the delay has been reasonable. If we decide that the delay is unreasonable, we will deem your review request ineligible and it will not proceed to full consideration. You will still receive a Completion of Procedures letter.

5.12.9 In deciding whether your review request has been unreasonably delayed, we will take into account:

- Whether you have provided an explanation for your delay, and whether the explanation is reasonable. For example, we are unlikely to accept a review request that was delayed because you had been on holiday or had made a decision to prioritise other life commitments; we may accept a review request that was delayed because you were unwell (subject to the further points below).
- Whether you have provided evidence to support the explanation of your delay. For example, we are unlikely to accept a review request if you explain that it was submitted late due to you being unwell, but you fail to provide any evidence of your illness.
- Who caused the delay. For example, we may accept a late review request if we can see that the delay was caused by University staff or processes.

5.12.10 We aim to complete review requests within 15 working days. The period of 15 working days begins from the first working day we receive your review request.

6 The Office of the Independent Adjudicator (OIA)

- 6.1 Where your review request is not upheld, we will issue you with a Completion of Procedures letter (a CoP) and tell you about your right to make a complaint to the OIA. You will have 12 months from the date of the CoP to make a complaint to the OIA.
- 6.2 The OIA look at whether the University applied its regulations properly and followed its procedures correctly, and consider whether any decision made by the University was fair and reasonable in all the circumstances. The OIA reviews cases but does not re-investigate them.
- 6.3 Where we have deemed your review request ineligible due to lateness and have issued you with a CoP, you are entitled to approach the OIA. However, you should be aware that the OIA will usually only consider the reasonableness of the University's eligibility decision at the review stage; the OIA will not usually consider the substantive case, unless it decides that the review decision was unreasonable.
- 6.4 The OIA normally expects students to follow the University's internal procedures to their conclusion before complaining to the OIA. If you make a complaint to the OIA without having a CoP, your complaint is likely to be deemed ineligible.

7 Relevant documents and support

- 7.1 The Student Disciplinary Concerns Form and Student Disciplinary Review Request Form can be found [on iCity](#) (scroll down to the section named 'Attachments'). If you do not have access to iCity (for example, because you have been withdrawn) the Review Request Form is also available on [the University's website](#) (look for the 'Academic Regulations, Policies, and Procedures' section for the current academic year).
- 7.2 The following documents are also relevant to the disciplinary procedure and issues touching on complaints:
- [Guiding Principles of Casework Procedures](#)
 - [Academic Regulations](#)
 - [University Community Agreement](#)
 - [Definitions of Harmful Behaviours and Related Issues](#)
 - [Student Complaints Procedure](#)
 - [Fitness to Practise Procedure](#)
 - [Student Gender-Based Violence Policy](#)
 - [Student Bullying and Harassment Policy](#)

- [Code of Practice on Freedom of Speech](#)
- [Firearms, Imitation Firearms & Offensive Weapons Policy](#)

7.3 Support is available from the following teams:

- [Mental Health and Wellbeing](#): support and guidance for any student affected by personal circumstances or harmful behaviours, including advice on reporting options.
- [Disability Support](#): advice and support for disabled students on accessing reasonable adjustments.
- [Money, Housing and Childcare Advice](#): information, advice and guidance on a range of student finance, funding and money matters.
- [Student Governance](#): information regarding the disciplinary process.
- [Students' Union Advice Centre](#): independent advice on any aspect of the disciplinary process.

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