

ORDINANCE 2

CODE OF STUDENT DISCIPLINE

Reference: Charter article 3(m), Statute 10(2)

General Principles

- 1 The University expects all its students (as defined in point 14) to conduct themselves in an appropriate manner at all times and to comply with all policies, regulations, and the Student Code which sets out expectations in respect to student conduct. This Code of Student Discipline applies to all students of the University.
- 2 Academic Council considers disciplinary offences to constitute misconduct that:
 - i. causes actual or potential distress or harm to others;
 - ii. causes actual or potential damage to property of others;
 - iii. prevents or disrupts, or has the potential to prevent or disrupt the normal functioning of the University or its activities;
 - iv. impedes or interferes with the pursuit of work/ study/sporting/day-to-day activity of University members;
 - v. may cause reputational damage to the University.
- 3 The seriousness of offences is further categorized into two levels, 1 and 2, as further set out in point 21.
- 4 The code does not apply to failure by a student to meet contractual obligations in relation to the payment of fees and the discharge of debts to the University. These matters are dealt with under the separate Regulations for Payment of Fees and other Debts to the University.
- 5 Matters of academic misconduct will be dealt with through the procedure set out within the University's academic regulations and quality arrangements and not under this code.
- 6 Where consideration of intellectual property rights is required as a result of or in association with action taken under this code, such a consideration will be undertaken in line with the University's Intellectual Property Policy.

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- 7 Where a complaint is made regarding the behaviour of a student it will normally be referred for action under this code rather than being dealt with under the University's Complaints Handling Procedure. In these circumstances the complainant will be advised of this, and then communicated with on the conclusion and/or outcome of the disciplinary action as appropriate to the circumstances and our obligations under data protection legislation.
- 8 Students registered on programmes leading to membership of a professional body should demonstrate appropriate behaviour and standards required for entry into that profession. Alleged misconduct, which may be judged to fall short of the relevant professional codes of conduct, will be considered under the relevant fitness to practise procedures and may also be considered under this code where appropriate.
- 9 Campaign activity authorised by and organised by or on behalf of the Students' Union and arranged in line with protocols and procedures agreed between the University and the Students' Union will not be subject to action under this code.
- 10 All action under this code will be conducted according to the principles of natural justice and fairness. It will not be a requirement to follow procedural rules of evidence applicable in a court of law, and the University will not seek to progress a criminal process of any kind. The proving or otherwise of allegations against a student will be determined on the balance of probabilities.
- 11 Where the University takes action against a student under this code the student will be treated fairly, reasonably and in line with the University's duty of care. In particular students can always expect to have:
 - i. the matter considered objectively by a person or persons appointed in accordance with this code who have no previous involvement in the matters forming the basis of the disciplinary offence;
 - ii. the right of appeal against decisions reached or penalties imposed, within the parameters set out in this code;
 - iii. any appeal considered objectively by a person or persons appointed in accordance with this code who have no previous involvement in the matter, and who represent an area outwith the area of the University that took the disciplinary action.
- 12 Where one student makes an allegation against another student, the University's duty of care will continue to extend to both students and as such, both will be treated fairly.

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- 13 Normally, a student with an outstanding disciplinary matter against them will not be permitted to graduate until the matter is concluded. This includes those students who have registered an intention to appeal against a disciplinary decision taken against them. In such situations the University will seek to conclude the disciplinary matters as swiftly as possible.
- 14 The University will treat information relating to disciplinary action it takes against a student, and the outcome of such action confidentially and in line with data protection requirements. The University may communicate an appropriate level of information on the outcome of disciplinary action to anyone who has a legitimate interest in such information through their direct or indirect involvement in the matter. Such communications will be undertaken in line with data protection obligations.

Definitions

- 15 In this code the following will be the meanings of expressions used:
 - “Appeal Board” refers to the University’s Appeal Board, which receives appeals against the decision of the Discipline Committee, and whose members are drawn from a panel appointed by Academic Council.
 - “Appeal Officer” refers to the person to whom appeals against the decision of the Authorised Officer are made.
 - “Authorised Officer” refers to the person who is authorised to take disciplinary action in the area in which a reported disciplinary offence occurs.
 - “Deputy Principal” normally refers to the Deputy Principal (Education and Students) but may refer to any Deputy Principal who acts as an Authorised or Appeal Officer.
 - “Discipline Committee” refers to the University’s Discipline Committee, with members drawn from a panel appointed by Academic Council.
 - “Graduand” refers to an individual who has attained and is about to receive an academic award, therefore becoming a graduate of the University;
 - “Investigative Officer” refers to the person delegated by the Authorised Officer to conduct an investigation into an alleged disciplinary offence.
 - “Secretary of the Appeal Board” will be a member of the University staff other than the University Secretary or a person previously involved in the subject matter, assigned this duty by the University Secretary.

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- “Secretary of the Discipline Committee” will be a member of the University staff other than the University Secretary or a person previously involved in the subject matter, assigned this duty by the University Secretary;
- “Students” refers to individuals who are undertaking a University of Stirling course of study including those who:
 - are based entirely away from the main campus. In these circumstances, responsibility for taking action under the code may be delegated to staff at the centre where the student is based. Where this is the case, such delegated authority and the parameters and requirements of this authority will be specified within the relevant agreement or memorandum of understanding;
 - are temporarily based at the main campus through arrangements such as an educational exchange;
 - have accepted an offer of a place at the University and who have arrived on campus or into University accommodation to embark on their programme but have not yet completed formal enrolment processes;
 - have completed their programme of study and who have become graduands;
 - are studying for a University of Stirling award and spend time away from the main campus (such as exchange, placement, year abroad/in industry, off-site research).
 - undertake study on an on-line basis.
- “University members” are individuals who are members of the University of Stirling through their being the Chancellor, the Vice-Chancellor, a staff member, student, court member or alumnus of the University as set out in Ordinance 64.
- “Working day” will mean Monday to Friday inclusive, excluding public and University holidays.

Police Action and Legal Proceedings

- 16 Where it is reported to the University that a student is the subject of a police investigation or charge, this information must be passed to the Academic Registrar’s office immediately.
- 17 Where a matter reported for action under this code has been confirmed as being the subject of police investigation or a pending legal case, the University will consider the most appropriate course of action in the circumstances. Such a consideration will normally be undertaken by the Deputy Principal.

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- 18 No action, other than suspension or exclusion, or a restriction of activity or movement, on grounds of a duty of care to the student or other members of the University community, will generally be taken until either a legal decision has been made not to prosecute or an outcome to the legal process has been reached. Where such action is considered to be necessary, it will be taken as a precautionary measure only and not as a penalty. Moreover, such action would not indicate that the University had concluded that the accused student has committed a breach of student discipline. Action to suspend or exclude a student will be taken in line with Ordinance 30, 'Exclusion from University campus'.
- 19 If the police are not yet able to, or do not proceed with criminal or other legal proceedings, the University may decide to undertake its own disciplinary action in relation to the matter.
- 20 Where a student has been convicted by a court of law, the court's penalty, conviction, sentence or order will be taken into consideration in determining the penalty under this code.
- 21 Where an offence is committed that represents a breach of this code, and may also constitute a criminal offence, the University will initiate action under this code as appropriate and may also be obliged to report the matter to the police
- 22 The University may be obliged to report a matter to the police where this is necessary in order to protect a student or other person from harm, or prevent a crime from taking place. In determining whether or not a matter should be reported to the police by the University, the University will take the views of the victim of the alleged offence into account.

Disciplinary Action

Disciplinary Offences

23 Disciplinary offences are categorized into two levels, 1 and 2, as set out in the non-exhaustive lists below.

Level 1 Offences

- Verbal, written, on-line or actual abuse, threat or intimidation;
- Causing minor damage to University or University members' property;
- Misuse or unauthorised use of University premises or items of property, including computers, the computer network, technologies, or information resources;
- Anti-social or offensive behaviour which causes or could cause distress, concern or disruption to others and/or to University activity;
- Anti-social behaviour which causes or could cause reputational harm to the University;
- Anti-social behaviour which causes or could cause damage to the University's relationship with the local or wider external community;
- Failure to comply with University ordinances, regulations, codes of practice or policies; for example: unauthorised parties in residences, smoking in non-designated areas, causing a disturbance in examinations.

Level 2 Offences

- Assault or causing physical harm;
- Sexual assault;
- Serious threatening behaviour;
- Conduct which offends or otherwise represents a breach of public decency;
- Use of University computers for illegal purposes;
- Serious or persistent verbal, physical or online acts of bullying, harassment or intimidation;
- Serious infringement of University Health and Safety rules;
- Theft, fraud, forgery, deception, dishonesty or bribery in connection with being a student of the University, or deliberate falsification of records;
- Causing serious and deliberate damage to property;
- Possession, supply or intent to supply controlled drugs;
- Possession of an offensive weapon/firearm including imitation or replica weapons;
- Actions which are likely to bring the University into significant disrepute;

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- Multiple or repeated Level 1 offences;
- Persistent refusal to observe and comply with another penalty imposed following a disciplinary hearing.

24 Action on disciplinary offences should be taken by the appropriate authorised disciplinary officer.

Authorised Disciplinary Officers

25 The following are authorised as disciplinary officers and are able to take procedural decisions and disciplinary action in relation to Level 1 disciplinary offences. Where it is not clear to the Authorised Officer whether the alleged offence should be classified as a Level 1 or Level 2 offence, they should consult with the Academic Registrar, providing details of the alleged incident and its investigation, in order for a decision regarding classification to be made.

26 The Authorised Officer for alleged Level 1 offences:

- i. in the learning, teaching and research context is either the: Dean of the student's faculty (or in the absence or prior involvement of the Dean, an appropriate nominee determined by the Dean) or the Faculty Manager of the student's faculty (or in the absence or prior involvement of the Faculty Manager, a Faculty Manager of a different faculty).
- ii. relating to the use of the library or the University's information resources, computer network and/or technologies, is an appropriate nominee determined by the Director of Information Services;
- iii. committed within or in relation to University residential accommodation, is the Head of Accommodation Services (or, in their absence or prior involvement, an appropriate nominee determined by the Director of Commercial Services);
- iv. relating to damage to or impact on the use of any of the University's facilities, buildings, campus or property, is an appropriate nominee determined by the Director of Estates and Campus Services;
- v. where it is inappropriate for any of the designated disciplinary officers above to act, or there is overlap between possible disciplinary officers in relation to the alleged offence, will be nominated by the University Secretary.

27 The Academic Registrar and the Deputy Principal (Education and Students) are authorised to act as disciplinary officers in relation to Level 2 disciplinary offences.

28 If the powers available to the Deputy Principal are considered to be

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insufficient in relation to the gravity of the alleged offence, the matter may be referred to the Discipline Committee.

Investigation Procedure

- 29 On receipt of a report of an alleged Level 1 or 2 offence the appropriate Authorised Officer may nominate an Investigative Officer. The investigative officer will be a person with no prior involvement in the matter and will complete an investigation of the alleged offence, normally within ten working days of the start of the investigation.
- 30 When carrying out an investigation, the Investigative Officer should proceed by:
 - i. identifying themselves to all relevant parties as the Investigative Officer nominated by the Authorised Officer;
 - ii. explaining to all involved what offence is alleged to have been committed;
 - iii. noting the context of the alleged offence in terms of dates, times, people involved, descriptions and photographs of damage where appropriate and possible;
 - iv. interviewing complainants, witnesses and the person(s) alleged to have carried out the offence, allowing all to be accompanied by an approved accompanying person (see 38) if requested, and keeping appropriate records of the interviews;
 - v. completing a pro-forma report of the alleged misconduct for presentation to the Authorised Officer.
- 31 In cases of urgency, where a student may pose a risk to themselves or to the University community, the Investigative Officer must immediately inform the Authorised Officer and, if not already involved, the Academic Registrar. The level of risk and whether or not there is a need for the student to be suspended from the University or restricted in terms of access to the University or the campus while the investigation/disciplinary process is ongoing will be considered.
- 32 Where it is concluded that it is necessary or appropriate for a student to be suspended from: the University; aspects of University activity; or areas of University facilities or buildings, either the Academic Registrar or a Deputy Principal will act to impose such a suspension.
- 33 Normally, a suspension pending the conclusion/outcome of disciplinary action will last for a maximum of ten working days, however in some circumstances it may be necessary for the suspension to remain in place for a longer period. Where a student is suspended, the University will ensure that disciplinary action is undertaken as quickly as possible.

Disciplinary Process

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- 34 On receipt of the Investigative Officer's report, the Authorised Officer may decide:
- i. that the alleged offence should not be the subject of further action under this code (see 37);
 - ii. to deal with the matter summarily (see 38);
 - iii. to require the students involved to attend a disciplinary meeting (see 39); or
 - iv. that the powers available to them are insufficient to address the gravity of the alleged offence.
- 35 In this latter case, the matter must be referred to the Academic Registrar or to the Deputy Principal if the Academic Registrar is the person referring the matter onwards.
- 36 If the alleged offence is deemed to be Level 2, the same disciplinary process will be followed by the Academic Registrar, or by the Deputy Principal (Education and Students) in circumstances in which powers available to the Academic Registrar are judged insufficient to address the gravity of the alleged offence and it is referred to the Deputy Principal.
- 37 Where the Authorised Officer decides that the matter should not be the subject of further action, a file note of the information considered and the rationale for the decision should be prepared. This file note should be retained by the Authorised Officer and a copy sent to the Academic Registrar's Office.
- 38 Where the Authorised Officer considers that there is sufficient information and evidence, including statements from the students involved in the alleged offence, they may deal with the matter summarily. Therefore, the Authorised Officer may make a decision on the matter at that stage and without any further investigation. If penalties are to be applied they may take the actions set out in sections 46 – 55 as appropriate.
- 39 Where there is insufficient evidence relating to the alleged offence, including details of the student's account of the matter, the student must be invited to a disciplinary hearing, and should be advised of the nature of the alleged offence and evidence base. Normally, and aside from cases of urgency, this invitation will be written and will provide the student at least two working days' notice of the meeting. The Authorised Officer may also invite witnesses to attend separate meetings if further clarification on matters relating to the alleged offence are required. A student's failure to engage with the disciplinary meeting will not prevent the Authorised Officer from taking a decision on the alleged offence and any sanction deemed to be appropriate.
- 40 At any discipline-related meeting students will have the right to present any

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oral or written evidence and make any statement they wish in mitigation. Such written evidence may include statements from other students. They will also have the right to be accompanied for support by one of the following:

- i. fellow student;
 - ii. member of staff of the University,
 - iii. registered chaplain of the University;
 - iv. professional member of staff or sabbatical officer of the Students' Union;
 - v. parent or guardian.
- 41 The accompanying person must not be a witness to the matters under investigation and must not contribute to the meeting unless invited to do so by the Authorised Officer or the student is unable to speak for themselves.
- 42 In cases where the alleged offence or offences involve more than one student, the Investigative Officer and Authorised Officer will progress one overall action but within this must deal with each of the students individually rather than as a group.
- 43 If the matters relating to the alleged offence include documents or other material (such as screenshots of online materials), the students involved must have the opportunity to access them in advance of the meeting.
- 44 Where such materials contain sensitive or personal data that does not have a material bearing on the matter, this data must be redacted prior to the students involved being given access to it.
- 45 Anyone who has provided evidence relating to the case must be advised that such evidence will be made available to the student who is being investigated.
- 46 Prior to making a decision on the matter, the Authorised Officer must complete the investigation report checklist to confirm the information that has been gathered and considered, the individuals from whom information has been gathered or discussed and the rationale for the decision.
- 47 When the Authorised Officer has decided on the outcome of the disciplinary action, the decision will be communicated to the student by the Authorised Officer in writing within five working days of the decision being reached. The communication will give sufficient reasons for the decision to enable the decision to be understood, and will give details of the right and route of appeal. A more comprehensive report of the judgment should be kept for the record and copied to the Academic Registrar's office.

Penalties

48 Failure to pay any penalty or compensation within the specified required timescale or to comply with exclusion orders imposed under this code will be considered initially by the Academic Registrar. Where action by the Academic Registrar does not resolve the matter, it will be referred to the Discipline Committee.

Level 1 Penalties

49 Where an Authorised Officer considers there is sufficient evidence to conclude that a Level 1 offence was committed by the student involved, the penalties which may be imposed are:

- i. A written reprimand to be held on file for one calendar year. Such a reprimand will constitute a formal warning to the student regarding their future conduct;
 - ii. Exclusion from defined areas of the University or defined activities for a period up to two weeks. Before imposing this penalty the Authorised Officer should consult with the Academic Registrar to assess the impact of this upon both the student, the faculty and the University community as a whole, and to determine any support that may be needed;
 - iii. Monetary fine of up to £80 to be paid within 28 days of being requested;
 - iv. A surety of good behaviour of up to £150 to be held for a period not exceeding one calendar year to be paid within 28 days of being requested;
 - v. Requirement to participate in appropriate counselling or training;
 - vi. In cases involving University accommodation, termination or variation of an occupancy agreement relating to University accommodation;
 - vii. Appropriate compensation, without financial limit, for damage to University or private property, to be paid within 28 days of the issue of the invoice;
 - viii. Any combination of the penalties under i-vii;
- 50 In imposing any of these penalties, the Authorised Officer must advise the student that any subsequent offences under this code, including non-compliance with any penalties issued under this code, will normally result in further disciplinary action being taken against them in line with this code.

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- 51 The decision notice to the student must also include details of the right to appeal. If the appeal relates to or includes a penalty set down by the Authorised Officer, the penalty will be suspended for the duration of the appeal process.

Level 2 Penalties

Penalties Available to the Academic Registrar

- 52 Where there is sufficient evidence to conclude that the offence was committed by the student, the Academic Registrar will decide the appropriate penalty, which may include **any of the Level 1 penalties** with the following limits:
- i. Exclusion from defined areas of the University or defined activities for a period up to six weeks. In these circumstances, the Academic Registrar must consult with the student's faculty to assess the academic impact on the student and the support that may be appropriate;
 - ii. A monetary fine of up to £250 to be paid within 28 days of being requested;
 - ix. A surety of good behaviour of up to £250 to be held for a period not exceeding two academic years to be paid within 28 days of being requested;
 - iii. Any combination of the penalties available to the Academic Registrar.
- 53 In imposing any of these penalties, the Academic Registrar must ensure that advice is given to the student on any implications relating to such matters as fees, funding and visas etc. The student must also be advised that any subsequent offences under this code, including non-compliance with any penalties issued under this code, will normally result in further disciplinary action being taken against them in line with this code.
- 54 The decision notice to the student must also include details of the right to appeal. If the appeal relates to or includes a penalty set down by the Academic Registrar, the penalty will be suspended for the duration of the appeal process.

Penalties Available to the Deputy Principal

- 55 Where there is sufficient evidence to conclude that the offence was committed by the student, the Deputy Principal will decide the appropriate penalty, which may include **any of the penalties available to the Academic Registrar** with the following limits:

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- i. Exclusion from defined areas of the University or defined activities for a period up to one semester. In these circumstances, the Deputy Principal must consult with the Academic Registrar to assess the academic impact on the student and the support that may be appropriate.
 - ii. A monetary fine of up to £350 to be paid within 28 days of being requested;
 - iii. Any combination of the penalties available to the Deputy Principal.
- 56 In imposing any of these penalties, the Discipline Committee must ensure that advice is given to the student on any implications relating to such matters as fees, funding and visas etc. The student must also be advised that any subsequent offences under this code, including non-compliance with any penalties issued under this code, will normally result in further disciplinary action being taken against them in line with this code.
- 57 The decision notice to the student must also include details of the right to appeal. If the appeal relates to or includes a penalty set down by the Deputy Principal, the penalty will be suspended for the duration of the appeal process.

Penalties Available to the Discipline Committee

- 58 If there is sufficient evidence to conclude that the offence or offences were committed by the student, the Discipline Committee will decide the penalties, which may include **any of the penalties available to the Deputy Principal** with the following limits or additions:
- i. Expulsion from the University;
 - ii. Exclusion from the University, from defined areas of the University or from defined activities for a period of up to one academic year. In these circumstances the Discipline Committee must seek advice from the Academic Registrar on the potential academic impact on the student and the support that may be appropriate;
 - iii. A monetary fine of up to £400, to be paid within 28 days of being requested;
 - iv. Any combination of the penalties available to the Discipline Committee.
- 59 In imposing any of these penalties, the Academic Registrar must ensure that advice is given to the student on any implications relating to such matters as fees, funding and visas etc. The student must also be advised that any subsequent offences under this code, including non-compliance with any penalties issued under this code, will normally result in further disciplinary action being taken against them in line with this code.
- 60 No expulsion will take effect until the period for appeal has expired but a temporary exclusion from defined areas of the University or defined

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activities may remain in place for the duration of the appeal process.

Appeals

Appeals against Action by an Authorised Officer

- 61 A student may appeal against decisions of an Authorised Officer, Academic Registrar, Deputy Principal or Discipline Committee in writing to the University Secretary within ten working days of the date of the decision notification. The University Secretary will determine the appropriate appeal officer as set out in the table below:

Authorised Officer/Body	Appeal Officer
Dean or nominee	Dean of a different faculty, nominated by the University Secretary
Director of Information Services or nominee	A director or appropriate nominee from a different professional services directorate nominated by the University Secretary
Head of Accommodation Services or other nominee of the Commercial Services Directorate	A director or appropriate nominee from a different professional services directorate nominated by the University Secretary
Director of Estates and Campus Services or nominee	A director or appropriate nominee from a different professional services directorate nominated by the University Secretary
Nominee of the Academic Registrar	A nominee of the Deputy Secretary
Academic Registrar	Deputy Principal
Deputy Principal	University Secretary
Discipline Committee	Appeal Board

- 62 The grounds for appeal are that the student believes that:

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- i. there was a defect in the procedures employed by the Authorised Officer such as to render the decision or penalty unsound, inappropriate or unfair;
 - ii. new information has come to light which may render the decision or penalty unsound, inappropriate or unfair.
- 63 On receipt of a written appeal, the Appeal Officer will consider the file together with the Discipline Officer's reasons for their decision, and will collate any additional information required in order for the appeal to be considered.
- 64 The Appeal Officer will communicate the result of the appeal to the student in writing. This decision will be final.
- 65 If the Appeal Officer does not uphold the appeal, the original decision and penalty imposed will stand. If the appeal is upheld in full or in part, the original decision may be revised or reversed as appropriate.
- 66 The reasons for the Appeal Officer's decision must be fully recorded and sent to the Academic Registrar's Office.

The Discipline Committee and Appeal Board

- 67 Academic Council will appoint a panel of ten nominees from faculties to serve as members of either the Discipline Committee or the Appeal Board on a case by case basis. These nominees will serve for up to three years after which their membership may be renewed by agreement or they may be replaced by new nominees. When required, the Academic Registrar will draw together three members of the panel and will seek a nominee from the Students' Union to participate as the student member. The student nominee will be determined by the Students' Union Executive Council from the Union's membership, excluding Sabbatical Officers. These staff and student nominees will form the Discipline Committee or Appeal Board as appropriate. Members of the panel may not sit on both bodies in relation to the same case. An appropriate balance of gender and faculty representation will be maintained within both the Discipline Committee and the Appeal Board. The Academic Registrar will be in attendance at meetings of the Discipline Committee and Appeal Board apart from where their prior involvement precludes this. In such circumstances, the University Secretary will nominate an alternative staff member to be in attendance.

Procedure for the Discipline Committee

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- 68 The student will be informed in writing with at least five working days' notice of the date and time at which the matter will be dealt with by the Discipline Committee. If the matter involves consideration of any document or other materials, the student will have at least two further working days' notice in order to examine them.
- 69 The student will have the right to propose to the Committee any witnesses or other individuals considered to be relevant. In making such a proposal, the student will be required to provide the University with the name, designation and contact details for each witness or individual being proposed. The University must inform any witness who is offering evidence about the case that it will be made available to the student whose behavior is being examined.
- 70 The student will be advised as to whether the Committee considers the attendance of the proposed individuals at the meeting to be required. In some circumstances the Committee may choose to consider the information from such individuals on the basis of written submissions.
- 71 The student will be entitled to appear at the Committee meeting in person, and will have the right to be accompanied as set out in point 40. The student will have the right to present oral or written evidence in support of their case. Failure by the student to attend at the time specified for the Discipline Committee's meeting will not preclude the Committee from considering the matter and reaching a decision.
- 72 An appropriate member of University staff will be invited to attend the Discipline Committee to present written or oral evidence in support of the University's case. If witnesses are to be called in support of the University's case, the names and designations of such witnesses must be made available to the student at least two working days before the meeting of the Discipline Committee.
- 73 In cases where the alleged offence involves more than one student, the Discipline Committee may deal with all or any of the students within a single course of action or meeting. However, in such circumstances, within the course of action or meeting, each student will be dealt with on an individual basis.
- 74 The Secretary of the Discipline Committee will act as clerk and will keep a record of the proceedings but not otherwise take part in them.

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- 75 The Discipline Committee will consider the matter and reach its decision in private. The decision will be communicated to the student by the Secretary to the Discipline Committee in writing at the latest within five working days of the meeting. The communication must provide reasons for the decision and give details of the right of appeal.
- 76 The Secretary of the Discipline Committee must provide a report of the Committee's deliberations to the Academic Registrar's Office.

Procedure for the Appeal Board

- 77 A student may appeal against decisions of the Discipline Committee in writing to the appropriate Appeal Officer within ten working days of the date of the decision notification. The student must be given at least five working days' notice of the date and time at which the matter will be dealt with by the Appeal Board.
- 78 In cases of appeals on the same issue involving more than one student the Appeal Board may deal with all or any of the students at the same time.
- 79 The student will be entitled to appear at the Appeal Board meeting in person, and will have the right to be accompanied as set out in 40.
- 80 The University will be represented by an appropriate member of the academic or related staff nominated by the University Secretary.
- 81 The grounds for appeal are that the student believes that :
- i. the decision or penalty was made in excess of the jurisdiction conferred on the Authorised Officer by this code;
 - ii. there was a defect in the procedures employed by the Authorised Officer such as to render the decision or penalty unfair;
 - iii. the decision or penalty was unreasonable in terms of its impact on the student relative to the offence.
- 82 If the appeal relates to a penalty set down by the Discipline Committee, the penalty must be suspended for the duration of the appeal process, the exceptions being penalties associated with a duty of care to the student or other members of the University. These would normally involve either temporary exclusion from the University, from defined areas of the University or from defined activities; or variation of an occupancy agreement relating to University accommodation.

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- 83 On receipt of a written appeal the Appeal Board will consider the file together with the Discipline Committee's reasons for their decision, and will collate any additional information required in order for the appeal to be considered.
- 84 The Appeal Board will consider the written appeal together with the notice giving reasons for the decision of the Discipline Committee and will permit the student to address the Board.
- 85 The Appeal Board may require in the interests of fairness to hear evidence not tendered at the Discipline Committee and in that event the student or the University representative as the case may be will be allowed to question that evidence and any person giving it.
- 86 If any witnesses are to be called by either party, their names and designations will be made available to the other party at least two working days before the meeting of the Appeal Board.
- 87 The Appeal Board will consider the matter and reach its decision in private. This decision will be final.
- 88 If the Appeal Board does not uphold the appeal, the original decision and penalty imposed will stand. If the appeal is upheld in full or in part, the original decision may be revised or reversed as appropriate.
- 89 The decision and penalty must be communicated to the student by the Secretary to the Appeal Board in writing within five working days of the meeting. The notice communicating the decision must give reasons for the decision.
- 90 The Secretary of the Appeal Board will act as clerk and will keep a record of the proceedings but not otherwise take part in them. The Secretary must provide a report of the Committee's deliberations to the Academic Registrar's Office.