

STUDENT DISCIPLINARY PROCEDURE

Preamble

The University is committed to conducting a fair process when considering student discipline issues. When it is alleged that a student has committed a breach of the Regulations for Student Conduct, the student will be referred to this procedure. This procedure does not cover allegations of academic misconduct, for example cheating or plagiarism, which will be considered under the **Procedures relating to Academic Misconduct**.

This procedure applies to all registered students of the University as defined in Ordinance. If students are not studying in the UK, the principles of this procedure apply but the penalties may be varied.

To inform the University of an allegation of student misconduct, please complete the referral pro forma and email it to **studentdiscipline@reading.ac.uk**.

If a student wishes to report harassment, he or she can do so in confidence by emailing **harassment@reading.ac.uk**. Further information can be found **here**.

Principles

- **Advice** Students may seek independent advice from the Advice Service in Reading University Students' Union. The professional staff in the Advice Service have knowledge and experience of the University's procedures.
www.rusu.co.uk/advice
- **Diversity and Inclusion** The University is committed to fair, equal and non-discriminatory treatment for all and this principle is set out in its Charter of Incorporation. Staff who consider allegations of breaches of the Regulations for Student Conduct will be appropriately trained, including on issues relating to Diversity and Inclusion.
- **Confidentiality** Appropriate levels of confidentiality will be maintained throughout the process. Students involved in this process will also be required to maintain confidentiality.
- **Timeliness** The University will investigate allegations without undue delay.
- **Mitigating circumstances** A student's medical or personal circumstances shall not constitute grounds for exonerating a student from an offence of misconduct, other than in exceptional cases. However, in appropriate circumstances, the University will consider mitigating the penalty imposed on a student for misconduct, subject to evidence of mitigating circumstances.

- **Reporting on student discipline** Student discipline issues will be recorded, anonymised as appropriate and reported appropriately within the University including forming part of an annual report to the University's Council.
- **Reasonable adjustments** The University will make reasonable adjustments to this procedure where appropriate.

Structure of this procedure

1 Categories of allegations and referral

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- 3.4 Procedures of the Standing Disciplinary Committee
- 3.5 Penalties for serious misconduct offences
- 3.6 Appeal

4 Procedural matters

1 Categories of allegations and referral

1.1 Categories of allegations

- 1.1.1 All allegations of breaches of the University's Regulations for Student Conduct will be categorised as 'misconduct' or 'serious misconduct'. The category of offence is important because it determines what penalty might be imposed.
- 1.1.2 The Regulations for Student Conduct informs students of the standard of conduct that is expected of them as members of the University. Breaches of Regulations for Student Conduct may be categorised as 'misconduct' or 'serious misconduct' depending on the severity of the allegation. At first instance, alleged breaches of the Regulations for Student Conduct, with the exceptions outlined in Section 1.1.3 of this procedure, will be categorised as 'misconduct', and the appropriate member of staff considering the allegation may refer the allegation to the Dean of Student Discipline for it to be categorised as 'serious misconduct' where it is reasonable to do so. The

member of staff should seek advice from the Student Complaints and Discipline Officer before referring the case to the Dean of Student Discipline.

- 1.1.3 The exceptions are that all allegations of breaches of Section 2.2(b) and 2.2(c) of the Regulations for Student Conduct shall always be categorised as 'serious misconduct'.
- 1.1.4 'Misconduct' allegations will normally be considered under Section 2 of this procedure, and 'serious misconduct' allegations will be considered under Section 3 of this procedure.
- 1.1.5 Normally, tampering with fire safety equipment in Halls and the possession and/or use of Class B drugs or below in Halls will be considered under Section 2 of this procedure. However, the University views this type of misconduct severely and reserves the right to consider these cases under Section 3 of this procedure and refer it to the Dean of Student Discipline in order that a more severe penalty may be applied.
- 1.1.6 If the student has committed an offence of misconduct or serious misconduct previously, any subsequent offence may be categorised as more serious misconduct.

1.2 Referral

Normally, disciplinary cases will be referred by a Warden, University Security Staff or a Head of School. However, any person may refer a disciplinary case by completing the disciplinary referral form and emailing it to **studentdiscipline@reading.ac.uk**. If the allegation is about a student's conduct in Halls, the person wishing to inform the University of the allegation should directly contact the relevant Warden.

Any queries relating to referral should be emailed to **studentdiscipline@reading.ac.uk**

2 Procedures for considering allegations of 'misconduct'

2.1 Responsibility for considering allegations of misconduct

2.1.1 All allegations of 'misconduct' will be considered by the appropriate member of University staff as set out below:

- If the alleged misconduct occurred in University Accommodation it will be considered by the Warden of the relevant Hall or his or her nominee;
- If the alleged misconduct is a breach of the Rules for the Use of the University Library, it will be considered by the University Librarian or his or her nominee;
- If the alleged misconduct is a breach of the Rules for the Use of University Sports Facilities, it will be considered by the Director of the Sports Park or his or her nominee;
- All other allegations of misconduct will be considered by the Director of Student and Applicant Services or his or her nominee.

- 2.1.2 The staff member responsible for considering the allegation, or his or her nominee, will complete the misconduct pro forma form and email it to the student's University email account.
- 2.1.3 The appropriate staff member, as set out in Section 2.1.1 of this procedure, will normally interview the student and at that meeting the student will be given a fair opportunity to respond to the allegation, and where appropriate inform the University of any mitigating circumstances. The appropriate staff member considering the case will consider the mitigating circumstances and may take them into account when imposing a penalty.
- 2.1.4 The appropriate staff member, as set out in Section 2.1.1 of this procedure, may interview anyone who he or she believes can provide information that is material to considering whether the student has breached the Regulations for Student Conduct and in determining the appropriate penalty. Staff and students asked to attend an interview or to provide other information or documents are expected to co-operate with the University in its conduct of the investigation.
- 2.1.5 The appropriate staff member, as set out in Section 2.1.1 of this procedure, may gather any evidence he or she considers is necessary for considering the allegation with due regards to the guidance on confidentiality as set out in Section 4 of this procedure.
- 2.1.6 In very exceptional circumstances, the advice of the Head of Counselling and Wellbeing Service and/or an appropriate professional will be requested in appropriate cases. Where a student does not consent to medical information being provided to the University, the investigation will proceed on the basis of the information available to the University at the time.

2.2 Penalties for misconduct offences

- 2.2.1 If the appropriate staff member, as set out in Section 2.1.1 of this procedure, having considered all of the circumstances including any mitigating circumstances submitted by the student, finds that the student has committed an offence of misconduct, he or she may impose one or more of the following penalties:
- A formal warning;
 - Require the student to write a letter of apology;
 - Impose a fine not exceeding £300 some or all of which may be suspended;
Note: Some offences carry standard fines.
 - The Director of the Sports Park may exclude a student from the Sports Park not exceeding four weeks, the University Librarian may exclude a student from the Library not exceeding four weeks, a Warden may exclude a student from Halls, but not from the Hall where the student has a Residency Agreement, not exceeding four weeks, and the Director of Student and Applicant Services may exclude a student from any University premises not exceeding four weeks.

In addition to the list of penalties set out above, any costs arising from the misconduct may be recovered from the student.

2.2.2 It is an offence of serious misconduct if a student does not comply with a penalty that has been imposed on them under this procedure.

2.3 Appeal

2.3.1 The student will have the right to appeal against the penalty imposed under Section 2.2 of this procedure to the Misconduct Appeals Committee.

2.3.2 The membership of the Misconduct Appeals Committee comprises of a designated Teaching and Learning Dean as the Chair (with the other Teaching and Learning Deans serving as alternates), one senior tutor who is not the senior tutor of the School in which the student is registered, and a RUSU Student Officer.

2.3.3 The student may request to meet with the Committee, or the Committee may request to meet with the student of its own volition. If neither the student nor the Committee request a meeting the appeal may proceed by considering the appeal file only. The appeal file will comprise: the student's misconduct pro forma, the student's statement of appeal and any other documents that are relevant to the case.

2.3.4 The proceedings will not be invalidated by the failure of the student to attend a meeting or by the exclusion of the student from the meeting.

2.3.5 The Misconduct Appeals Committee will not re-hear the case that has already been considered. Rather, the Committee will consider whether there has been any failure of procedure and whether the decision reached was fair and reasonable in all of the circumstances.

3.3.6 The student will have five working days to appeal a penalty that has been imposed under Section 2.2 of this procedure and the Misconduct Appeals Committee will normally consider the appeal within twenty working days. Where a meeting is requested by the student or required by the Committee, the Committee will meet without undue delay.

2.3.7 The Misconduct Appeals Committee will have the power to:

- (i) Overturn the finding that the student has been found to have breached the Regulations for Student Conduct; e.g. decision made on lack of evidence;
OR
- (ii) Confirm or reduce the penalty that has been imposed for the breach of the Regulations for Student Conduct. When reducing the penalty, the Committee may only impose one or more of the penalties set out in Section 2.2.1 of this procedure.

- 2.3.8 The student will be expected to comply with the penalty imposed under Section 2.2.1 of this procedure after the penalty has been imposed, regardless of whether the student chooses to appeal the penalty. If the student appeals the penalty and the penalty is reduced, the University will not provide any compensation, and there will be no additional reduction in fine or any other remedy. The student's RISIS record will record the outcome of the appeal.

3 Procedures for considering allegations of serious misconduct

If a case is referred to the Dean of Student Discipline it shall be categorised as 'serious misconduct' and this procedure will apply.

3.1 Responsibility for considering allegations of serious misconduct

- 3.1.1 All allegations of 'serious misconduct' will be investigated by the Dean of Student Discipline.
- 3.1.2 If a student is alleged to have committed an offence of serious misconduct, the Dean of Student Discipline may (i) suspend the student from the University, or (ii) exclude from University property, pending a full investigation of the allegation, initially for up to four weeks. The Dean of Student Discipline will then review the suspension or exclusion every two weeks thereafter. Suspension or exclusion in these circumstances is not a disciplinary sanction. The suspension or exclusion must be recorded on RISIS.

3.2 Investigation the allegation

- 3.2.1 To investigate the allegation, the Dean of Student Discipline or his or her nominee will normally interview the student against whom the allegation of serious misconduct has been made.
- 3.2.2 The student has the right to be accompanied to the interview by a 'friend' who, for this purpose, is defined as: an adviser from Reading University Students' Union Advice Service team, a current member of staff of the University of Reading, a currently registered student of the University of Reading, or a RUSU Student Officer. A person who does not fall within these categories will not be able to act as a 'friend' unless otherwise agreed by the Dean of Student Discipline or his or her nominee. Disabled Students may also be accompanied by a Support Worker in addition to a 'friend', as appropriate to his or her needs.
- 3.2.3 The role of the 'friend' is to support the student in preparation for the interview and accompany the student at the interview. The 'friend' may speak on the behalf of a student, with the permission of the Dean of Student Discipline or his or her nominee. It is not the role of the 'friend' to present the student's case on his or her behalf or to answer questions directed at the student, except in the most exceptional circumstances.

- 3.2.4 The student should notify the University of any special requirements to allow them to attend and/or participate fully in the interview in advance to allow the University to make appropriate reasonable adjustments.
- 3.2.5 The interview will be formally Minuted by a member of University staff.
- 3.2.6 The student and the 'friend' will normally be present throughout the interview but the Dean of Student Discipline may ask them to withdraw at any stage. If any person obstructs the proceedings, the Dean of Student Discipline may require all or any of those present to leave the interview.
- 3.2.7 The proceedings of the investigation will not be invalidated by the failure of the student or the 'friend' to attend the interview or by the exclusion of the student or the 'friend' from the interview.
- 3.2.8 The Dean of Student Discipline may invite the student to any subsequent interview(s) where appropriate.
- 3.2.9 The University will not normally conduct interviews with more than one student.
- 3.2.10 The Dean of Student Discipline may interview anyone who he or she believes can provide information that is material to considering whether the student has breached the Regulations for Student Conduct and in determining the appropriate penalty. Staff and students asked to attend such an interview or to provide other information or documents are expected to co-operate with the University in its conduct of the investigation.
- 3.2.11 The Dean of Student Discipline or his or her nominee may gather any evidence that he or she considers is necessary for considering the allegation with due regards to the guidance on confidentiality set out in Section 4 of this procedure.
- 3.2.12 These interviews will be Minuted and the student will normally receive a copy of the Minutes.
- 3.2.13 The advice of the Head of Counselling and Wellbeing Services or an appropriate professional will be available in appropriate cases. Where a student does not consent to medical information being provided to the University, the investigation will proceed on the basis of the information available to the University at the time.

3.3 Outcome of the Dean of Student Discipline's investigation

After the Dean of Student Discipline has investigated the allegation, the Dean of Student Discipline will either:

- (a) find that there is no case to answer and not impose any penalty; or
- (b) impose a penalty in his or her capacity as Dean of Student Discipline under Section 3.5.1 of this procedures; or

- c) Refer the case to the Student Disciplinary Committee. The case will be referred to the Student Disciplinary Committee if it is the opinion of the Dean of Student Discipline that the allegation against the student is serious enough that the University may wish to consider:
- removing the student from membership of the University; and/or
 - withdrawing, subject to subsequent confirmation by the Senate, any degree, diploma, certificate, or other distinction already conferred on the student; and/or
 - evicting a student from University Halls of Residence.

3.4 Procedures of the Student Disciplinary Committee

- 3.4.1 The Dean of Student Discipline is responsible for investigating the allegation(s) of serious misconduct and will present his or her findings to the Student Disciplinary Committee.
- 3.4.2 The Student Disciplinary Committee will determine whether the student has breached the Regulations for Student Conduct, and if found, will impose an appropriate penalty set out in Section 3.5 of this procedure.
- 3.4.3 The Committee will be Chaired by the Pro-Vice-Chancellor for Teaching and Learning or an alternative Pro-Vice-Chancellor. The Committee also will comprise of a Teaching and Learning Dean, a member nominated by Council, a School Director of Teaching and Learning who is not the School Director of Teaching and Learning of the School in which the student is registered, and a Student Officer from RUSU. The University Secretary shall nominate a Secretary. Alternates for each member will be appointed.
- 3.4.4 No act or ruling of the Committee will be invalidated by reason only of vacancy in the Committee or by reason of absence of one member from any meeting provided always that the Committee will not proceed to consider any case unless at least three of its members are present.

Before the hearing at the Student Disciplinary Committee

- 3.4.5 The Secretary to the Committee will write to the student to invite them to the hearing normally at least seven calendar days before the meeting. If the student demonstrates a good reason for being unable to attend in person, they may be permitted to attend via telephone or skype.
- 3.4.6 The student and the Committee shall receive a copy of all the evidence relevant to the case in advance of the meeting. In addition to this, the student shall be informed of the following in advance of the meeting:
- (i) How to access advice from RUSU Advice Service;

- (ii) The composition of the Committee;
- (iii) The student's right to reply to the allegation in writing in advance of the meeting. This should normally be issued to the Committee members in advance of the meeting;
- (iv) The student's right to be accompanied by a 'friend' which for this purpose is defined as: an adviser from Reading University Students' Union Advice Service team, a current member of staff of the University of Reading, a currently registered student of the University of Reading, or a University of Reading Students' Union Student Officer.
A person who does not fall within these categories will not be able to act as a 'friend' unless otherwise agreed by the Chair of the Student Disciplinary Committee. The role of the 'friend' is to support the student in preparation for the hearing; accompany the student at the hearing; the 'friend' may speak on the behalf of a student, with the permission of the Chair. It is not the role of the 'friend' to present the student's case on their behalf, except in the most exceptional circumstances. Disabled Students may also be accompanied by a Support Worker in addition to a 'friend', as appropriate to their needs.
- (v) The student has the right to request that one or more witnesses attends the meeting to attest to fact or to the student's character. The student must ask the Chair for permission in advance of the meeting and the Chair may request that this evidence be given in writing rather than presented in person at the hearing.
- (vi) If the student has any special requirements to allow them to attend and/or participate fully in the hearing he or she should notify the Secretary in advance of the meeting to allow the University to make appropriate reasonable adjustments.

During the hearing at the Student Disciplinary Committee

- 3.4.7 The Dean of Student Discipline will be invited to the Committee meeting to present the case and answer any questions from the Committee and from the student.
- 3.4.8 The student and the 'friend' will normally be present throughout the hearing of evidence but the Chair may ask them to withdraw at any stage of the proceedings if the Committee wishes to consider privately any matter or point. If any person obstructs the proceedings, the Chair may require all or any of those present to leave the meeting.
- 3.4.9 The proceedings of the meeting will not be invalidated by the failure of the student or the 'friend' or a witness to attend the meeting or by the exclusion of the student, or the student's 'friend' from the meeting.
- 3.4.10 The Committee has the power to adjourn and seek further information as it wishes.
- 3.4.11 The Committee will consider the case in private and may impose an appropriate penalty in accordance to Section 3.5.2 of this procedure.

3.5 Penalties for serious misconduct offences

3.5.1 If the Dean of Student Discipline having considered all of the circumstances including any mitigating circumstances submitted by the student, finds that the student has committed an offence of serious misconduct, he or she may impose one or more of the following penalties:

- A formal warning;
- Require the student to write a letter of apology;
- Impose a fine not exceeding £1,500 some or all of which may be suspended;
Note: Some offences carry standard fines.
- Exclude a student from any University premises for a reasonable period;

3.5.2 If the Dean of Student Discipline has referred the case to the Student Disciplinary Committee, and the Student Disciplinary Committee, having considered all of the circumstances including any mitigating circumstances submitted by the student finds that the student has committed an offence of serious misconduct, the Student Disciplinary Committee may impose one or more of the following penalties:

- Withdraw a student from membership of the University;
- Withdraw, subject to subsequent confirmation by the Senate, any degree, diploma, certificate, or other distinction already conferred on the student;
- Evict a student from University Halls of Residence;
- A formal warning;
- Require the student to write a letter of apology;
- Impose a fine not exceeding £1,500 some or all of which may be suspended;
Note: Some offences carry standard fines.
- Exclude a student from any University premises for a reasonable period;

3.5.3 In addition to the list of penalties set out above, any costs arising from the serious misconduct may be recovered from the student.

3.5.4 The student will be expected to comply with any penalty imposed under Section 3.5 of this procedure after the penalty has been imposed, regardless of whether the student chooses to appeal the penalty. If the student appeals the penalty and the penalty is removed or reduced, the University will not provide any compensation or any other remedy. The student's RISIS record will record the outcome of the appeal.

3.6 Appeal

- 3.6.1 If the student chooses to appeal a penalty that has been imposed by the Dean of Student Discipline or the Student Disciplinary Committee under Section 3.5 of this procedure, he or she must email a statement of appeal to **studentappeals@reading.ac.uk** within 5 working days.
- 3.6.2 Appeals against penalties imposed under Section 3.5. of this procedure shall be considered by the Student Appeals Committee without undue delay.
- 3.6.3 The Student Appeals Committee will not re-hear the case that has already been considered. Rather, the Committee will consider whether there has been any failure of procedure and whether the decision reached was fair and reasonable in all of the circumstances.
- 3.6.4 The appeal to the Student Appeals Committee concludes the University's procedures, and will normally result in the issue of a Completion of Procedures Letter. If the student remains dissatisfied with the outcome of the procedures the student may submit a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) providing that the complaint is eligible under the OIA rules. Students who wish to do so must submit a complaint to the OIA within twelve months of the date of the University's Completion of Procedures letter

4 Procedural matters

4.1 Tariff of standard fines

A tariff of standard fines will be reviewed and approved annually by the Pro-Vice-Chancellor Teaching and Learning.

4.2 Recording and monitoring

At the conclusion of a disciplinary matter, a formal record of the penalty imposed on the student for 'misconduct' and 'serious misconduct' offences will be retained. This record will be held on RISIS in accordance with the University's policies on data protection.

4.3 Confidentiality

It is the University's aim to deal with conduct matters sensitively and with due respect for the privacy of any individuals involved. All parties must treat as confidential any information communicated to them in connection with a matter which is subject to this procedure, subject to the need to seek appropriate advice and guidance. The University will, during or at the conclusion of the procedure, inform such members of its staff as it considers necessary, having due regard to all the relevant circumstances.

4.4 Tape recordings

It is not the University's normal procedure for meetings or hearings to be tape recorded by either party unless there are exceptional reasons why this should be considered. However, from time to time there may be a request to tape record a hearing. The decision to do so will be taken by the person chairing the meeting in advance of the meeting. A recording may be made only where all parties agree to the use of tape recording. Minutes will be prepared of formal meetings and a copy of those Minutes will be provided to the student who attended the meeting.

4.5 Witnesses

The student will normally be told the names of any witnesses whose evidence is relevant to his or her disciplinary hearing, unless the person responsible for considering the allegation exceptionally and reasonably believes that a witness's identity should remain confidential. There should be no normal expectation that the identity of witnesses will be kept confidential and witnesses should understand that evidence provided by them will, other than in exceptional circumstances, be provided to the student who is subject to disciplinary proceedings.

4.6 Criminal investigations

Where the student's conduct is the subject of a criminal investigation, charge or conviction the University will investigate the facts before deciding whether to take formal action.

The University will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where the student is unable or has been advised not to attend a disciplinary meeting or say anything about a pending criminal matter, the University may take a decision based on the available evidence.

A criminal investigation, charge or conviction relating to conduct away from the University may be treated as a disciplinary matter if it is relevant to his or her membership of the University.

4.7 Review of procedure

The procedure will be reviewed annually.