

CANTERBURY CHRIST CHURCH UNIVERSITY

STUDENT DISCIPLINARY PROCEDURE

2015

What is the purpose of the Student Disciplinary Procedure?

1. The University is committed to maintaining the standards and values set out in its Mission Statement. The University, as a community, has obligations relating to the care of, and responsibility for, all its members, and to protect its reputation.
2. The Student Disciplinary Procedure provides the framework for the regulation of students' behaviour, as students of the University, in order to secure the proper working of the University in the broadest sense. The Procedure applies to cases initiated after 1 January 2015.

What are the expectations in relation to Student Behaviour?

3. The major principles that form the basis of expected student conduct are:
 - a. Students are expected to respect and observe the rules and regulations of the University.
 - b. Students should conduct themselves in an orderly manner in their academic and recreational activities while they attend the University, engage in any University activity, or are resident in University owned or managed accommodation, and act appropriately in their daily lives.
 - c. Students should respect the rights and privacy of other members of the University at all times.
 - d. Students undertaking programmes leading to a professional qualification are required to conduct themselves in a manner appropriate to that profession.

What is considered misconduct?

4. The general definition of 'misconduct' under the Disciplinary Procedure is improper interference, in the broadest sense, with the proper functioning or activities of the University, or those who work or study in the University; or action which otherwise damages the University including serious misconduct taking place outside the University that brings the University into disrepute.
5. The following constitute misconduct:
 - a) disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere, including the Students' Union;

- b) obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of the University or Students' Union or any authorised visitor to the University or Students' Union;
- c) breaches of the Student Social Media Policy;
- d) defacement of, or deliberate damage to, any property of, or within, the University (including damage resulting from negligence);
- e) acts of disturbance that threaten the rights and privacy of any member of the University, whilst on University or Students' Union premises or engaged in University or Students' Union activity, or resident in University owned or managed accommodation;
- f) acts of disturbance, negligence or breaches of health and safety measures which might threaten the safety, security or welfare of other residents in a University owned or University managed property, or an employee of the University attending that property;
- g) action likely to cause injury or impair safety either on University premises or on any other sites associated with the University through its professional or other programmes;
- h) unfounded and malicious complaints brought against a member of the University under the Student Complaints Procedures; and
- i) breach of the provisions of any University rule or regulation that provides for breaches to constitute misconduct under this Procedure, such as, health and safety, Accommodation Licence, library regulations or regulations for the use of computing facilities.

What is considered serious misconduct?

6. The following may constitute serious misconduct committed whilst (a) on University or Students' Union premises or (b) engaged in any University or Students' Union activity or (c) outside the University:
- a) possession or misuse of drugs which constitutes an offence at law;
 - b) violent, indecent, disorderly, threatening, discriminatory or offensive behaviour or language, including misconduct committed by electronic means and misuse of email from a University account or other account accessed via the University network;
 - c) fraud, deceit, deception, theft or dishonesty in relation to the University, its staff or its students;
 - d) organisation and/or participation in any form of University or Students' Union initiation ceremony or event (however named) involving the coercion of any of the participants, wherever the event is held.

- e) harassment of any kind, including sexual or racial harassment of any student, member of staff or other employee of the University or any authorised visitor to the University, including that committed by electronic or other remote means; and
 - j) failure to disclose information about a criminal record - including cautions and bind-overs, as well as convictions, acquired prior to or during a student's registration period - or on a University occupational health questionnaire, where this information is required for students on professional programmes.
7. Where a student is deemed to be in a state of mind or health which is perceived to pose a threat, affect the welfare of staff and/or students, or is disruptive of the learning and teaching process, the University reserves the right to refer the student for an occupational health assessment before any recommencement of study can be considered.

What is the Relationship with the University's Guide to Dealing with Bullying and Harassment?

8. The Disciplinary Procedure includes the investigation of those allegations made under the University's Guide to Dealing with Bullying and Harassment, and extends to those which may result from a Formal Investigation under the Student Complaints Procedure.

What Forms of Misconduct might be dealt with in a Different Way?

9. There are other forms of misconduct that are dealt with in accordance with other procedures, for example:
- a. Student Professional Conduct, including Fitness to Practise and Professional Suitability
 - b. Plagiarism
 - c. Academic Misconduct
 - d. Research Misconduct
 - e. Attendance
 - f. Student Financial Regulations
 - g. Library Regulations
 - h. Regulations for the Acceptable Use of University Information Technology

What action may be taken in cases Involving Criminal Allegations?

10. A student who is the subject of a complaint of misconduct and against whom a criminal charge is pending or who is the subject of police investigation may be suspended or excluded by the Vice-Chancellor pending the disciplinary hearing or the trial.
11. The following procedures apply where the alleged misconduct would also constitute an offence under the criminal law if proved in a court of law:

- i) Where the offence under the Criminal Law is considered to be not serious, action under this Procedure may continue, but such action may be deferred pending any police investigation or prosecution.
 - ii) In the case of all other offences under the Criminal Law, no action (other than suspension) may be taken under this Procedure unless the matter has been reported to the police and either prosecuted or a decision not to prosecute has been taken, at which time the University may decide whether disciplinary action under this Procedure should continue or be taken.
 - iii) Where a finding of misconduct is made and the student has also been sentenced by a Criminal Court, the Court's penalty is taken into consideration in determining the penalty under this Procedure.
 - iv) The University may take action against a student in respect of misconduct covered by the Procedure even if it has already been the subject of Criminal Prosecution and penalty.
 - v) Cases involving an offence under the Criminal Law will be reported to the Police by the University Solicitor. The student will be informed accordingly.
12. Other than in exceptional circumstances, no student shall be suspended or excluded unless given an opportunity to make a written statement to the Vice-Chancellor.
13. A decision to suspend or exclude from academic activities associated with the student's programme of study, shall be subject to review, at the request of the student, where it is in place for a continuous period of four weeks, or longer.

Who initiates the Disciplinary Process?

14. The disciplinary process may only be initiated by a University manager, such as a Dean of Faculty, Head of School or Professional Service or a manager to whom specific functions have been delegated. The manager may nominate an individual as a case officer to establish whether the disciplinary matter is capable of informal resolution in the first instance.
15. Where the University manager considers the allegations represent serious misconduct that is not amenable to informal resolution, a formal investigation will be initiated.
16. Where the alleged serious misconduct is committed outside the University, the case is to be referred to the Pro Vice-Chancellor (Education and Student Experience) before a formal investigation is to be initiated.

What are the Stages in the Disciplinary Process?

17. The Disciplinary Process follows the stages in the Framework for Student Procedures.
18. At the completion of each of the stages in the procedures where there is written communication, the student will be advised in writing of the means by which they may take the matter further, if they so wish.

19. There are the following specific variations in the stages in the Framework for Student Procedures
 - a. Where the penalty under the Disciplinary Procedure entails the suspension, expulsion or exclusion of a student, the Appeal is to the Governor Disciplinary Committee.
 - b. Where the penalty under the Disciplinary Procedure entails the suspension, expulsion or exclusion of a student, the Vice-Chancellor may suspend or exclude a student pending an Appeal to the Governor Disciplinary Committee.
 - c. The Vice-Chancellor may suspend or exclude a student pending a disciplinary hearing, where the student is the subject of University disciplinary proceedings and there is a criminal charge pending or an ongoing police investigation.

What is the Role of Informal Resolution?

20. The first stage in the process is to consider whether an informal resolution is possible.
21. In cases where an act of indiscipline is established and deemed to be of a minor nature, the student will be disciplined by a case officer appointed by the relevant manager, who may impose one or more of the following:
 - a. a written warning and/or advice entered into the student's University record, removable after six months provided there are no further instances of misconduct; and/or
 - b. a requirement that a student gives an undertaking in relation to future conduct; and/or
 - c. a requirement that a student pays for any damage caused to University property, together with any administrative costs not exceeding £25.
22. Where the case officer considers there is serious misconduct, or there is evidence of the repetition of misconduct, the matter will be notified to Registry and an Investigator appointed to undertake a Formal Investigation.
23. Where a student contests the decision of the case officer, the student may request Registry that an Investigator be appointed to undertake a Formal Investigation.

What is the Role of Formal Investigation?

24. If the matter cannot be resolved informally, an Investigator will conduct a Formal Investigation.
25. Before undertaking the Formal Investigation, the Investigator will:
 - a. inform the student of the nature of the alleged offence and, having given reasonable notice, enable the student to have an opportunity to be heard in accordance with the Framework for Student Procedures; and

- b. advise the student that assistance and support is available from Student Support, Health and Wellbeing or the Students' Union; and
 - c. of the right to be accompanied to the meeting in accordance with the Framework for Student Procedures.
26. In undertaking the Formal Investigation, the Investigator will determine, in light of the evidence, whether a breach of the rules and regulations has been committed.
27. It is aimed to complete the Formal Investigation stage within twenty working days of the appointment of the Investigator. The general exception is where notification is received outside the published term dates for the programme, when the aim is to complete the Formal Investigation stage within forty working days of the appointment of the Investigator.

How is the Student's Perspective considered?

28. The Investigator must ensure the student has adequate opportunity to be heard.
29. The student has the right to request support in the preparation of the case from the University's Department of Student Support, Health and Wellbeing or from the Students' Union.
30. The student is to be given a copy of the evidence requested by and presented to the Investigator.
31. The student has the right to make personal statement in writing. The Investigator must consider all such statements presented by, or on the specific written authorisation of, the student. The Investigator is to be satisfied that any written statements made on behalf of the student have been made available to the student.
32. Where an Investigator upholds the position of the student based on a reading of the written case, and the student agrees the outcome, there is no requirement that the student is invited to talk with the Investigator.
33. Where a case requires further investigation, the Investigator must give the student the opportunity to be heard either in a face to face meeting or at a distance by making use of any appropriate means of telecommunication, including telephone and Skype.
34. When attending in person, the student has the right to be accompanied by a friend, defined as a registered student of Canterbury Christ Church University, a member from the same cohort as the student, a member of the Students' Union Council, an officer of the Students' Union or a current member of staff of the University. In all cases, the friend may speak on behalf of the student.
35. When a student declines to meet with the Investigator, the Formal Investigation will be concluded based on the evidence collected. The right to Representation to the Vice-Chancellor will be unaffected by non-attendance at a meeting.

What are the potential outcomes from a Formal Investigation?

36. If the Investigator is satisfied that there has been misconduct, the Investigator may take one or more of the following courses of action:
- i. resolve that no further action is taken;
 - ii. refer the matter for further investigation under the relevant Fitness to Practise or Professional Suitability procedures, where the programme is subject to such procedures;
 - iii. issue a written warning to the student indicating the consequences of future misconduct, to be entered into the student's University record removable at any period up to three months after the completion of the student's programme;
 - iv. require the student to compensate for or make good any damage caused, including an administrative charge not exceeding £25;
 - v. require the student to make appropriate apology for any offence or harm caused to the individuals concerned, including members of the outside community;
 - vi. in the case of student accommodation, require the student to vacate immediately any University owned or University managed property, and to move to alternative accommodation, when their continued presence might affect the safety, security or welfare of other residents at the property or University employees;
 - vii. confirm any disciplinary decision made by the officer in charge of a building, equipment or service, in cases which involve infringement of the rules governing the use of the building, equipment or service concerned;
 - viii. restrict access to any part of the University's campuses (or its attendant sites, including the Students' Union or other managed premises), or to any services of the University, where this is deemed desirable for the welfare of other students, or staff, or where continued access may interfere with the smooth running of that building or service or otherwise compromise it. Any proposed period of suspension from the Students' Union or other managed premises or services will be discussed with the Chair of the Trustees of the Students' Union (or nominee), relevant premises Manager, or service director;
 - ix. suspend or exclude the student with immediate effect from University premises and/or services. Any decision to suspend or exclude a student will require the prior approval of the Vice-Chancellor, or nominee. The decision to impose such a penalty is to include a recommendation as to whether the penalty should or should not be suspended before representations are made to the Vice-Chancellor, if this is requested by the student.

37. On completion of the disciplinary investigation, the student will be sent, as soon as practicable, a notice in writing stating the outcome of the investigation, the reasons for that outcome, a summary of the alleged facts on which the disciplinary action is based and any penalty imposed. The notice will include a clear statement of the right and method of making representations to the Vice-Chancellor within twenty working days of the date of the imposition of the penalty.

What are the Arrangements for when it is recommended that a student is suspended or expelled from the University?

38. In cases where the decision is suspension or expulsion from the University, a written report of the reasons is to be presented to the Vice-Chancellor by the Investigator. The exceptions are those decisions arising from the decision of a Board of Examiners or a panel established under procedures approved by the Academic Board, where the means of representation is by means of an Appeal.
39. The student is to receive a copy of the written report and to be given a period of not less than seven working days to comment on the report in writing to the Vice-Chancellor. The Vice-Chancellor may extend the period of time on the application of the student.
40. The Vice-Chancellor may approve, amend or set aside the recommendations of the Investigator.
41. The Director of Academic Administration is responsible for implementing any decision to expel students for academic or disciplinary reasons.
42. The student may Appeal against the Vice-Chancellor to the Governor Disciplinary Panel by writing to the Clerk to the Governing Body within seven days of the date of the Vice-Chancellor's decision. The Clerk may extend the period of time on the application of the student for good cause.

What are the Arrangements for Representation to the Vice-Chancellor?

43. Where the penalty does not entail suspension, expulsion or exclusion, the student may make a Representation to the Vice-Chancellor against the decision of the Investigator within twenty working days of the date of the imposition of the penalty.
44. In exceptional circumstances, the Vice-Chancellor may extend the time allowed for submission of a Representation if satisfied there were valid reasons why the request was not submitted within twenty working days. Such circumstances might include, but are not limited to, the student being ill or having other pressing reasons.
45. The Vice-Chancellor will nominate a suitable individual to review the Representation. Normally, this will be the Pro Vice-Chancellor (Education and Student Experience). The arrangements for delegation may include arrangements to cover any period of absence from the University.
46. The Vice-Chancellor's nominee is not limited in the means of seeking a resolution. The nominee may, for example, propose a particular course of action, recommend mediation be undertaken subject to the agreement of the student or determine that a further investigation is to be undertaken.

47. The outcome of the Review Stage may be a confirmation that the procedures were followed, the outcome was reasonable and there was no further action that the University should take.
48. It is aimed to complete the Review Stage within twenty working days of the Vice-Chancellor acknowledging the notification. The general exception is where the notification is received outside the published term dates, when the aim is to complete the Review Stage within forty working days of the notification being acknowledged.
49. The decision of the Vice-Chancellor's nominee represents the completion of the internal procedures of the University.

What are the Arrangements for Appeal to the Governor Disciplinary Committee in Cases involving Suspension, Expulsion or Exclusion?

50. Where the penalty entails suspension, expulsion or exclusion, the Appeal is to the Governor Disciplinary Committee.
51. Within twenty working days of the date of the formal confirmation of the decision by the Vice-Chancellor, the student may request an Appeal in writing to the Clerk to the Governing Body.
52. The Clerk to the Governing Body, or nominee, will convene meetings of the Governor Disciplinary Committee not later than twenty working days after notification of this procedure to the student.
53. The composition of the Governor Disciplinary Committee shall be as follows:
 - a member of the Governing Body who is not a staff or student member of the Governing Body to Chair the Committee;
 - a staff member of the University;
 - the President of the Students' Union, or a nominee who is an elected officer of the Students' Union;
54. The Clerk to the Governing Body or nominee will be in attendance.
55. No person who has previously had any involvement in a case shall, on any given occasion, be present as a member of the Governor Disciplinary Committee.
56. The purpose of the Governor Disciplinary Committee is to determine whether the decision-making process of the University followed the University procedures and the outcome was reasonable and to offer advice to the Vice-Chancellor accordingly.
57. The Committee will enable the student to make representations in accordance with arrangements set out in paragraphs 33 to 35 above.
58. If the Governor Disciplinary Committee decides the decision-making process of the University was not reasonable, the Committee will advise the Vice-Chancellor to make

arrangements for a further investigation of the complaint. Where the decision of the Governor Disciplinary Committee is to advise the Vice-Chancellor that there be a further investigation, the results will represent the final decision of the University and the completion of the internal procedures.

59. Where the decision of the Governor Disciplinary Committee is to advise the Vice-Chancellor that the decision-making process of the University was reasonable, this represents the final decision of the University and the completion of the internal procedures.
60. The decision of the Governor Disciplinary Committee will be notified to the Vice-Chancellor and student in writing by the Clerk to the Governing Body (or nominee), within seven days of the meeting.

What are the arrangements for extending time scales?

61. The time scale for any stage may be extended on the request of, or with the agreement of, the student, particularly where it is agreed there should be any form of alternative dispute resolution.
62. Where necessary, the Investigator, the nominee of the Vice-Chancellor or the Clerk to the Governing Body has the authority to extend a stage for good cause, but must inform the student in writing of the reason for, and the length of time of, the extension.

What happens after the Internal Procedures of the University are complete?

63. Once the student completes the internal procedures of the University but believes the issue has not been appropriately addressed, the student may complain to the Office of the Independent Adjudicator for Higher Education (OIA).