

# **Student Disciplinary Regulations**

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## **Student Disciplinary Regulations**

### **1. Introduction**

- 1.1 The University is a community, and as members of the community students are expected to conduct themselves in a manner that is responsible and respectful to others, whether they be other students, members of staff, visitors to the University or members of the local community. The University is committed to the fair and equal treatment of all individuals taking into account gender, age, disability, race, ethnic or national origin, socio-economic group, sexual orientation, marital status, family responsibilities, religious or political beliefs. By accepting an offer of a place at the University, students agree to conduct themselves in a manner consistent with the fulfilment of the University's objectives and in accordance with its regulations and policies
- 1.2 All members of the University community have a responsibility to support each other in maintaining good order and creating a safe environment which is conducive to study, living and working. Staff are encouraged to address poor behaviour through early intervention, positively supporting students to develop their understanding of what constitutes acceptable behaviour, before circumstances escalate towards disciplinary action.
- 1.3 These regulations are made pursuant to Clause 28.1.8 of the [Articles of Association](#). The University undertakes to enforce compliance with its Code of Conduct through these regulations in accordance with its duty of care and responsibility to the members of its community, and to defend its good name and reputation.
- 1.4 Amendments may be made to the Code of Conduct and these regulations only by the Court of Governors.
- 1.5 The purpose of the procedures described in these regulations is to obtain all relevant facts and to reach a fair decision based on the evidence available. The process to be observed at all hearings and meetings convened under these regulations is inquisitorial rather than adversarial. It is not a judicial process, although it should be recognised that the University has a disciplinary authority deriving from its contractual relationship with the individual Student and from the Student's agreement to be bound by the regulations in force in the period of study for which they are registered.
- 1.6 Any student subject to disciplinary proceedings in accordance with these regulations may obtain advice and guidance from the Academic Standards Manager or from the Students' Union.
- 1.7 Advice and representation support for students involved in disciplinary proceedings is available from the Students' Union.

### **2. Definitions**

For the purpose of these regulations:

- 2.1. 'Former student' is defined as any student no longer pursuing a module, course or programme of study offered by the University, having successfully completed their studies or having terminated their studies for any other reason.
- 2.2. 'Friend' is defined as a currently registered student of the University, a sabbatical officer or staff member of the University of Westminster Students' Union, or member of University staff.
- 2.3. 'Material irregularity' means the University has not acted in accordance with its own regulations or procedures, or has not acted with procedural fairness, and that this failing on the part of the University is so significant that it has had a material impact on the outcome. I.e. had it not been for this failing the outcome would probably have been substantively different.

- 2.4. 'Property' is defined as, but not limited to: computers; software; data; web pages; equipment (e.g. audio-visual equipment; laboratory equipment; instruments; tools); books; furniture; and personal belongings of individuals.
- 2.5. 'Premises' shall be defined as any premises owned, occupied or managed by the University including premises occupied by the Students' Union, and University of Westminster Student Residences.
- 2.6. 'Reporting person' is defined as a person who is reporting an allegation against a student or former student. The Reporting Person may be a person who has been impacted by the reported behaviour, witnessed the reported behaviour or became aware of the reported behaviour through other means.
- 2.7. 'Student', unless specifically qualified otherwise, is defined as any person pursuing a course, module or programme of study offered by the University, whether or not currently in attendance, suspended, interrupted, or on placement.
- 2.8. 'Witness' is a person who has witnessed the allegation or has witnessed a matter connected to the student's behaviour as alleged in the allegation. The witness may be someone to whom the behaviour was directed, or a third party.
- 2.9. 'University' shall be defined as the University of Westminster and shall encompass all activities, property and assets under the formal authority of the Court of Governors, including property occupied by the University of Westminster Students' Union and assets purchased by the Students' Union from public funds.
- 2.10. 'University of Westminster Student Residences' shall be defined as residences managed by University of Westminster staff or by staff engaged under a University contract for which the University takes responsibility for the placement of students and the collection of rentals.

### **3. Relationship to other Policies and Procedures**

- 3.1. These regulations relate to matters of non-academic misconduct and any action taken under these regulations normally supersedes any disciplinary action being taken under other rules or regulations of University of Westminster.
- 3.2. Where the alleged misconduct relates to an academic matter, it should be referred for action in accordance with the [University's Academic Regulations](#).
- 3.3. If a student makes an allegation about a member of staff, this will be referred to the [Student Complaint Procedure](#) for investigation.
- 3.4. Students registered on programmes leading to membership of a professional body should demonstrate appropriate behaviour and standards required for entry into that profession. Where such a student is found to have committed a disciplinary offence under these regulations, that student may subsequently, and where appropriate, be referred for consideration under the [University's Fitness to Practise Procedure](#).
- 3.5. Where there is a concern that mental health, illness or disability may have directly affected behaviour and/or conduct, the Director of Student and Academic Services, or nominee will be consulted to assess whether it would be more appropriate to consider the matter under the [Fitness to Study Policy](#) or Crisis Intervention Procedures as an alternative to disciplinary action. This assessment may be done at any stage of the disciplinary process (fact finding, Stage 1 Stage 2), where issues giving cause for concern may come to light.
- 3.6. Where it is not clear how the alleged misconduct should be classified the matter will be determined by the Academic Registrar or nominee.

#### **4. General Principles**

- 4.1. These regulations will apply in the case of allegations of non-academic misconduct only.
- 4.2. These regulations will apply to all students, and where appropriate and at the discretion of the University, to all former students of the University.
- 4.3. These regulations shall apply to behaviour by students wherever and whenever it may have taken place when it is considered by the University to be detrimental to another member of the University, University property or the interests and reputation of the University itself. It includes behaviour arising at any time when the student may be regarded as representing the University as an individual or as part of a team or group. It also applies when the student is living or studying on campus or at some location away from the University either as part of their studies or following an arrangement made through the University or the Students' Union.
- 4.4. In the case of students registered with a collaborative partner on a course that is validated by the University, the disciplinary procedures of that collaborative partner will normally apply. Any variation from this will be stated in the partnership agreement. Only where that agreement states that such students are subject to the University's disciplinary procedures will these regulations apply.
- 4.5. Students involved in disciplinary procedures shall have the right to be accompanied to any meeting or hearing by a 'friend', as defined above. The role of the friend is to provide moral support during a meeting or hearing. They may make representations on behalf of the student. The friend cannot be a witness to the case under consideration. Legal representation is not permitted at any meeting or hearing convened under the provisions of these regulations.
- 4.6. All parties involved in the disciplinary procedures (students, their representatives and staff) will act reasonably and fairly towards each other and will treat the procedure with respect.
- 4.7. The University will wherever possible seek to adhere to the time limits outlined in this procedure; however, in cases where there are special circumstances which require variance from specified time limits, students will be advised of the reasons for this by the Officer handling the investigation or hearing.
- 4.8. The University will make these procedures available to students in accessible formats, where required. The University will also consider if reasonable adjustments are needed to the procedure to account for the individual needs of students, and these will be discussed with the student. A record of adjustments made to the procedure will be kept by the University.
- 4.9. Students will be given the opportunity to attend disciplinary hearings, appeal hearings and meetings in person. The University reserves the right, however, to proceed with any disciplinary hearings, appeal hearings and meetings in the absence of a student, subject to the student having been properly notified of the date and time of the hearing/meeting, or in cases where criminal proceedings do not allow the student to attend in person.
- 4.10. The University reserves the right not to proceed with any investigation following an allegation against the behaviour of a student if it is considered that there are insufficient grounds or evidence to do so.
- 4.11. During the application of these regulations, the University reserves the right to adjourn any disciplinary investigation or hearing and reconvene at a later date.
- 4.12. The standard of proof to be adopted during the application of these regulations will be the balance of probabilities. In proceeding with a disciplinary investigation, the burden of proof will be on the University to prove that on the balance of probabilities the student has committed an offence.

- 4.13. Where misconduct has been proven, and wherever appropriate, the intention will be to provide a corrective response in addition to any reasonable and proportionate punitive response.
- 4.14. The University may share information provided by students, staff and other witnesses with people involved in the case for the purposes of investigating and concluding the case, including the student under investigation, for transparency and to provide a fair process. This may be done at any stage of the process, paying due attention to confidentiality and data protection requirements.
- 4.15. If it is determined, at any stage, that a false allegation has been made by a student or member of staff with vexatious or mischievous intent, the University may initiate an appropriate disciplinary process against the person or persons making that allegation.
- 4.16. Where a student is enrolled on a course that is regulated by a professional, statutory or regulatory body (PSRB) and that student is found, under the provisions of these regulations, to have committed a disciplinary offence, the University may, depending on the nature of the offence, be obliged to report that fact to the PSRB.
- 4.17. Written communications will be sent to the student's University e-mail address. Students are expected to check regularly their University e-mail account. Written communications may also be sent to the contact address (during term-time) or home address (out of term-time) as recorded on the University's student record system. Students are responsible for ensuring that these contact details are kept up to date. Non-receipt of properly addressed and dispatched correspondence will not be accepted as valid grounds for delay or annulment of procedures or outcomes under these regulations, nor will it be accepted as grounds for appeal.
- 4.18. All references to the Academic Standards Manager include their nominees who are working under their authority, or other appropriate officer nominated by the Academic Registrar.
- 4.19. Where a student is found to have committed a disciplinary offence this will be recorded on the student's file and retained in accordance with the [University's records retention schedule](#). The Student's disciplinary record may be referred to in future references and will be referred to should any subsequent breach of the Student Code of Conduct be reported.
- 4.20. There will be very limited circumstances in which the university can disclose any information about the misconduct to any third parties. Where a third party, who is a member of the University (staff or student), has been involved in a case as a victim of the alleged incident, the University may provide information on whether the case is being considered, and if their complaint was upheld and if action had been taken that directly impacts them. Where the third party is external to the University, the University would not normally provide information with regards to specific cases but may exceptionally do so where the information could potentially impact on the wellbeing of the third party. A written record of all such instances, with grounds for disclosure, should be kept.
- 4.21. The reporting person or witness cannot challenge a decision not to proceed with a disciplinary case under this procedure, or the decision of the Associate Head of College (Education & Students), Stage 1 Formal Disciplinary Meeting or Stage 2 Formal Disciplinary Panel Hearing. However, if there are concerns about how the matter was handled or the process used in reaching a decision then a Reporting Person or Witness who is a student may be able to make a complaint under the Student Complaint Procedure.
- 4.22. The University may reconsider disciplinary allegations, after it has been concluded for the first time if there is new evidence that emerges that was not available or could not be available at the time of the first investigation. The University will carefully consider the reasons for reconsidering an allegation before proceeding.
- 4.23. The University recognises that with advances in modern technology, it is easier to make covert recordings i.e. recordings of meetings or conversations made without the consent of

the participants. However, a recording should only be used for a legal purpose for which it was made and should not be made available to a third party without the consent of any of the individuals recorded, unless there is lawful reason to do so. If you wish to make a recording whether at a meeting or by telephone or otherwise you must seek permission from all parties to the discussion. For these reasons, the University may determine that it is unable to permit the use of such recordings as evidence unless in exceptional circumstances.

## **5. Delegation of Authority**

- 5.1. The Schedule to the Articles of Association states that the Vice-Chancellor is responsible for the suspension and expulsion of students on disciplinary grounds, but that they may establish a group of senior staff to assist them in discharging this function. In accordance with this provision, the authority of the Vice-Chancellor to suspend a student may be delegated to a Head of College and/or Associate Head of College (Education & Students), and the authority of the Vice-Chancellor to expel a student may be delegated to the Deputy Vice-Chancellors or a senior staff member nominated by the Vice-Chancellor.
- 5.2. For general disciplinary matters, authority is delegated to the Head of College. Exceptionally a Head of College may authorise a senior member of the College to act on their behalf in student disciplinary matters.

## **6. Definition of Misconduct**

- 6.1. Misconduct which may be the subject of disciplinary procedures under these regulations is defined as improper interference with the proper functioning or activities of the University, or of those who work or study in the University, or action which otherwise damages, or has the potential to damage, the University and/or its staff or students. This includes but is not limited to misconduct as described within the Student Code of Conduct and any other University policy, which sets out expectations of student behaviour.

## **7. Initiation of the Disciplinary Procedure**

- 7.1. Alleged misconduct by a student, including any and all supporting evidence, should be reported, normally in writing, to the College Academic Administration Officer who will report the matter to the relevant Associate Head of College (Education & Students), or nominee in which the student is or was studying. Anonymous allegations will not normally be accepted. If you are unsure who to report the matter to please contact the Academic Standards Manager.
- 7.2. In the case of incidents arising in University of Westminster Student Residences, the alleged misconduct should be reported to the Residential Life Manager. In the case of incidents arising in a University Library, the alleged misconduct should also be reported to the relevant Library Manager. A decision will be taken on whether the incident should be dealt with through local procedures or reported to Associate Head of College (Education & Students)
- 7.3. Upon notification of the allegation, the College Academic Administration Officer shall notify the Academic Standards Manager<sup>1</sup>.
- 7.4. Allegations of breaches of the Student Code of Conduct should ideally be submitted in a timely manner, so that matters can be dealt with effectively. However, it is accepted that this is not always possible, for example where evidence of alleged misconduct only becomes apparent after a significant period of time, or where a matter has significantly impacted an individual and the effects of this impact has led to a delay in reporting. There is no arbitrary

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<sup>1</sup> The Academic Standards Manager shall manage a database for the purpose of recording student disciplinary cases, and the College Academic Administration Officer shall notify the Academic Standards Manager by logging the case in this database. Access to this database shall be restricted to the Academic Standards Manager, the College Academic Administration Officers, Heads of Colleges, Heads of Schools, Associate Head of College (Education & Students) Residential Life Manager and Library Managers. Records will be retained in accordance with the University's records retention policies, and in accordance with the provisions of the Data Protection Act.

deadline for the submission of an allegation, or a time limit based on whether someone who was a student at the time of the alleged breach of the rules remains a student when the allegation is submitted. The timeframe may however have an impact on the investigation, decisions, and potential sanctions or measures.

- 7.5 Upon receipt of the allegation and any related evidence, the Associate Head of College (Education & Students), or nominee, must determine whether:
- i) the allegation be dismissed;
  - ii) the alleged offence be classified as a minor offence and is a matter for the student's Head of School to deal with at Stage 1. A minor offence shall be regarded as any offence which would, in the opinion of the Associate Head of College (Education & Students), or nominee, warrant a penalty within the range a) to f) as stated in paragraph 10 below. In this case, the Associate Head of College (Education & Students), or nominee shall refer the matter to that Head of School and shall notify the College Academic Administration Officer, who shall update the database accordingly (see footnote 1);
  - iii) the alleged offence be classified as a major offence and should be dealt with at Stage 2. A major offence shall be regarded as any offence which would, in the opinion of the Associate Head of College (Education & Students), or nominee, warrants a penalty within the range g) to m) as stated in paragraph 11 below, or where the alleged offence is the student's third or subsequent minor offence. In this case, the Associate Head of College (Education & Students), or nominee will inform the Academic Standards Manager, the College Academic Administration Officer shall update the database accordingly (see footnote 1).
- 7.6 In order to make the above determinations the Associate Head of College (Education & Students) may undertake a preliminary investigation into the alleged offence.
- 7.7 Where a preliminary investigation is required the investigation will be started as promptly as possible, and normally within 10 working days of the date of the referral being made. The University reserves the right to extend this period during holidays.
- 7.8 The Associate Head of College (Education & Students) shall conduct an investigation which may require written statements, meetings and evidence from any member of the University community relevant to the investigation. In addition, the Associate Head of College (Education & Students) may request written statements, meetings and evidence from anyone outside of the University community.
- 7.9 Information the Associate Head of College (Education & Students) may consider collecting, where relevant and available, includes validating information that has been provided by others, records of correspondence, CCTV evidence and records of online activity. This is a non-exhaustive list and the Associate Head of College (Education & Students) may request any information that they consider will provide value to the investigation.
- 7.10 Where a preliminary investigation meeting is required the Associate Head of College (Education & Students) shall provide individuals with at least 5 working days' notice of the preliminary meeting date, time and place.
- 7.11 Written notes shall be taken of all investigative meetings. Any person required to attend an investigative meeting will be able to bring a friend as defined by these regulations. At the meeting they can present written information, evidence and the names of any witnesses and shall have the opportunity to comment on the Associate Head of College (Education & Students) written notes of any meeting that they have attended.

- 7.12 The reporting person and student against whom the allegation has been made should not attempt to investigate the matter themselves, instead providing all potentially relevant information to the Associate Head of College (Education & Students).
- 7.13 Where an investigation meeting is required with the student against whom an allegation has been made the Associate Head of College (Education & Students) shall write to the student at least 5 working days before the meeting to confirm that an allegation has been received and the relevant clauses of the Student Code of Conduct that have allegedly been breached. The Associate Head of College (Education & Students) will provide a brief summary of the allegation, name the reporting person (unless, exceptionally, an anonymous allegation has been accepted), and describe the investigation process and the possible outcomes of the preliminary investigation.
- 7.14 Upon conclusion of the investigation the Associate Head of College (Education & Students) shall produce an Investigation Report, outlining the findings of the investigation, and their decision on whether the offence should be classified as a major offence or minor offence or that the allegation be dismissed (see regulation 7.5). The Associate Head of College (Education & Students) will provide the written outcome of their investigation within 5 working days of the preliminary meeting to the student and the Academic Standards Manager.
- 7.15 The Associate Head of College (Education & Students), or nominee may take disciplinary action in accordance with these regulations even where a reporting person makes an allegation but does not wish to pursue the matter formally.
- 7.16 Where the Associate Head of College (Education & Students), or nominee is unsure whether an alleged offence should be classified as a minor or major offence, advice should be sought from the Academic Standards Manager.
- 7.17 At all times the Associate Head of College (Education & Students), or nominee will be mindful of any ongoing risk posed to students and staff relating to the alleged offence. In cases where a risk assessment suggests this may be the case, the Associate Head of College (Education & Students), or nominee may consult the Academic Registrar, Director of Student and Academic Services, and/or other relevant senior staff in relation to the management of risk, and where appropriate may take emergency action as outlined in Section 9.
- 7.18 The University strives to ensure fairness and consistency across the Colleges in the application of penalties and has adopted Annex A for use. The principle behind the table is simple and serves to ensure that all students are aware of the possible penalties that they may receive if they are found guilty of misconduct in accordance with these regulations. Annex A sets out the penalties imposed for minor and major offences. The table is not an exhaustive list of penalties or offences.

## **8. Disciplinary offences which are also subject to criminal investigation**

- 8.1. Where a reporting person states that they are the victim of a disciplinary offence committed by another student that may amount to a criminal offence, the University will support the reporting person in whatever action they choose to take, including reporting the offence to the police. The University will provide information for external support services as appropriate.
- 8.2. Where a disciplinary offence is also subject to a criminal investigation, the University will normally suspend the disciplinary process until the criminal investigation and legal proceedings have been concluded. The fact that the police or other legal authorities might be unable, unwilling or not yet able to proceed will not automatically preclude the University from instigating its own disciplinary action, however the University's own proceedings should only continue where to do so will not prejudice or hinder the police investigation or legal proceedings, and with the approval of the relevant police authorities. This does not affect the University's powers to take emergency action to suspend a student (see paragraph 9 below).



- 8.3. The student should be reminded that whilst criminal investigations are underway they will be obliged to keep the University informed of any progress and/or change in status regarding their case. The Associate Head of College (Education & Students) or nominee will review the case on at least a monthly basis and will determine if any action is required during this review period.
- 8.4. When the criminal proceedings have concluded, the Associate Head of College (Education & Students) or nominee will decide whether the University should proceed with the disciplinary action, taking into account the following guidance.
- 8.5. Where the student has been convicted of a criminal offence, the University may seek to take action if there are outstanding matters of concern to the University that have not been addressed. In this case the conviction in a criminal court shall be taken as conclusive evidence that the alleged offence has occurred, and no further investigation shall be required by the University.
- 8.6. Where a criminal conviction has been made, the focus of the University disciplinary proceedings may include an assessment of the risk posed to the University staff or students. It may also include assessment of the material impact caused by reputational damage to the University, particularly when this impedes or interferes with the normal operations of the University, or when it affects important relationships between the University and key individuals, agencies and stakeholders. If disciplinary action is taken, the penalty imposed by the court shall be taken into account when determining any further penalty.
- 8.7. In the case of a criminal conviction, where criminal proceedings (including bail conditions, period of time spent on remand, period of time served in custody following conviction) result in a student being absent from their study for a period of less than twelve months it will normally be the case that their studies will be interrupted for this period. In such circumstances it will be the responsibility of the student to notify the Associate Head of College (Education & Students) or nominee regarding the date of release from custody. The Associate Head of College (Education & Students), or nominee will then assess whether the nature of the offence committed poses an ongoing risk to the University community, and whether there are any outstanding matters of concern that have not been addressed. In the case of either the University may proceed with disciplinary proceedings or refer the case to the Fitness to Study Procedure.
- 8.8. In the case of a criminal conviction where criminal proceedings (including bail conditions, period of time spent on remand, period of time served in custody following conviction) result in a student being absent from their study for a period in excess of twelve months, the student will be deemed withdrawn from the University. The student may then reapply for admission to the University.
- 8.9. Where the student has been acquitted the University will take into account the decision of the court. However, it may be the case that it is reasonable and within University's interests to pursue outstanding matters of concern to the University that have not been addressed.
- 8.10. Where, following an initial investigation, a decision has been taken not to proceed to a criminal trial, this does not preclude the University from conducting further investigations and/or instigating disciplinary proceedings in respect of outstanding matters of concern to the University that have not been addressed.

## **9. Emergency Powers – Temporary Suspension**

- 9.1. Where an allegation of misconduct has been made against a student, the University may impose immediate conditions on that student to ensure that a full and proper investigation can be carried out and/or to safeguard the student or others whilst the allegation is being considered under the Disciplinary Regulations.
- 9.2. Where a student is the subject of police investigation, or where a criminal charge is pending, or where the University believes that the student's continued presence would put at risk the

effective operation of the University and/or wellbeing of other members of the University community, the University may suspend the student's access to specified buildings, teaching/learning and/or services. The enrolment status of the student would not be amended where action is taken to suspend a student in accordance with these procedures.

- 9.3. Temporary suspensions are precautionary, they are not a penalty and do not indicate that the student has committed an offence. The power to suspend under this provision is a measure taken to protect the members of the University community in general or the University's reputation, or a particular member or members.
- 9.4. For the purposes of this regulation, temporary suspension is defined as a partial or total ban on attendance at the University, including at learning, teaching or assessment activities, including placements; and/or on participation in University activities, and/or on attendance at or access to specified facilities or parts of the University (including residential accommodation); and/or on exercising the functions or duties of any office or committee membership in the University or the Students' Union.
- 9.5. An order of suspension may include a requirement that the student should have no contact of any kind with a named person or persons.
- 9.6. Any decision to temporarily suspend the student under these regulations shall be taken by the Associate Head of College (Education & Students) following a risk assessment. The reasons why this action is being taken, may be communicated orally in the first instance. Where this is the case, written confirmation outlining the reasons for this decision and the student's right to make written representation to the Associate Head of College (Education & Students) will be sent by the Associate Head of College (Education & Students) within five working days.
- 9.7. Where practicable the University will seek to minimise the disruption to the studies of the student against whom the allegation is made. However, in some instances this may not be possible. The Associate Head of College (Education & Students) considering temporary suspensions must consult the student's Course Leader on the potential impact upon the student's studies. A student subject to such action should seek guidance from their Course Leader on how they might nevertheless best continue their studies.
- 9.8. Where a temporary suspension includes a decision exclude the student from their accommodation, the risk assessment will be conducted in conjunction with the Director of Student and Academic Services and will include consideration of whether alternative accommodation is available to the student.
- 9.9. The temporary suspension shall normally remain in place until such time where the accused student's return would no longer be conducive to the effective operation of the University or the wellbeing of other members of the University community.
- 9.10. The Associate Head of College (Education & Students) shall review the suspension every eight weeks in the light of any developments, or following representations made by the student or anyone else on the student's behalf, where there is new substantive information. The student will be responsible for informing the Associate Head of College (Education & Students) of any developments which may have implications for the terms of the suspension. Such a review will not involve a hearing or submissions made in person, but the student shall be entitled to submit written representations.
- 9.11. Failure by a student to comply with an order for suspension or exclusion will constitute misconduct under paragraph 6.
- 9.12. In cases where the student has been formally charged and is awaiting a court hearing, the suspension will only be reviewed when new information is brought to the University's attention.
- 9.13. In the absence of the Associate Head of College (Education & Students), suspension under these procedures may only be authorised by a Head of College, and the Deputy Vice

Chancellors. Authority to carry out this Regulation may not be devolved to any other nominated individual.

- 9.14. Where a student has requested a review of a suspension decision and it has been denied by the Associate Head of College (Education & Students), the student may appeal to the Deputy Vice-Chancellors, or in cases where the Deputy Vice-Chancellors have made the determination to suspend a student the Vice-Chancellor. Such an appeal should normally be lodged in writing with the Deputy Vice-Chancellors within 14 calendar days from the date of the letter informing them of the temporary suspension/exclusion.
- 9.15. The Deputy Vice-Chancellors may accept the appeal and lift the temporary exclusion or modify the terms of the temporary suspension or reject the appeal so that the temporary suspension remains in force. The decision of the Deputy Vice-Chancellors will be notified to the student in writing.
- 9.16. Following a period of suspension, if the outcome of the case is to permit the student to return to the University, this will be subject to the student's academic status and return to the course being at a time deemed academically appropriate. The decision will be taken within the College responsible.
- 9.17. Students should be aware that following a period of suspension, a return to their course might incur additional financial costs in relation to their tuition fees and/or accommodation.
- 9.18. International students who are sponsored to study at the University of Westminster on a Tier 4 visa may be required to leave the UK during the suspension period. The Tier 4 Compliance Team will assess students on a case by case basis, taking into account the duration and nature of the suspension (i.e. whether total or selective restriction) and if appropriate will seek advice from UK Visas & Immigration. If it is decided that sponsorship must be withdrawn, a notification will be made to UK Visas & Immigration which will lead to the curtailment of the student's Tier 4 visa. The UKVI will contact the student with official confirmation of the curtailment and the new date by which they must depart the UK. A new visa will be required if the student is approved to resume their studies at a later date. If following withdrawal of sponsorship by the University the student is required to remain in the UK by the authorities, for example to face criminal proceedings, the terms of leave to remain will be a matter to be agreed between the student, police and UK Visas & Immigration.
- 9.19. Where a student who is also an employee of the University or the Students' Union has been temporarily suspended, the Associate Head of College (Education & Students) will notify the Director of Human Resources and/or the Students' Union for consideration as to whether any further action is required under their procedures.

## **10. Stage 1: Formal Disciplinary Meeting (Disciplinary Procedure for minor offences)**

- 10.1. Where the alleged offence is referred to the Head of School, the Head of School shall ensure that appropriate preliminary investigation has been undertaken and interview the individual(s) concerned in the presence of a member of staff nominated by the Director of College Operations who shall be responsible for making a formal record of the interview. Where the Head of School is the reporting person, a different Head of School will be appointed to investigate the allegation
- 10.2. The student(s) should receive written notification of the meeting and should be advised of the nature of the alleged offence and sent all supporting evidence. The student(s) should be given at least five working days' notice of the meeting. The student should be informed of their right to be accompanied by a Friend who may speak on their behalf (see definition of friend);
- 10.3. The student will also be invited to inform of any adjustments they might require to access the meeting;
- 10.4. Should the student fail to attend the meeting, the meeting may proceed in the student's

absence.

- 10.5. The student will be given an opportunity at the meeting to explain their behaviour and/or offer information in mitigation or explanation.
- 10.6. Following the consideration of all evidence, the Head of School will determine either:
  - a) that the student has not committed a disciplinary offence, in which case the case will be dismissed, and all record of the allegation will be removed from the student's file; or
  - b) that the student has committed a disciplinary offence, in which case the Head of School will impose a penalty from the list given at paragraph 10.8 below.
- 10.7. Exceptionally, where the case cannot be resolved, a recommendation will be made to the Associate Head of College (Education & Students), or nominee that a Disciplinary Panel Hearing be convened under Stage 2 of the procedure outlined below.
- 10.8. Where the Head of School determines that the student has committed a disciplinary offence, the Head of School will impose one or more of the following penalties:
  - a) to reprimand the Student formally and to warn the Student of the possible consequences of any further misconduct; such reprimand to be confirmed in writing;
  - b) to require the Student to provide a written apology and a written undertaking that they have read the Student Code of Conduct and will properly observe it for the remainder of their studies at the University;
  - c) to require the Student to make good, in whole or in part, any loss or damage to the University Premises, or to the property of any member of the University and which formed part of the allegation against them, or to make restitution for any additional expense caused to the University as a result of the misconduct;
  - d) to require the Student to pay compensation for any damage caused;
  - e) to fine the Student a sum up to £500 (all fines payable to a registered charity of the Student's choice);
  - f) to prohibit the Student from having any contact with other specified students or members of staff for a period to be determined by the Head of School.
- 10.9. If a student admits to the offence, the Head of School will consider this in determining the penalty to be imposed.
- 10.10. The Head of School shall make their decision known to the Student in writing, along with the record of the meeting, within five working days of the Stage 1 Formal Disciplinary meeting. In cases where an oral warning is given in the meeting, this must be confirmed in a letter to the Student. All outcome letters must include a detailed statement of the facts identified through the evidence available and give the reasons for the decision and for the penalty, if any, to be imposed. Outcome letters shall be copied to the Academic Standards Manager, and the College Academic Administration Officer shall record the outcome on the database maintained for this purpose (see footnote 1 above). Other relevant members of staff will also be advised as appropriate.
- 10.11. Any Student failing to comply with a penalty imposed under Stage 1 may be referred to a Stage 2 Disciplinary Panel.
- 10.12. Should a student be dissatisfied with the outcome of Stage 1, they have the right to have their case considered at a Stage 2 Disciplinary Panel Hearing.

- 10.13 Such a student must submit a written request to have their case heard at a Stage 2 Disciplinary Panel Hearing to the Academic Standards Manager within 10 working days of the date of the outcome letter.

**11. Stage 2: Formal Disciplinary Panel Hearing (Disciplinary Procedure for major or persistent offences)**

- 11.1. In cases where it is determined that the allegation of misconduct should be heard by a Stage 2 Disciplinary Panel, or where a student dissatisfied with the outcome of a Stage 1 Disciplinary Meeting has requested that their case be considered by a Stage 2 Disciplinary Panel, the Academic Standards Manager, on behalf of the Associate Head of College (Education & Students), will convene a hearing of the Disciplinary Panel as soon as possible and normally within thirty working days following notification of the requirement to hold a panel Hearing.
- 11.2. The Academic Standards Manager shall write to the student, normally within five days of receipt of the allegation or request. The letter shall:
- 11.2.1. advise the student of the allegation that has been made;
  - 11.2.2. advise the student that the case will be considered by a Stage 2 Formal Disciplinary Panel Hearing;
  - 11.2.3. enclose all evidence received to date;
  - 11.2.4. enclose a copy of these regulations;
  - 11.2.5. advise the student that they will be notified of the date of the Hearing in due course;
  - 11.2.6. advise the student of their right to attend the Hearing, to submit a written statement, to call witnesses to attend the Hearing (and that it will be the Student's responsibility to arrange attendance), and for witnesses to submit written statements;
  - 11.2.7. advise the student of their right to approach the Student Union Advice Service for advice and be accompanied at the Hearing by a Friend, and who may act as a Friend (see definition of Friend).
  - 11.2.8. Invite the student to inform of any adjustments they might require to access the Hearing;
- 11.3. The Academic Standards Manager, acting as Secretary to the Panel, shall identify witnesses and other individuals who might be able to facilitate the establishment of the facts of the case. The Academic Standards Manager shall invite all such individuals to submit a written statement detailing what they know of the case, and to attend the Hearing. Such individuals cannot be compelled to attend the Hearing.
- 11.4. It will not normally be necessary for the reporting person(s) to attend the hearing as their evidence will be provided in the Disciplinary Panel papers. However, the Disciplinary Panel may pause the hearing to request further information from the reporting person where the Chair deems it appropriate to do so.
- 11.5. The student against whom the allegation has been made may also invite witnesses to submit a written statement and to attend the hearing. The names of any such witnesses, along with any written statements, must be submitted to the Academic Standards Manager at least four working days before the Hearing in order to allow the Panel sufficient time to consider the documentation.
- 11.6. The student may also submit a written statement in support of their case. This must be submitted to the Academic Standards Manager at least four working days before the Hearing.
- 11.7. Once the date of the Hearing is confirmed and all evidence in support of the allegation has been received, the Academic Standards Manager shall write to the student again, at least ten working days in advance of the hearing. This letter shall:
- 11.7.1 confirm the date, time and venue of the Hearing;
  - 11.7.2 inform the student of the names of the Panel members;
  - 11.7.3 set out in detail the allegation that has been made;

- 11.7.4 enclose and itemise all evidence in support of the allegation which the Hearing will be considering;
  - 11.7.5 invite the student to submit a written statement and any other evidence in support of their case, including witness statements, and confirm the deadline for their submission;
  - 11.7.6 remind the Student of their right to approach the Student Union Advice Service for advice and be accompanied by a Friend who may speak on their behalf (see definition of Friend);
  - 11.7.7 invite the Student to submit the names of any and all witnesses that they will be calling to attend the Hearing, and confirm the deadline for this submission;
  - 11.7.8 Invite the student to advise of any reasonable adjustments which they and/or their Friend may need at the hearing
  - 11.7.9 enclose a copy of the Student Code of Conduct and Student Disciplinary Regulations;
  - 11.7.10 advise the student that should they fail to attend, the Hearing will proceed in their absence.
- 11.8. Following the deadline for receipt of the student's submission of written statements, evidence, and names of witnesses, the Academic Standards Manager will collate all documentation and, at least three working days before the Hearing, circulate to panel members and to the student, along with an agenda and an itemised list of all evidence to be considered.
- 11.9. The Panel shall have absolute discretion to regulate its own procedures, but will normally conduct its hearing as follows:
- 11.9.1 the Chair will explain the process to be followed, will detail the allegations that have been made, and will summarise the evidence that has been received in support of those allegations;
  - 11.9.2 the Panel will ask questions of the Student and all witnesses;
  - 11.9.3 the Student and all witnesses will answer questions for the Panel;
  - 11.9.4 the Student will have the opportunity, through the Chair, to ask questions of the witnesses and to make a final presentation to the Panel;
  - 11.9.5 the Panel will deliberate in private;
  - 11.9.6 the Chair will present the findings and the reasons for the decisions of the Panel, or advise the student(s) that these will be forwarded to them in writing, normally within five working days of the Hearing;
  - 11.9.7 a formal record shall be kept of the Panel meeting.
- 11.10. A list of University staff that may be called upon to join a Disciplinary Panel shall be maintained by the Academic Standards Manager. The Disciplinary Panel list shall include wide representation across the academic community and Professional Services staff. Nominations for inclusion on the list will be invited each academic session from the University's academic and professional services communities, including Academic Council and its sub-committees.
- 11.11. The Academic Standards Manager, or nominee, shall act as Secretary to the Panel.
- 11.12. The composition of a Stage 2 Disciplinary Panel will be:
- i. Head of College, or nominee from a College other than that in which the student is/was studying (Chair)
  - ii. 2 members of staff from the approved list
  - iii. A currently registered student nominated by the Students' Union
- 11.13. The quorum for meetings of a Disciplinary panel shall be three and must include the Chair.
- 11.14. All members shall be independent of the case and, where possible, not known directly to the Student. Members of staff and Executive Officers of the University's Students' Union are not permitted to serve as members of a Disciplinary Panel.
- 11.15. The Disciplinary Panel may decide to adjourn taking a decision pending clarification of evidence or conduct of further internal or external investigations.

- 11.16. Once the Hearing is concluded and all evidence has been considered, the Panel will determine either:
- a) that the student has not committed a disciplinary offence, in which case the case will be dismissed, and all record of the allegation will be removed from the student's file; or
  - b) that the student has committed a disciplinary offence, in which case the Panel will impose a penalty from the list given at paragraph 11.18 below.
- 11.16 Panels should consider any mitigating factors when determining penalties.
- 11.17 Panels will not normally be informed of a student's prior disciplinary record unless the offence is the student's third or subsequent offence. This information may be provided when determining the appropriate penalty.
- 11.18 Where the panel determines that the student has committed a disciplinary offence, the Panel will impose one or more of the following penalties:
- a) to reprimand the Student formally and to warn the Student of the possible consequences of any further misconduct; such reprimand to be confirmed in writing;
  - b) to require the Student to provide a written apology and a written undertaking that the Student Code of Conduct has been read and will be properly observed for the remainder of their studies at the University;
  - c) to require the Student to make good, in whole or in part, any loss or damage to the University Premises, or to the property of any member of the University and which formed part of the allegation against them, or to make restitution for any additional expense caused to the University as a result of the misconduct;
  - d) to require the Student to pay compensation for any damage caused;
  - e) to fine the Student a sum up to £500 (all fines payable to a registered charity of the Student's choice);
  - f) to prohibit the Student from having any contact with other specified students or members of staff for a period to be determined by the Panel.
  - g) to prohibit the Student from specified University premises for a period to be determined by the Panel;
  - h) to suspend the Student from the University for a period not normally exceeding one academic year;
  - i) to require the Student to leave Halls of Residence or other managed residence and / or denial of permission to reside in such residence for the remainder of the student's course of study.
  - j) to permanently expel the Student from the University<sup>23</sup> and, where relevant, to require the Student to leave Halls of Residence or other managed residence.
  - k) in the case of former students, to suspend specified alumni rights for a period to be determined by the Panel;

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<sup>2</sup> Where a student is permanently expelled from the University, that student may not subsequently be re-admitted to, or enrol on, any course offered by the University.

<sup>3</sup> Where a student is permanently expelled from the University, they will not be entitled to register as an alumni.

- l) in the case of former students, to permanently revoke all alumni rights;
  - m) exceptionally, to revoke an award previously conferred by the University.
- 11.19 Penalties i), j), k) and l) will be made as recommendations to either the Deputy Vice-Chancellors, the Vice-Chancellor, or other senior member of staff specifically nominated by the Vice-Chancellor for that purpose and require that individual's approval before the penalty may be enacted. Recommendation regarding penalty i and j will include appropriate risk assessment. Penalty m) will be made as a recommendation to Academic Council and requires Academic Council's approval before the penalty may be enacted.
- 11.20 The table in Annex A provides an indication of the penalties likely to apply in different circumstances, depending on the type of offence and its seriousness. The table is not an exhaustive list of penalties or offences.
- 11.21 A summary of anonymised records of offences, mitigating factors and penalties applied will be made available to Panel members to ensure penalties are applied consistently.
- 11.22 The Panel shall make its decision known to the Student in writing normally within five working days of the conclusion of the hearing; correspondence shall be copied to all relevant members of staff. The Chair of the Panel may arrange to communicate the decision in a meeting, where this is considered to be a necessary adjustment (and followed up in writing). The person making the allegation will normally also be notified of the outcome. The written outcome letter shall include a statement of the facts found by the Panel and the reasons for the decision and for the penalty, if any, to be imposed.

## **12. Stage 2 Student Disciplinary Appeals Process**

- 12.1. The Student will be informed in the outcome letter of their right to appeal the decision. If a Student wishes to appeal against a decision of a Stage 2 Disciplinary Panel, they shall submit a request in writing to the Academic Registrar, or nominee within ten working days of the publication of the decision. An appeal submitted after this deadline may, exceptionally, be admitted at the discretion of the Academic Registrar or nominee where the student can provide good reason, to the satisfaction of the Academic Registrar or nominee, for its late submission.
- 12.2. An appeal may be based on one or more of the following grounds:
- 12.2.1 that there has been material irregularity in the conduct of the disciplinary process;
  - 12.2.2 that new evidence has become available which was not, and which could not reasonably have been made available at the time the case was considered;
  - 12.2.3 the penalty imposed was disproportionate to the offence.
- 12.3. The grounds for the appeal must be made clear in the letter to the Academic Registrar, or nominee.
- 12.4. The Academic Registrar or nominee will consider the request against these grounds, and only these grounds. The Academic Registrar or nominee may request the student or any other party to provide further information or clarification.
- 12.5. Where, in the opinion of the Academic Registrar, or nominee, there is evidence that one or both of the grounds might have been met the Academic Registrar, or nominee shall accept the request and refer the matter for consideration by an Appeal Panel.
- 12.6. Where, in the opinion of the Academic Registrar, or nominee, there is no such evidence the Academic Registrar, or nominee shall reject the request. In this case, the Stage 2 decision shall stand, there shall be no further opportunities for appeal, and the University's internal procedures are completed (see paragraph 12.18).
- 12.7. The Academic Registrar, or nominee will write to the student to notify them of their



determination normally within 15 working days of receipt of the appeal.

12.8. The Appeal Panel composition will be as follows:

- i) Two independent governors (one of whom shall assume the Chair)
- ii) One staff governor
- iii) One student nominated by the University of Westminster Students' Union

The quorum for an Appeal Panel will be three, including at least one independent governor.

12.9. No-one involved in the case at any previous stage shall be a member of the panel; where possible, the panel shall comprise members who are not known directly to the Student(s) in question.

12.10. The Appeal Hearing shall normally be held within 30 working days of the written notification of the Academic Registrar, or nominee decision to accept the request to refer the matter to an Appeal Panel. Where it is not possible for the Hearing to be held within this timeframe the Student(s) will be informed and will be advised of the reasons for the delay. Wherever possible the date set will be at the student's convenience.

12.11. The student's expenses for attending an Appeal Hearing will not normally be reimbursed by the University.

12.12. The Student(s) shall be invited to submit any further written information in support of their appeal. Such information shall be submitted no later than seven working days in advance of the Appeal Hearing. The panel will not normally hear witnesses other than the Chair of the original Disciplinary Panel, or nominee, the appellant and any Friend. The name of any such Friend shall be notified to the Clerk to the Court of Governors at least seven working days in advance of the meeting. Submission of additional evidence will not be permitted except orally during the hearing. Tabled evidence will not be permitted.

12.13. The Panel shall have absolute discretion to regulate its own procedures, but will normally hear the appeal as follows:

- 12.13.1 the Chair of the original Panel, will present their conclusions and decisions;
- 12.13.2 the appellant and/or their Friend, will present the grounds for appeal;
- 12.13.3 the panel may question any party;
- 12.13.4 the appellant and or their Friend will have the opportunity to ask questions and to make the last presentation to the Appeals panel;
- 12.13.5 the panel will deliberate in private.

12.14. During this time, the original decision of the Stage 2 Disciplinary Panel will stand.

12.15. The panel may uphold the decision of the original Disciplinary Panel or uphold the appeal and substitute such other decision as it thinks fit within those listed under paragraphs 11.16 and 11.18 above or uphold the appeal and refer the case back to be considered anew at a Stage 2 Formal Disciplinary Panel Hearing. The Panel may not impose a penalty more severe than that originally invoked. The decision of the Appeals Panel shall be final.

12.16. The Clerk to the Court of Governors, or nominee, shall act as Clerk to the panel and shall be responsible for the administration of the panel's proceedings. They shall keep detailed records of the proceedings and shall be responsible for all notification to the Student.

12.17. The Clerk to the Panel shall make the Panel's decision known to the Student in writing normally within five working days of the hearing and the correspondence shall be copied to all relevant staff. Such notice shall be accompanied by a statement of the reasons for the decision and for any change to the penalty to be imposed. The records shall remain on the Student's file unless the case is dismissed. The decision of the Appeals Panel forms the final stage of the University's internal appeals procedure.

- 12.18. At the completion of the University’s internal processes relating to appeals, the Deputy Registrar (Quality and Standards), or nominee will issue a letter informing a student that the University’s procedures are complete. If a student remains dissatisfied with the outcome it may be possible to make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA). Information and eligibility rules are available at <http://www.oiahe.org.uk>
- 12.19. If a student does not appeal within ten working days of the publication of the Stage 2 decision, the University will close the matter and notify the student in writing. If the Student requests a Completion of Procedure letter this will be provided but it will state that student has elected not to complete the internal processes.

### 13. Monitoring

- 13.1 Any decision which results in the suspension or exclusion of a student shall be reported to the Court of Governors.

#### Annex A<sup>4</sup>

Disciplinary offence	Examples of Unacceptable Behaviour	Examples of Penalties
Abusive Behaviour <i>including behaviour that is reported as harassment, bullying or discriminatory</i> <sup>5</sup>	Use of inappropriate language Repeatedly contacting another person (by phone, email, text or on social networking sites) against the wishes of the other person	Formal Warning Written Apology
	Threats to hurt another person Abusive comments relating to an individual’s sex, sexual orientation, religion or belief, race, pregnancy/maternity, marriage/civil partnership, gender reassignment, disability or age Acting in an intimidating and hostile manner	Expulsion Suspension/Exclusion Restrictions/Conditions
Damage to Property	Causing minor damage to University property or the property of students or employees of the University or visitors to the University	Formal Warning Written Apology
Causing a Health or Safety Concern	Act/omission that did cause or could have caused a health and safety concern on University premises (for example, smoking cigarettes in non-designated areas)	Formal Warning Written Apology
Operational Obstruction	Act/omission that did cause or could have caused serious harm on University premises or during University activities (for example, disabling fire extinguishers or	Expulsion Suspension/Exclusion Restrictions/Conditions

<sup>4</sup> Annex A provides example behaviours, this is not an exhaustive list.

<sup>5</sup> This does not solely apply to face-to-face interactions; it includes electronic media such as email and social media and by phone/mobile.

	possessing/supplying controlled drugs	
Physical Misconduct	Acts/omissions/statements intended to deceive the University Disruption of the activities of the University (including academic, administrative, sporting and social) on University premises or elsewhere Disruption of the functions, duties or activities of any student or employee of the University or any authorised visitor to the University.	Expulsion Suspension/Exclusion Restrictions/Conditions
	Punching Kicking Slapping Pulling hair Biting	Expulsion Suspension/Exclusion Restrictions/Conditions
Reputational Damage	Behaviour which has damaged or could have damaged the reputation of the University	Formal Warning Compulsory attendance at a workshop/ coaching session Written Apology
Sexual Misconduct	Behaviour which has caused serious damage or could have caused serious damage to the reputation of the University	Expulsion Suspension/Exclusion Restrictions/Conditions
Unauthorised Taking or Use of Property	Misuse of University property (for example computers and laboratory equipment)	Formal Warning Written Apology
	Unauthorised entry onto or unauthorised use of University premises Taking property belonging to another without permission	Expulsion Suspension/Exclusion Restrictions/Conditions

Table adapted from UUK 'Guidance for Higher Education Institutions, How to Handle Alleged Student Misconduct which may also Constitute a Criminal Offence' <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2016/guidance-for-higher-education-institutions.pdf#search=disciplinary>

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