

REGULATION 2: STUDENT DISCIPLINE

1. OVERVIEW AND PURPOSE

- 1.1 The purpose of the Student Discipline Regulation is to provide a framework within which students can understand what is expected of them in terms of how they act as members of the University, on campus and in the wider community. The Regulation and the associated procedure provide a context and step-by-step guide for what happens when alleged breaches are considered internally by the University.
- 1.2 Students are expected to understand and demonstrate the behaviours described in the University's Dignity & Respect Policy. All members of our University community – staff, students and visitors – are entitled to:
- a) be valued for their skills, abilities and contributions
 - b) be treated with dignity, respect and courtesy
 - c) study, work and live on a campus free from bullying, harassment or victimisation or violence
 - d) experience no form of unlawful discrimination.
- 1.3 The University takes a zero- tolerance approach to all forms of discrimination, bullying and harassment, and violence which means that all allegations of discrimination, bullying, harassment, and violence will be dealt with. Furthermore, students will maintain a standard of conduct which does not (1) cause actual or potential distress or harm to others; (2) damage university property or the property of others; (3) disrupt the normal functioning or operation of the University
- 1.4 The contract between all students and the University includes a commitment from the University to make available the University Charter, Statutes, Regulations, policies, and support information. Students in turn need to be familiar with the above and to abide by them. The contract is made upon acceptance of an offer of a place (at the admission stage) and confirmed at the student's subsequent registration at the University. The applies throughout whilst a student's registration is valid and active, including during temporary withdrawal.
- 1.5 Accompanying this regulation, is a supporting procedure document. This document describes the stages of the process for reporting an incident, the provision of support to all students involved, the investigation of cases and the consideration of outcomes and appeals.
- 1.6 The University will use the details held on the student record for all communications. Students are expected to keep their contact details up to date.
- 1.7 Where responsibility for actions is given to a named role, that person may delegate that responsibility to another member of staff who is suitably qualified and informed, at the discretion of the named role-holder.
- 1.8 The investigation of cases may be allocated to an internal member of staff who is suitably trained, independent of the case, and has no prior relevant involvement with the parties of concern. External investigators may be employed in certain cases at the discretion of the University.

2. SCOPE

2.1 This regulation applies in the following cases:

- a) all students registered at the University of Sussex including students in nominal registration and studying off campus for any reason.
- b) for students based overseas, localised arrangements may need to be applied in consultation with the University.
- c) students on placements/apprenticeships with employers (as part of their programme of study) may be subject to local employee disciplinary procedures as well as University procedures.
- d) for students who are enrolled at another institution but who are studying at or otherwise visiting the University at the time the alleged incident took place, subject to the terms of the agreement between the University and the other institution. The partner institution may also initiate proceedings under their own regulations.
- e) students who are also staff members (i.e. those with an employee contract at the same time as a valid student registration) where this regulation is considered appropriate at the discretion of the University.

Guidance should be sought from the Legal Team who will consult with Human Resources as to which procedure to follow. The University's decision on the appropriate regulation/procedure is final.

2.2 The University will work closely with students when incidents are subject to criminal proceedings. It may take separate/internal action once criminal proceedings are concluded or discharged.

2.3 The Police and criminal justice system assess criminal cases with a burden of proof that is 'beyond reasonable doubt'. The University must operate a different burden of proof when conducting investigations and making recommendations. Any case considered by these regulations will be assessed based '*upon a balance of probability*'.

2.4 A suspension means that the student is prohibited from participating in the academic activities of the University and the student's registration on their course of studies is put on hold. Exclusion means that the student is prohibited from using University facilities and/or entering University grounds or premises. A partial or qualified suspension and/or exclusion may be put in place where appropriate.

2.5 If a student permanently withdraws from the University during the disciplinary process, the University may continue to pursue disciplinary action and impose a sanction on the (former) student.

2.6 This Regulation does not apply to incidents of alleged academic misconduct. The Examination and Assessment Regulations Handbook, published each year, applies to any such incidents.

2.7 Where a student is registered for a programme which is subject to a Fitness to Practice procedure, the University may apply the Fitness to Practice procedure when investigating and dealing with allegations of misconduct in relation to that student.

3. PRINCIPLES

- 3.1 Each case will be treated with fairness, considered on its own merits, and on the circumstances/evidence presented. In the event that the University finds that behavioural expectations have been breached, then, the University will impose sanction/s where necessary. Any sanction/s will be proportionate, reasonable, fair and based on the evidence available.
- 3.2 Students, staff and visitors will be made aware of behaviour expectations as part of their introduction to the University.
- 3.3 How to report incidents and access support will be clearly promoted across a range of University and Students' Union platforms.
- 3.4 The process for investigating and determining outcomes will be timely, fair, and transparent. Timeframes will be expressed in 'working days' that do not include weekends, bank holidays and University closure days. All attempts will be made to meet these but sometimes stages will take longer. When this happens, students will be informed at the earliest opportunity.
- 3.5 The person reporting an incident/concern (the reporting person) has access to support from an advisor for the duration of the case. The person implicated in the report (the responding person) will also be assigned an advisor and have access to support for the duration of the case.
- 3.6 The wishes of the reporting person will be respected in terms of how the incident is managed from the point of reporting, as far as reasonably practical. However, where the safety of that person or others is at risk (real or potential), the University will carry out a risk assessment and take precautionary action to mitigate this risk.
- 3.7 Training programmes are in place for all support providers, investigators, and decision-makers. Practices should be trauma-informed, fair, independent, and free from bias. Care will be taken to work with students, the Police, and external bodies when incidents reported may also be criminal matters or need external expertise.
- 3.8 All information, including confidential information, is managed within Data Protection guidance and the safety of all individuals is protected when sharing information related to cases.
- 3.9 Data on all incidents reported (including anonymous reports) will to be used to regularly review this regulation, the associated policy and support services so as to raise awareness and inform the University, including the governing body, of safety in the University community.
- 3.10 No one involved in the appeal of a disciplinary case will have had any prior involvement with the case.
- 3.11 The University may vary any part of this Regulation or associated procedure to make reasonable adjustments for students with a disability.

4 RESPONSIBILITIES

- 4.1 All students registered at the University are subject to the jurisdiction of the Vice-Chancellor and Senate in respect of their conduct and their studies. The Vice-Chancellor may delegate responsibilities to a member of the University Executive Group.
- 4.2 The Director for the Student Experience is responsible for the operation of Regulation 2: Student Discipline (and associated procedures and guidance). They and members of the Student Experience Division are available to provide guidance to students and staff. The Director for the Student Experience may delegate responsibilities to members of the Student Experience Division.

5 REPORTING AN INCIDENT

- 5.1 Where someone studying or working at the University observes or is informed of conduct by a student which may constitute disciplinary misconduct (the "incident"), that person (or someone acting on that person's behalf) shall report such conduct to the Director for the Student Experience.
- 5.2 Incidents which occur outside the University or via a non-University mechanism (such as social media) may be dealt with under this Regulation.
- 5.3 The Director for the Student Experience may check the University records in order to ascertain whether the student has committed any previous acts of disciplinary misconduct and may provide that information to those involved in the disciplinary process if appropriate. The information may not be relied upon as evidence that the student has committed the alleged act of misconduct currently being considered under this Regulation, but it may be taken into account when considering whether it is necessary to impose precautionary action, when considering which disciplinary route to follow and when considering sanctions.

6 PRECAUTIONARY ACTION

- 6.1 When an incident is reported that may involve harm to the reporting person or others (real or potential), a risk assessment will be conducted to determine if conditions should be put in place to protect the safety of others and to allow a full investigation to be carried out. The information held on the students' records will be used as well as any information that is submitted with the report.
- 6.2 The Director for the Student Experience may impose immediate conditions on the student to ensure that a full and proper investigation can be carried out and/or to safeguard the student or others whilst the incident is being considered under this Regulation. For example, a student may be required not to contact certain witnesses to the incident. Those conditions will not include any suspension and/or exclusion of a student. This will be referred to as a 'precautionary action condition'.
- 6.3 If there is a significant and/or serious risk to the health, safety or wellbeing of any person, a Pro-Vice-Chancellor (PVC) [acting on behalf of the Vice-Chancellor (VC) may exercise powers under Regulation 7] to suspend and/or exclude a student for a specific period of time, e.g.,

until the conclusion of a disciplinary case and/or criminal proceedings. This will be referred to as 'precautionary action'.

- 6.4 The student subject to precautionary action will have an opportunity to make representations to a PVC before the decision is implemented unless this is not possible due to the urgent and/or sensitive nature of the matter, in which case they will have an opportunity to make representations after the decision.
- 6.5 The student may appeal against the Precautionary Action Notice. The VC will consider the appeal.
- 6.6 Precautionary action and the support for the students involved will be reviewed at regular intervals and if the University is informed of a material change in circumstances.
- 6.7 Precautionary action in any form is fundamentally not a penalty and does not indicate, whatsoever, that the University has made a decision on whether a disciplinary offence has taken place. All support and access to resources will be maintained where reasonably possible.
- 6.8 The decision and information on support and next steps will be detailed in writing to the student as soon as possible in a Precautionary Action Notice.
- 6.9 All precautionary action imposed will be reported to the next meeting of Senate and Council for information.

7 MEDIATION – AN ALTERNATE INFORMAL METHOD OF DISPUTE RESOLUTION

- 7.1 Mediation is voluntary. The aim is to offer the disputing parties the opportunity to be fully heard, to hear each other's perspectives and to decide how to resolve their dispute themselves. The University may still decide to proceed with a disciplinary case where there has been a serious breach of regulations.

8 LEVELS OF DISCIPLINARY INCIDENTS & POSSIBLE OUTCOMES

- 8.1 Reported incidents that breach University regulations will be managed at different levels depending upon the severity of the action and impact upon others/the University. There are three Levels of misconduct:

Level of Incident	Description of Misconduct
Level 1	Persistent disruptive behaviour that causes a disturbance or nuisance to others. Behaviour which may negatively impact on the health, safety and wellbeing of others.
Level 2	Bullying or harassment of others or threatening behaviour. Level 2 also includes a failure to comply with a sanction imposed for Level 1 misconduct.
Level 3	Behaviour that is sufficiently serious to question the student's continued registration at the University. It also includes failure to comply with sanctions imposed for Level 2 misconduct.

- 8.2 The Director for the Student Experience will set out illustrative examples of Level 1, Level 2 and Level 3 misconduct in Guidance.

9 INCIDENTS THAT MAY BE SUBJECT TO CRIMINAL INVESTIGATION

- 9.1 Where a criminal investigation is being undertaken in relation to an alleged incident, the University will normally suspend the internal disciplinary process until the criminal investigation and any legal proceedings have been concluded.
- 9.2 Where the student has been convicted of a criminal offence, the University may take action under this Regulation and/or may refer the case to its Committee on Criminal Convictions. A conviction in a criminal court will be taken as conclusive evidence that the offence has occurred, and no further investigation shall be required by the University. The focus of any disciplinary process and/or review by the Committee on Criminal Convictions will therefore be on the impact and effect of the conviction and/or on the sanction/s (if any) to be applied.
- 9.3 The University reserves the right to either suspend or continue with disciplinary action in cases where a police investigation is ongoing or has been suspended or discontinued. This will be decided on a case-by-case, in dialogue with the police where appropriate. The University also reserves the right to proceed with the disciplinary process where the student has been acquitted in criminal proceedings.

10 INVESTIGATIONS AND DETERMINATION OF OUTCOMES

- 10.1 An Investigating Officer will be appointed to investigate the case by the Student Experience Division.
- 10.2 For complex cases and when an internal Investigating Officer is not available, an investigator external to the University may be appointed.
- 10.3 Investigating Officers will determine the level of the reported offence and recommend an outcome for Level 1 & 2 cases.
- 10.4 For level 3 cases, the Investigating Officer will make a report of their findings to a Student Disciplinary Panel which will be convened by the Student Experience Division to hear and determine the outcome of the Level 3 case.
- 10.5 All students participating in the process may, at all stages where relevant, be accompanied by a member of the University or the University of Sussex Students' Union. Legal representation is not usually permitted except in Level 3 cases where it is agreed by the University.
- 10.6 A Level 3 Student Disciplinary Panel will comprise: a member of the University Executive Group (Chair), a member of staff, and a Students' Union Officer. A Secretary to the panel will also be present to record the discussion and advise the panel on procedure.

11 SANCTIONS

- 11.1 The University may apply one or more sanctions taking into account the specific allegations, the evidence provided and relevant mitigation. The sanctions that are available are provided in the Student Discipline Procedure. (Appendix A, Section 1)

12 APPEALS

- 12.1 The following are the only grounds that will be considered for an appeal by the reported student:
- a) there was a procedural irregularity which may have affected the outcome;
 - b) there is evidence which was not available at the time (and could not reasonably have been expected to have been submitted at the time) that may have affected the outcome determined by the Investigating Officer/Panel; and
 - c) the decision is not one, given the evidence that could be reasonably sustained.
- 12.2 Appeals for Level 1 & 2 misconduct will be considered by a PVC.
- 12.3 Appeals for Level 3 cases will be considered initially by a member of the University's Leadership team and may determine the appeal will progress to a Student Disciplinary Appeals Committee. A Committee will be made up of the VC or delegate; a senior member of staff from the leadership group; and an elected member of the Students' Union. A Secretary will also be in attendance.
- 12.4 The reporting student may complain about the outcome of a disciplinary case on the following grounds:
- a) there were procedural irregularities in the investigation of the complaint, which had a material effect on the outcome
 - b) new evidence can be presented which wasn't available earlier in the process and you were unable to reasonably do so
 - c) the outcome of the investigation is unreasonable based on the weight of the evidence.

The Complaints Procedure will be used to consider such a complaint.

13 REPORTING AND MONITORING

- 13.1 The Director for the Student Experience will produce an annual report on disciplinary cases for Council. This will detail the number of cases handled at each Level, a summary of the outcomes and highlight any areas for improvement.

14 THE OFFICE OF THE INDEPENDENT ADJUDICATOR (OIA) FOR EDUCATION

- 14.1 Students who have exhausted the University's internal procedures will be issued with a completion of procedures letter and informed that they may make a complaint to the OIA. The OIA's website (www.oiahe.org.uk) contains full details of the scheme.

15 DISCLOSURE OF DISCIPLINARY CASES

- 15.1 The Director for the Student Experience will disclose information relating to disciplinary cases to the extent that is necessary to comply with legal obligations and they may provide any information that they believe is appropriate to any relevant accreditation, professional or regulatory body.

16 AMENDMENTS

- 16.1 Amendments or additions to this Regulation by Council shall (unless otherwise stipulated by Council) be of immediate effect.

Updated and approved by Senate in June 2022