

8. DISCIPLINARY PROCEDURES FOR STUDENTS

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The Regulations in force at the time of the alleged misconduct will apply.

Purpose:

- 8.1 To detail the investigative and decision-making steps taken by the University when responding to reports of misconduct as defined in Regulation 7 – the Student Disciplinary Regulations for Students.

Scope:

- 8.2 Disciplinary procedures will be used where a student enrolled or registered at the University of Bath has allegedly committed an act of misconduct on or off university premises (including online) where the injured party is:
- the university itself, (this includes cases which could potentially bring the University into disrepute or where action is deemed necessary to safeguard our community)
 - a student or employee of the university
 - any other person on university premises
 - any other person involved with a university activity

Policy Interactions:

- 8.3 This policy is not designed to address issues of fitness to study. These issues will normally be dealt with under the Fitness to Study Policy. If there is a question about whether the Disciplinary process or the Fitness to Study process would be most appropriate for a given circumstance, this decision will be made by the Head of Student Policy and Safeguarding with appropriate advice.
- 8.4 Issues may be raised that do not fall neatly into the category of just one procedure. Where matters are raised under more than one procedure, that relate to common facts, then the normal approach will be to consider the matters through a joint process. For example, where a complaint raised under the Student Discipline Policy also needs to be investigated under a Staff Discipline Policy, the University will normally have one joint investigation under both policies and procedures. Normally this decision will be made at the level of the Deputy Director of HR / Head of Student Policy & Safeguarding. The University will explain to all parties how the matters will be investigated, where responsibility for overall conduct of the matter lies, and who will issue the final decision. A Designated Coordinator will be provided for all parties. Where a joint process is not possible, we will be clear about which specific issues will be considered under which specific procedure.

The Designated Coordinator will act as a single point of contact for any party throughout any part of these processes. The Designated Coordinator is not an advocate or representative. They can provide information on university processes and facilitate practical support, as well as acting as a link for communications between the University and parties to the process. The Designated Coordinator could be the Deputy Director of HR, the Student Discipline Manager, or the Student Casework Manager or the Dignity & Respect Liaison Officer, for example.

Definitions:

- 8.5 Reporting Party:
The person affected or impacted by the alleged misconduct
- 8.6 Respondent:
The person against whom the allegation is made
- 8.7 Witness (Direct/Indirect):
An individual who can provide evidence to the alleged behaviour
- 8.8 Referring Party:
The person referring the alleged misconduct to the University
- 8.9 Conflict of Interest:
In order that a fair and objective process is carried out, the University needs to ensure that those involved at each stage of the process do not have a conflict of interest.

The University defines a conflict of interest as a set of circumstances that creates a risk that the individual's ability to apply judgement or act fairly and objectively in a particular case is, could be, or could be perceived to be, impaired or influenced by a secondary interest. This interest might include some personal or working connection to any of the parties involved or their work, such that it could impair their objectivity. For this reason, we ask any individual involved in a Disciplinary case to declare any actual or potential conflicts of interest. The primary obligation rests with the individual to recognise situations in which there is actual, potential, or perceived conflict of interest.

The University is keen to support its staff and students and manage potential conflict wherever possible and will ask for declarations at every stage of the process. It is not the intention of the University to intrude on the privacy of individuals, however the University has a statutory obligation to safeguard the health, safety, and welfare of all members of the University. Therefore, it will take any necessary steps to satisfy these responsibilities.

If any party to this procedure has a concern about anyone involved with their case, they can raise a concern by emailing student-discipline@bath.ac.uk.

- 8.10 Burden of Proof:
The burden of proof for Student Disciplinary cases sits with the University and it is their responsibility to prove the case being considered.
- 8.11 Standard of Proof:
The civil standard of proof is used in Student Disciplinary cases, namely 'the balance of probabilities'. That something is more likely than not to have happened and must still be supported by evidence. Evidence will include, for example, statements from different parties, and will be collected by the University.

Principles:

- 8.12 The University is committed to making the experience of processes, such as this one, as considerate as possible. As such, this procedure will:
- Be timely: normally concluded within 60 calendar days (plus 30 calendar days for

any appeals) from when the Respondent receives notification that allegations of misconduct have been made against them. If it is anticipated that the process will take longer, all parties will be informed in writing and provided with an amended timescale

- Be independent: persons with a conflict of interest will not investigate or be put in a position to hear or make judgements on a case
- Be respectful: All parties will treat each other fairly and with respect throughout this process
- Be transparent: all parties will be clearly communicated with throughout the process, and reasons will be given for decisions made
- Be empathetic: all parties will be listened to and taken seriously throughout this process
- Be reflective: the University will use reports and feedback to improve our staff and student experience
- Be fair and unbiased: All parties will have the right to a fair and unbiased process (following the principles of natural justice) under the University's procedures. This means that excluding special circumstances, the identity of a Reporting Party and the details of the report will need to be disclosed to the Respondent, and where necessary, witnesses, before they are asked to respond.
- Be protective of those involved: the University will put measures in place to protect all the parties and prevent harm wherever required. This will include scheduling separate meeting and hearing times for Respondents and Reporting Parties.

Roles and Responsibilities:

- 8.13 The Student Discipline Team - this policy and procedure, and their application, are overseen by the Student Discipline Team who sit within Student Policy and Safeguarding. Any queries you may have relating to this policy and procedure can be emailed to student-discipline@bath.ac.uk.
- 8.14 Any of the functions of the Head of Student Policy & Safeguarding under these Regulations may be delegated to a member of the Student Policy & Safeguarding team.
- 8.15 Members of the Student Disciplinary and Misconduct Panel are selected by Senate or the Vice Chancellor and have been appropriately trained to make decisions on cases referred to them by the Student Discipline Team.

Support for Students:

- 8.16 We understand that this process can be difficult, and we strongly recommend that all students seek advice from the SU (Students' Union) Advice centre, which is independent of the University. The SU Advisors can assist with completing forms, preparing for meetings and can attend the meetings as an advisor. Students can arrange a meeting with an advisor by emailing suadvice@bath.ac.uk.
- 8.17 We also strongly recommend that students seek emotional support from the Student Wellbeing Service or the SU Advice centre before, during and/or after their involvement with this process.
- 8.18 Students may be accompanied to any or all stages of this process by a Students' Union representative, a friend, family member or advisor. The Chair or person leading the

meeting will be clear about the opportunities for when representatives can speak. These may include reading a statement on behalf of the student, consulting with them and advising them. However, students will be expected to answer questions and speak for themselves.

- 8.19 Students are required to notify the Student Discipline Manager of the name and status of anyone accompanying them to meetings, with at least 3 working days' notice, by emailing student-discipline@bath.ac.uk.
- 8.20 We understand that some students may need additional arrangements to fully access this process. This may include reasonable adjustments for disabled students, an interpreter, or other arrangements. You can discuss your needs by emailing student-discipline@bath.ac.uk.
- 8.21 Any student who has been party to any of the above policies/procedures can raise any concerns about their experience using the [Student Complaints Policy](#). The SU Advice Centre can offer independent guidance on how to submit a complaint.
- 8.22 Parties to this process are encouraged to provide feedback on any aspect of it any stage by emailing studentpolicy@bath.ac.uk

Procedure:

- 8.23 The University will consider applying precautionary measures to ensure that any recognised risks can be mitigated before and during the Student Discipline process (see Student Precautionary Measures Policy).
- 8.24 If a Reporting Party has raised a concern with the University, it is important that they feel in control of this information, wherever possible. Therefore, unless there is a safeguarding concern, or other risk, which will normally be discussed with them, the Reporting Party retains the rights to withdraw from this process at any point.
- 8.25 If a Reporting Party withdraws from the process, the University reserves the right to act on the information provided.
- 8.26 At each stage, all parties will be given as much choice as possible between remote and in-person meetings.

Allegations:

- 8.27 Allegations of misconduct will be addressed in one of the following ways:
- By the University Librarian, Chief Digital and Information Officer and/or the Director of Sport in accordance with Regulation 10, or The SU in accordance with [The SU Student Members Disciplinary Policy](#)
 - By referral to the Student Discipline Team-
 - Through referral directly to the Police
 - Directly by Security Services, as outlined below:
- 8.28 If a member of Security Services witnesses misconduct which can be classified as Category A, according to the categorisation outlined in Regulation 7, they may issue a fixed penalty notice (£50 for first breach, £100 for repeat breach).

8.29 If a student does not wish to accept the fixed penalty notice or is not in a condition to understand the process, they will be referred to the Student Discipline Team. A student may receive no more than two fixed penalty notices in any twelve-month period. A third incident will result in an automatic referral to the Student Discipline Team.

The remainder of this procedure outlines what happens following referral of alleged misconduct to the Student Discipline Team.

8.30 The Reporting Party will be invited to meet with a member of the Student Discipline Team to provide a statement detailing the alleged misconduct. The Student Discipline Team may also take statements from witnesses.

8.31 Based on the information provided, the Student Discipline Team will establish if an allegation meets the definition of misconduct as outlined in Regulation 7. They will decide one of the following:

- a. To investigate the allegation, including initial categorisation of the misconduct as Category A, B or C as outlined in Student Regulation 7.
- b. To refer the party making the report to an alternative procedure.
- c. To address the allegation through an alternative procedure.
- d. To dismiss the allegation, with the consequence that no further action will be taken.

Investigatory Process:

8.32 Following determination of 8.31a, the investigation into the reported misconduct will begin, led by the Student Discipline Team.

8.33 The Respondent will be told in writing about the allegation(s) against them and will be asked to attend an investigative interview with the Student Discipline Team.

8.34 Respondents will normally be expected to represent themselves at all stages.

8.35 At the conclusion of the investigation, an Investigation Report will be produced.

8.36 Using the Investigation Report, the Head of Student Policy & Safeguarding will determine one of the following:

- a. That the Respondent is in breach of Regulation 7, Category A or B
- b. That the alleged misconduct is Category C requiring referral to a Student Disciplinary and Misconduct Panel
- c. That the case should be addressed through an alternative procedure.-
- d. That there has been no breach of Regulation 7, concluding the Disciplinary Procedure. A Completion of Procedures Letter will be sent to the Respondent within 10 working days of the dismissal. This will include information on how the student could submit a complaint to the Office of the Independent Adjudicator (OIA) for review.

8.37 Where the alleged misconduct was directed at an individual/s, and on review of the investigation report, a change to the initial categorisation is proposed, or where there is a determination that no breach of Regulation 7 has occurred, the decision will be

ratified by the Head of Student Policy & Safeguarding with a Chair of the Student Disciplinary and Misconduct Panel.

Category A or B Misconduct Process:

- 8.38 If the Respondent has been found in breach of Regulation 7 under Category A or B, the Student Discipline Team will decide the sanction(s) to be applied.
- 8.39 The outcome as a result of the investigation will be communicated to all involved parties and may include any sanction(s) to be applied, and the timeframe in which they will apply.
- 8.40 The Respondent and Reporting Party may request a copy of the Investigation Report, though confidential or sensitive information may be redacted.

Category C Misconduct Process: Referral to a Student Disciplinary and Misconduct Panel

- 8.41 The Respondent and Reporting Party will receive at least 5 working days' notice of any Student Disciplinary & Misconduct Panel. The notification will provide them with:
 - a. The Investigation Report, though confidential or sensitive information may be redacted
 - b. The names and roles of the Student Disciplinary and Misconduct Panel members.
- 8.42 The Respondent and Reporting Party will have at least 3 working days after receiving notice of the Student Disciplinary and Misconduct Panel to submit any evidence in response to the findings of the Investigation Report and to notify the Student Discipline Team of any perceived conflicts of interest relating to the Panel members. Any accepted additional evidence will be shared with all parties involved in the Panel. This may result in the Student Disciplinary and Misconduct Panel being rescheduled.
- 8.43 If the Respondent fails to attend the Student Disciplinary and Misconduct Panel without good cause (either in person or virtually), having had appropriate notice, the Student Disciplinary and Misconduct Panel will consider the case in the Respondent's absence.
- 8.44 The Respondent will not be able to send a representative or spokesperson in their place, other than in exceptional circumstances and as agreed by the Chair of the Student Disciplinary and Misconduct Panel.

Order of Student Disciplinary and Misconduct Panel:

- 8.45 The Chair, in consultation with members of the Panel, will determine the order of proceedings.
- 8.46 The Student Disciplinary and Misconduct Panel will consider the Investigation Report. The Panel will invite the Reporting Party to give a statement and answer questions from the Panel. They will then invite the Respondent to answer questions and give a statement. Witnesses may be invited by the Chair to attend to answer questions from the Panel. Reporting Parties, witnesses and Respondents will attend the Panel separately.

- 8.47 The Student Disciplinary and Misconduct Panel will determine either:
- a. the Respondent is in breach of Regulation 7;
 - b. there has been no breach of Regulation 7, concluding the Disciplinary Procedure. A Completion of Procedures Letter will be sent to the Respondent within 5 working days of the outcome of the panel. This will include information on how the student could submit a complaint to the Office of the Independent Adjudicator (OIA) for review. Any reporting party will be also informed of the outcome within 5 working days of the outcomes of the panel.
- 8.48 If the Respondent is found to be in breach of Regulation 7, the Student Disciplinary and Misconduct Panel will then decide on the sanction(s) to be applied using the University's Sanctioning guidelines.
- 8.49 The Respondent and Reporting Party will be informed of the Student Disciplinary and Misconduct Panel's decision in writing, no later than 5 working days, including how they have breached Regulation 7, any sanction(s) to be applied, and the timeframe in which they will apply.
- 8.50 A Panel Proceedings report will be produced, and the Respondent and Reporting Party may request a copy.
- 8.51 If the decision of the Student Disciplinary and Misconduct Panel is to recommend the expulsion of the Respondent, this recommendation will be made to the Vice Chancellor. The Respondent and Reporting Party will be informed of this recommendation, no later than 5 working days from the outcome of the panel, along with any other sanction(s) or measures preceding the expulsion.
- 8.52 The Vice Chancellor's decision to accept or reject the Panel's recommendation to expel the Respondent will be communicated to the Respondent and the Reporting Party within 10 working days of the outcomes of Student Disciplinary and Misconduct panel meeting.

Appeal Process:

- 8.53 A Respondent can use the Student Appeals Policy and Procedure to submit an appeal (within the bounds of that policy) following notification of the outcome of a Student Disciplinary case. Appeals need to be submitted within 10 working days of the outcome of the case.

Involvement of the Police and Criminal Investigations:

- 8.54 Where an allegation may constitute a criminal offence the Reporting Party will have a choice as to whether to report the matter to the police, other than in circumstances where there is a risk to the safety of the University or wider community, or a legal obligation to report a particular allegation. In these cases, the University's decision to refer to the police will be explained to the Reporting Party.
- 8.55 If a registered University student is under police investigation awaiting conclusion of a criminal or civil case, any University disciplinary action will normally be put on hold to prevent prejudicing a criminal investigation. Where relevant, necessary precautionary measures will be implemented.

- 8.56 After the conclusion of a criminal case, the Vice-Chancellor, advised by the Head of Student Policy and Safeguarding will determine whether internal disciplinary action will be taken, and from which point in these procedures.
- 8.57 The University may still proceed with the Disciplinary Procedure even if the police decide not to investigate an incident or if the Respondent is found not guilty. This is because those determining issues under this Procedure must make those judgements on the balance of probabilities, as opposed to beyond reasonable doubt, which is the burden of proof required for criminal cases.
- 8.58 Where a Respondent has been convicted and sentenced by a Court, the penalty of the Court will be taken into consideration in determining any additional sanction(s) imposed under these Disciplinary Procedures.

Records and Notification:

- 8.59 The Student Discipline Team will notify The SU and other teams/ departments within the University of sanctions applied on a ‘need to know basis’ as determined by the University’s administrative and safeguarding responsibilities (i.e. notification of a No Contact Order where the Respondent and the Reporting Party are in the same academic department or SU club).
- 8.60 The Respondent’s academic department will always be informed of a Category C warning as sanctioned by the Student Disciplinary and Misconduct Panel.
- 8.61 The Student Discipline Team will report to the Senate on an annual basis.
- 8.62 Where necessary for fair investigation and consideration of a disciplinary case, the University may share information internally and with The SU.
- 8.63 All records taken under this policy will be held for the recommended period of time for which records should be retained to comply with legal requirements and meet operational needs as defined with the [University Records Retention Schedule](#)
- 8.64 Related Policies and Procedures
 Regulation 7 – Disciplinary Regulations for Students
 SU Disciplinary Procedure
 Student Precautionary Measures Policy
 Student Appeals Policy and Procedure
 Dignity & Respect Policy & Procedure
 Staff Disciplinary Policy & Procedure

8.65 Document Control Information

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Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.

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