

# University Disciplinary and Investigative Procedures and Powers (UDIPP)

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<b>Student Conduct and Complaints team (Academic Registry Services) :</b> Email: <a href="mailto:ssdc@uea.ac.uk">ssdc@uea.ac.uk</a>	<b>Student Union Advice Team:</b> Email: <a href="mailto:advicecentre@uea.ac.uk">advicecentre@uea.ac.uk</a>
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## **Part A: General**

### **Definitions**

**You are:**

- (a) a student who is alleged to have breached one or more Statutes, Regulations (including the General Regulations for Students), Student Charter, Codes of Practice, rules, and procedures of the University in force during your period of registration and any Regulations, rules, and procedures required by any other organisation or institution to which you have access by virtue of your status as a student at the University of East Anglia; or
- (b) a former student who was a student at the time of the alleged breach(es); or
- (c) a student at INTO UEA who is alleged to have breached General Regulations relating to academic misconduct only. Any alleged breaches of non-academic misconduct will be dealt with by INTO UEA at their discretion. In cases where an INTO student has committed a breach of the terms and conditions of licence or assured shorthold tenancy while staying at University Residences, the breaches will be considered by the Head of Accommodation at UEA.

**University** means the University of East Anglia.

‘University Residences’ means Barton House, Britten House, Browne House, Colman House, Constable Terrace, Crome Court, Hickling House, Kett House, Nelson Court, Norfolk Terrace, Orwell Close, Paston House, Suffolk Terrace, Suffolk Walk, University Village, Village Close, Victory House, Wolfson Close, and any other building which the University uses as accommodation for students.

‘University Property’ means premises owned, controlled, or managed by the University.

‘Registration’ means initial or renewed registration.

Other than in respect of Part E, paragraph 1 (Vice-Chancellor’s Powers), all references within these Procedures to particular post holders shall be construed to include references to their deputies or nominees who may take action within these procedures on the authority of the post holder, provided there is no conflict of interest.

The term ‘they’ or ‘their’ is often used in the singular as a replacement for the gender-specific terms ‘he or she’ or ‘his or her’.

Working days means Monday to Friday inclusive but does not include bank holidays or University closure days. Oversight of the Regulations and these Procedures and Powers

1.1 The Director of Student and Academic Services has overall responsibility to the Senate for General Regulations 13–23 inclusive, insofar as they relate to students on taught programmes.

1.2 The Head of the Postgraduate Research Service has overall responsibility to the Senate for General Regulations 13–23 inclusive, insofar as they relate to students on research degrees.

1.3 The Director of Student and Academic Services has overall responsibility to the Senate for the welfare and discipline of students under all other General Regulations.

1.4 The Vice-Chancellor may not delegate their powers under these Procedures except as provided for by paragraph E1.11 to a Deputy-Vice-Chancellor or Pro-Vice-Chancellor.

## **2. Confidentiality and data protection**

2.1 All personal information will be processed by the University lawfully.

2.2 We will process your personal data in order for the University to fulfil its obligations under its Charter. This includes processing your personal data for the purposes of the investigations and procedures described in this document.

**Guidance:** Further information relating to the University's processing of student personal data can be found in our [Student Privacy Notice](#).

2.3 .4 your course exam board (such information to be limited only to what academic penalties have been applied and eligibility or otherwise for reassessment/deferred first sit).

2.3.5 staff in Student Services for the purposes of offering services to support you or another Participant.

2.3.6 those whose reports about your conduct have been considered and/or investigated, to the extent necessary for the purposes of assuring them that their concerns have been addressed appropriately.

2.4 However, there are exceptions to this. Confidential and personal information relating to disciplinary and investigative procedures may be disclosed:

2.4.1 to the police.

2.4.2 to the University's legal representatives.

2.4.3 to government, or Professional, Statutory and Regulatory Bodies (PSRBs) (such as the General Medical Council or the Health and Care Professions Council) if required by law, or required by those relevant bodies and permitted by law.

2.4.4 if you ask us to disclose it, or when you ask us to complete a reference for a role or responsibility or for further study.

2.4.5 if you are enrolled on a degree apprenticeship programme, as the University will share any findings of breach with your employer in accordance with your Apprenticeship Commitment Statement.

2.4.6 if you are sponsored or seconded by an employer as the University will share any findings of breach with your employer.

2.4.7 to a funding body, external research ethics committee or scholarships provider, where they require this.

2.4.8 as a case study for training purposes or to ensure that similar cases are treated similarly. If we do this, we will anonymise the information.

### **3. Students who leave the University**

3.1 These University Disciplinary and Investigative Procedures and Powers apply to you even if you withdraw from the University, or are withdrawn, or your registration end date is reached, provided that the alleged breach of the Regulations relates to your time as a student. In this situation, the Chair of Senate Student Discipline Committee will decide whether the case against you should proceed, or not proceed, or be suspended. In making this decision, the Chair will usually consider that the case should proceed where:

3.1.1 there is a need to safeguard University students, staff, officers, visitors, and University Property; and/or

3.1.2 there is a need to safeguard members of the public, especially those who are vulnerable such as children, patients and vulnerable adults who may be affected by the alleged breach(es); and/or

3.1.3 to do so would reflect the requirements or spirit of the Codes of Practice and standards established by the relevant Professional, Statutory and Regulatory Body (PSRB); and/or

3.1.4 it is in the interests of academic integrity, for example because it is alleged that you have obtained a qualification from the University by fraud.

3.2 Where you have a pending appeal to the Senate Student Discipline Appeals Committee, the Chair of Senate Student Discipline Appeals Committee will make the decision referred to at 3.1 instead.

3.3 In the event that the Chair decides that the case should proceed, the Chair can at their discretion keep the proceedings suspended until such time as you engage with them, although in most situations the cases will proceed in your absence. Where the proceedings are suspended, you are not eligible for admission to any programme of study or any other service until conclusion of the proceedings.

3.4 As stated in General Regulation 1.3, disciplinary procedures must normally be concluded before any degree or award can be conferred, and this may mean that conferment may be delayed pending conclusion of the procedures.

#### **4. Interrelationship with criminal investigations and similar proceedings**

4.1 If an allegation of a breach of the General Regulations might also constitute a criminal offence or where a police, criminal, or other legal investigations or legal proceedings are contemplated or underway, the University can at its discretion decide to postpone its own investigative or disciplinary processes until the investigation and/or proceedings have been concluded.

4.2 However, there may be circumstances in which the processes run concurrently or consecutively, particularly where there is an immediate issue of risk to you or others, or if the offence under the criminal law would be considered to be not serious and no criminal proceedings are being, or in the opinion of the decision-maker named in paragraph 4.3 below, are likely to be, brought against you in respect of that offence.

4.3 The decision as to whether to take or postpone investigation and/or proceedings will be made by:

4.3.1 the Director of Student and Academic Services for alleged breaches of General Regulations 13–23 inclusive ('Academic and Professional Integrity'), insofar as they relate to students on taught programmes.

4.3.2 the Head of the Postgraduate Research Service for alleged breaches of General Regulations 13–23 inclusive ('Academic and Professional Integrity'), insofar as they relate to students on research degrees.

4.3.3 the Director of Student and Academic Services in relation to all other General Regulations.

4.4 If, after proceedings against you have been commenced under these Disciplinary Procedures, any criminal proceedings are started against you in respect

of the same incident, the disciplinary proceedings will normally be suspended to await their outcome (including any appeal).

4.5 Where you have been acquitted of an offence before a criminal court, action under these Procedures and Powers may still be taken. That is because the University has a different (lower) standard of proof than the criminal courts, and we consider whether you have breached the Regulations rather than whether you have committed a crime.

4.6 It is not necessary for any party to prove again any fact already established in the criminal or civil proceedings.

4.7 If you are unable to participate in person or by live video link in any SSDC hearing in a timely manner because you are in prison, the Senate Student Discipline Committee may proceed in your absence on the basis of written representations.

**Guidance:** *The reasons for deferring action pending criminal proceedings are:*

- (a) Any immediate risk to the University community should be addressed through precautionary action under Part E of these Procedures and Powers. That Part contains the powers of the University to temporarily exclude and/or suspend you pending the progression or outcome of any police, criminal or other legal investigations or proceedings. There are safeguards within that Part.*
- (b) There is a substantial risk that an internal investigation could interfere with A student's engagement with an internal investigation could impact upon their defence in the criminal proceedings, and therefore a student's lawyer is likely to advise them not to engage with internal proceedings. An internal investigation may also risk jeopardising a successful prosecution on the part of the reporting student.*

## Part B: Non-Academic Discipline Procedure

### 1. Initial referrals and investigations

1.1 For Regulations 1-12 and 16, any incident which may breach the University's General Regulations for Students shall in the first instance be referred to the Disciplinary Triage Group, which shall determine whether an incident should be investigated as a potential breach of the regulations and what further actions, if any, should be taken to investigate and/or provide support to those involved, and who is to be responsible for those actions. The Disciplinary Triage Group may receive referrals made by the Students Union. The group can also redirect any matter that does not fall under the remit of a breach of the General Regulations for Students but may be covered under the Students Union's Code of Conduct to the Students Union in the best interests of maintaining a safe environment for all staff, students and visitors.

Subject to the decision of the group, it is likely that investigations will be conducted by:

1.1.1 the Head of Accommodation Services (where the alleged breach may constitute a breach of a licence to occupy University Residences or an Assured Shorthold Tenancy, or otherwise relates to Accommodation; or

1.1.2 the Student Sport Operations Manager (where the allegations relate to the student's conduct as a sportsperson or in relation to a university sporting activity or event, or while using any university sports facility; or

1.1.3 the Student Conduct and Complaints Team in all other cases, or to assist the Head of Accommodation Services or the Student Sport Operations Manager when requested to do so.

1.2 An investigation may include:

1.2.1 meeting with anyone alleged to have been involved in the incident or with knowledge of it.

1.2.2 obtaining further information from any attending Security Officer, Residential Life Adviser, Student Services Resident Tutor, the Students Union, reporter, and any witnesses.

1.2.3 obtaining any other relevant information such as from the UEA records system or from the Police or Local Authority Designated Officer

1.2.4 considering any evidence and/or mitigation submitted by you and others being investigated.

1.3 Student Services shall ensure that (where necessary) consent is provided by the reporter to investigation and shall report to the group on the outcome of any risk assessments, precautionary measures, or support provided.

1.4 The triage group may refer the student to a process such as the **Student Academic Engagement Process** or, in the case of postgraduate research students, the **PGR Procedures on Attendance, Engagement, and Progress**, or the Fitness to Practise process.

***Guidance:** Sports clubs fall under the joint remit of the SU Code of Conduct (as they are constituted by the SU and comprise members of the SU) and these procedures (as teams comprise students bound by the General Regulations for Students and using University facilities). The SU and the Student Sport Operations Manager should seek to agree a protocol for dealing with such cases which reflects their shared interests in good student conduct and fair processes.*

## **2. Role of the Head of Accommodation Services in relation to alleged breaches of a licence to occupy or tenancy agreement and/or General Regulation**

2.1 Where a student is alleged to have breached a tenancy agreement or licence to occupy University accommodation which results only in a breach of General Regulation 9.1, the Head of Accommodation Services may:

2.1.1 issue advice on the implications of breaching the terms of your licence or tenancy and potential steps that may be taken in the event of a proven breach. Such advice does not necessarily constitute or exclude a finding that a breach has occurred and does not constitute a penalty.

2.1.2 decide on the balance of probabilities that no breach has been committed or that there is no case to answer.

2.1.3 following an investigation, decide that there has, on the balance of probabilities, been a breach of the terms and conditions of a licence to reside or an assured shorthold tenancy agreement in University Residences which has:

2.1.3.1 been committed by you; or

2.1.3.2 is damage committed by someone that you have allowed to damage the Residential Premises; or

2.1.3.3 been committed by someone you have invited into, or given access to the Residential Premises.



and an appropriate penalty or penalties as listed in Part G (Penalties), which may include terminating your licence or applying to court to terminate a tenancy, may be imposed.

2.1.4 following an investigation, decide that there has, on the balance of probabilities, been a loss caused by a breach of clause 13.1 or 13.2 of the terms and conditions of your licence but that the loss cannot be attributed to an individual licensee, hold you jointly and severally responsible for making good that loss unless you can demonstrate to the satisfaction of the Head of Accommodation Services (acting on behalf of the Licensor) that on the balance of probabilities you, or your guest or visitor, were not responsible for the damage.

2.2 Where the Head of Accommodation Services believes that you may have breached the General Regulations for Students (other than General Regulation 9.1) the Head of Accommodation Services shall refer the case to the Disciplinary Officer who shall address both the alleged breach of the terms and conditions and the other alleged breaches.

2.3. In all cases, the Student Accommodation Manager can recommend that you seek pastoral support from another member of staff within Student Services.

2.4. In any case in which the Head of Accommodation Services believes that you may be unfit for study, they may refer the matter to the Deputy Director of Student and Academic Services (Wellbeing) to determine appropriate next steps. This step does not preclude the Head of Accommodation Services from imposing a penalty or penalties where a breach has been found proven, but any such penalty must be carefully considered in light of the concerns about your wellbeing.

**Guidance:** *In determining an appropriate penalty or whether to refer the issue to SSDC, the decision-maker may take previous breach(es) by the student into account, provided that the student is being penalised for failure to alter their conduct and is not being penalised again for the same breach(es).*

### **3. Role of the Student Sport Operations Manager in relation to alleged breaches of non-academic General Regulations**

3.1. When the Student Sport Operations Manager determines that there is sufficient information for a disciplinary decision to be made they will decide whether there has, on the balance of probabilities, been a breach of General Regulations, and either:

3.2.1 following or not following an investigation choose not to take action other than to issue advice on the implications of breaching the General Regulations and potential steps that may be taken in the event of a proven breach. Such advice does

not constitute a finding that a breach has occurred and does not constitute a penalty.

3.2.2 following an investigation, decide on the balance of probabilities that no breach has been committed or that there is no case to answer.

3.2.3 following an investigation, decide that there has, on the balance of probabilities, been a breach of the General Regulations and either issue a warning about the implications of breaches and potential steps that may be taken in the event of further breaches; and/or apply an appropriate penalty or penalties as listed in Part G (Penalties).

3.3 In all cases, the Student Sport Operations Manager can recommend that you seek pastoral support from Student Services.

3.4 In any case in which the Student Sport Operations Manager believes that you may be unfit for study, they can refer the matter to the Head of Wellbeing who can consider whether to recommend to your School that the Student Academic Engagement procedure be started. This step does not preclude the Student Sport Operations Manager from imposing a penalty or penalties where a breach has been found proven, but any such penalty must be carefully considered in light of the concerns about your wellbeing.

3.5 Where the Student Sport Operations Manager decides that they do not have sufficient information for a disciplinary decision to be made, or the matter is potentially serious, they may refer the matter to the Disciplinary Officer instead of making a determination themselves.

**Guidance:** *In determining an appropriate penalty or whether to refer the issue to SSDC, the decision-maker may take previous breach(es) by the student into account, provided that the student is being penalised for failure to alter their conduct and is not being penalised again for the same breach(es).*

#### **4. Reviews and Appeals from a decision of the Student Sport Operations Manager or Head of Accommodation Services**

4.1 Reviews and Appeals from a disciplinary decision of the Student Sport Operations Manager, or Head of Accommodation Services under 2.1.3 or 3.1.3 (on the facts or on the penalty or both) shall be heard in accordance with Part H (Appeals).

**Guidance:** *note that if you have been served with notice to quit your licence, this period does not pause while you appeal. You should therefore use this time wisely to search for accommodation in case your appeal is unsuccessful.*

**Guidance:** note that the process depends on whether you had the opportunity to be heard before a penalty was applied. While this would normally be the case, there may be situations (such as where a breach of covid regulations was captured on body-worn cameras or cctv) where the penalty will be levied subject to you requesting a review. A review is an Investigation.

## **5. Referrals to the Disciplinary Officer**

5.1 The Disciplinary Officer receives referrals in relation to: allegations of breaches of intellectual property/copyright infringement; alleged breaches of the terms and conditions of accommodation where combined with an alleged breach of the General Regulations for Students; and any matter considered by the Disciplinary Triage Group to be complex or potentially serious.

5.2 The University Disciplinary Officer is appointed by the Senate and has the power to investigate, hear and determine any case which has been referred to them in accordance with these Disciplinary Procedures. They may delegate these and other responsibilities to an appointed Deputy University Disciplinary Officer and at any time more than one person may be Disciplinary Officer. They may ask the Student Conduct and Complaints Team to investigate the allegations.

5.4 A University Disciplinary Officer will consider an investigative report and request any further written information that is necessary to resolve the case fairly.

5.5 Once the University Disciplinary Officer has sufficient information on which to make a decision as to how to proceed, the University Disciplinary Officer must then:

5.5.1 decide that there is no case to answer or that you have not breached a Regulation; or

5.5.2 decide to summon you to a hearing before them, after which they will make a decision;

5.5.3 determine you are in breach of General Regulations and determine a penalty in accordance with Part G (Penalties); or

5.5.4 decide that instead of reaching a decision themselves on whether you have breached the Regulations the matter should be referred to the Senate Student Discipline Committee (SSDC). In cases specifically involving a criminal conviction where the student is given a custodial sentence, the Disciplinary Officer can choose to refer the matter to SSDC without the need for an investigation or Hearing. This is due to the allegations having already been proven in court.

**Guidance:** In determining an appropriate penalty or whether to refer the issue to SSDC, the decision-maker may take previous breach(es) by the student into

*account, provided that the student is being penalised for failure to alter their conduct and is not being penalised again for the same breach(es) for which they have already been penalised.*

## **6. Hearings by the Disciplinary Officer**

6.1 If a University Disciplinary Officer wishes to speak to you in person before they decide the matter themselves, then they will send you, by email, a written summons to a hearing before them. The summons will state:

6.1.1 the alleged breaches of regulations or of the terms and conditions of the licence or lease;

6.1.2 the nature of the alleged breach;

6.1.3 the date, time, and location of the meeting;

6.1.4 the fact that the University Disciplinary Officer can decide whether there has been a breach of the Regulations and apply a penalty or penalties;

6.1.5 the range of penalties available to the University Disciplinary Officer;

6.1.6 any penalty or penalties that the University Disciplinary Officer proposes to impose in the event that you are found guilty of a breach of the Regulations and do not respond to the summons (which is, in itself, a breach of Regulation 13);

6.1.7 that instead of reaching a decision themselves on whether you have breached the Regulations the University Disciplinary Officer, they are referring the matter to Senate Student Discipline Committee.

6.2 Copies of the investigative report and any written or other evidence relied upon in the drafting of the report must be enclosed with the summons.

6.3 The summons will be sent to your University email address no fewer than 5 working days before the meeting.

## **7. Your options on receipt of a summons**

7.1 You must respond to the summons no fewer than 2 working days before the meeting.

7.2 If you deny the allegations, or you admit the allegations but you want the opportunity to talk to the University Disciplinary Officer about any mitigating factors, you should notify the University Disciplinary Officer that you will attend the meeting at the date, time, and location given in the summons letter, and give the name and

status of anyone you are bringing with you. Any person you bring with you is called your Companion (see paragraph 8 below).

7.3 If you admit the allegations and you do not want to meet with the University Disciplinary Officer, you can waive your right to the hearing and agree that the University Disciplinary Officer can impose the penalty or penalties that she has outlined in the summons letter without a meeting taking place.

7.4 If you do not respond to the summons letter at least 2 working days before the meeting, or you fail to attend the meeting, the University Disciplinary Officer will deem this to be an acceptance that the allegations set out in the summons letter are true and therefore find that there has been a breach of the Regulation(s). The University Disciplinary Officer will then either apply the penalty or penalties set out in the summons letter or determine that the allegations are so serious that the matter should be referred to Senate Student Discipline Committee.

## **8. At the hearing**

8.1 At the hearing, the University Disciplinary Officer will discuss with you whether you have breached a Regulation or Regulations. A note-taker will be present at the hearing.

8.2 You have the right to be accompanied by a Companion. The Companion must have no connection with the allegations and therefore no material interest in the matter.

8.3 You must tell the University Disciplinary Officer no later than 2 working days before the hearing of your Companion's identity and status (for example Student Union Adviser or fellow student). If you do not tell the University Disciplinary Officer within this timescale, they may decide that you are not allowed to bring a Companion at all.

8.4 The Companion may present the case on your behalf and help and support you. However, they cannot answer questions on your behalf about what is alleged to have happened or your state of mind, and they cannot attend the hearing in your absence.

8.5 It is your responsibility to tell your Companion about the date, time, and location of the hearing. If your Companion does not attend the hearing, the hearing may proceed in their absence.

**Guidance:** *Members of the Student Union Advice Team are available to act as your companion*

## **9. The University Disciplinary Officer's decision**

9.1 Following the hearing, the University Disciplinary Officer will determine on the balance of probabilities whether you have breached a Regulation or Regulations and either:

9.1.1 apply a penalty or penalties set out in Part G (Penalties). In determining the appropriate penalty or penalties, the Disciplinary Officer will consider any evidence of mitigation that you have provided; or

9.1.2 decide that the allegations are so serious that the matter should be referred to Senate Student Discipline Committee.

9.1.3 decide that there is no case to answer or you have not breached a Regulation.

9.2 If, whether or not you have been found to have breached a Regulation or Regulations, it appears to the University Disciplinary Officer that you may be unfit to study, the University Disciplinary Officer may contact Student Services and recommend that they trigger the Student Academic Engagement Process at Ability to Engage level or , in the case of postgraduate research students, the PGR Procedures on Attendance, Engagement, and Progress.

9.3. The University Disciplinary Officer may impose a penalty or penalties in addition to a referral to the Academic Engagement Process, or in the case of postgraduate research students, the PGR Procedures on Attendance, Engagement and Progress but such penalty must be carefully considered in light of the concerns about your wellbeing.

## **10. After the hearing**

10.1 Within 5 working days of the hearing, the University Disciplinary Officer must

10.1.1 notify you by email letter of the decision and any penalty or penalties imposed; and

10.1.2 advise you of the appeal mechanism.

10.1.3 depending on the nature of the breach, copy the notification to your Head of School, Fitness to Practise lead (if you are in a professional school) and (in the case of postgraduate research students) your supervisor.

## **11. Informal resolution**

11.1 The University recognises that not all students wish to make a formal complaint through the disciplinary process, for a variety of reasons. The informal

resolution process seeks to balance the need for safeguarding and the community interest in addressing such misconduct with the wishes of the reporting student. Where a student alleges that they are a victim of a breach of the Policy on Student Harassment and Sexual or Physical Misconduct, that student (known as the 'reporter') may request that the matter be dealt with outside the disciplinary process.

11.2 If they do so, the Head of Life and Learning (Student Life) will then determine whether the matter should be dealt with informally based on the following criteria:

11.3.1 the reporter's wishes: under no circumstances should an informal resolution take place without the explicit informed consent of the reporter, freely given;

11.3.2 the University's safeguarding obligations;

11.3.3 the risk the alleged misconduct, if true, would pose to the reporter;

11.3.4 the risk the alleged misconduct, if true, would pose to the UEA community and the wider community;

11.3.5 whether the alleged misconduct is capable of constituting a criminal offence.

11.4 The Head of Life and Learning (Student Life) must explain to the reporter that some cases are so serious that they cannot be the subject of an informal resolution.

11.5 Where the Head of Life and Learning (Student Life) agrees to informal resolution, they will meet with the responding student and discuss with them the potential implications of their alleged actions. This does not constitute a finding of non-academic misconduct.

***Guidance: Records should be kept of informal resolution in line with the University's Document Retention Policy.***

## Part C: Academic Discipline Procedure

### Preamble

This procedure relates to alleged breaches of the following academic regulations:

- Regulation 20 (behaviour in the examination or course test)
- Regulation 23 (conferment of qualifications)

It describes the stages up to a referral to SSDC, if such a referral is made. Guidance: Regulation 6 may involve academic or non-academic misconduct, but our policy treats this as non-academic misconduct for the purposes of investigation and applying a penalty.

For the procedure for addressing alleged breaches of Regulation 13 (Engagement), please refer to the **Student Academic Engagement Process** or, in the case of postgraduate research students, the **PGR Procedure on Attendance, Engagement, and Progress**.

For the procedure for addressing alleged breaches of Regulation 14 (professional conduct or suitability concerns) please refer to Part D below.

For the procedure for addressing alleged breaches of Regulation 15 (conduct of research and research ethics), please refer to the University's Procedure for Dealing with Allegations of Misconduct in Research.

For the procedure for addressing alleged breaches of Regulation 16 (intellectual property, data protection, and copyright), please see Part B of these University Disciplinary and Investigative Procedures and Powers and refer the matter to the Disciplinary Triage Group in the first instance. An alleged breach will usually be addressed as non-academic misconduct but there may be some types of breach we decide are more properly addressed as an aspect of Regulation 15 (conduct of research and research ethics).

It is not anticipated that any disciplinary proceedings will result from a breach of Regulation 17, which requires students to correctly note the time and place of examinations and course tests and the requirement to submit work to deadline. A failure to comply with these requirements would instead affect the student's progression and marks.

For the procedure for addressing alleged breaches of Regulation 18 (plagiarism and collusion), please see the **University Policy on Plagiarism and Collusion**.



For the procedure for addressing alleged breaches of Regulation 19 (illegible or gratuitously offensive assessment submissions), please see the **University Policy on Illegible or Gratuitously Offensive Assessment Submissions**.

In all cases, please refer to Parts F, G, and H of these University Disciplinary and Investigative Procedures and Powers, which deal with referrals to SSDC and the conduct of SSDC proceedings, penalties where a breach has been proven, and appeals, respectively.

## **1. Alleged breaches of Regulation 20**

1.1 If you are suspected of any form of cheating, the invigilator should:

Step A: Immediately inform you that you are suspected of cheating.

Step B: Request your student card, which you must provide in accordance with Regulation 10.1.3.

Step C (applicable only where there is a reasonable suspicion that you have brought unauthorised materials into an examination or course test room): Ask you to empty your pockets of all contents and turn your pockets inside out; remove outer items of clothing; pull back long hair to reveal ears and/or neck; roll up sleeves or trousers; remove socks and shoes. You must do this in accordance with Regulation 20.9. If you request, and if this is reasonably practicable, we will try to ensure that this search is carried out by a person of the gender of your choice and in a private room.

Step D: (applicable only where there is a reasonable suspicion that you have brought unauthorised materials into an examination or course test room): Confiscate any materials they believe to be unauthorised.

Step E: Mark your answer booklets with the time at which the suspicion arose.

Step F: Tell you to wait behind at the end of the examination in order to be interviewed by the venue's invigilation manager.

Step G: Thereafter allow you to continue with the examination or course test.

Step H: At the end of the examination, interview you about the suspected breach of the General Regulations and provide you with a handout about the procedure.

## Classification of offence level to give penalty starting point

<p>Indicative elements of a low level offence</p>	<p>Your experience as a student, which relates to the expectation that you should be aware of the seriousness of your actions:</p> <ul style="list-style-type: none"> <li>You are a student in your first semester of a higher education course in the UK</li> <li>There are significant cultural considerations and/or extenuating circumstances</li> <li>You have no previous disciplinary record of cheating</li> </ul> <p>Type of Breach:</p> <ul style="list-style-type: none"> <li>Considered technical</li> </ul> <p>Your intentions:</p> <ul style="list-style-type: none"> <li>Breach without genuine intention to gain advantage</li> <li>The degree to which you have actually gained advantage is irrelevant to the evaluation of your intentions or the type of breach.</li> </ul> <p><b>Examples:</b> Turning over the question paper or writing before the examination starts will usually be considered a low-level breach.</p>
<p>Indicative elements of a medium level offence</p>	<p>Your experience as a student, which relates to the expectation that you should be aware of the seriousness of your actions:</p> <ul style="list-style-type: none"> <li>You are not in your first semester of a higher education course in the UK</li> <li>You may have a previous disciplinary record of cheating in an examination or course test</li> </ul> <p>Type of breach:</p> <ul style="list-style-type: none"> <li>Breach is more than technical. This may be evidenced by possession of, or access to any unauthorised materials, and/or failure to comply with instruction of invigilators acting in accordance with their reasonable suspicion.</li> <li>Multiple breaches in the same examination or course test</li> </ul> <p>Your intentions:</p> <ul style="list-style-type: none"> <li>Breach was not substantially premeditated or was a naïve attempt to gain advantage</li> </ul>

## Classification of offence level to give penalty starting point

<p><b>Indicative elements of a high level offence</b></p>	<ul style="list-style-type: none"> <li>The degree to which you have actually gained advantage is irrelevant to the evaluation of your intentions or the type of breach.</li> </ul> <p><b>Examples:</b> Possession of an electronic device such as a mobile phone will usually be considered a medium-level breach.</p> <p>Your experience as a student, which relates to the expectation that you should be aware of the seriousness of your actions:</p> <ul style="list-style-type: none"> <li>You are not in your first semester of a higher education course in the UK and you are considered to be an experienced student.</li> <li>You may have a previous disciplinary record of cheating in an examination or course test</li> </ul> <p>Type of breach:</p> <ul style="list-style-type: none"> <li>Breach is more than technical. This may be evidenced by possession of, or access to substantial unauthorised materials, and/or failure to comply with instruction of invigilators acting in accordance with their reasonable suspicion, and/or commissioning or otherwise allowing another person to pass themselves off as you.</li> <li>Multiple breaches in the same examination or course test</li> </ul> <p>Your intentions:</p> <ul style="list-style-type: none"> <li>Premeditation.</li> <li>The degree to which you have actually gained advantage is irrelevant to the evaluation of your intentions or the type of breach.</li> </ul>
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Step I: Notify the University Assessments & Quality Office, so that disciplinary proceedings can be started against you.

1.2 The University Assessments & Quality Office must then inform the Head of Academic Registry Services who will classify the alleged offence as low, medium, or high level with the assistance of the classification table set out below. There is no appeal from the decision as to classification.

1.3 The Head of Academic Registry Services will then:

1.3.1 in the case of an offence classified as a low level offence, issue a warning letter which will be copied to your Adviser and to your Head of School, which shall remain on your file for the duration of your studies at the University. There is no appeal from a decision that a low level offence has taken place.

1.3.2. in the case of an offence classified as a medium level offence, refer the matter to the Chair of Senate Student Discipline Committee in accordance with the procedure set out at Part F paragraph 7. The Chair may at their discretion deal with the matter summarily.

1.3.3 in the case of an offence classified as a high level offence, refer the matter to the Chair of Senate Student Discipline Committee in accordance with the procedure set out at Part F paragraph 4.

**Guidance:** *Medium level offences may be dealt with summarily by the Chair in accordance with the process set out in Part F paragraph 7. High level cases cannot be dealt with summarily and must be referred to SSDC.*

## **2. Alleged breaches of Regulation 23 (conferment of qualifications)**

2.1 Regulation 23 provides that you must not describe yourself as holding a degree or other qualification granted by the University unless the qualification has been awarded to you at Graduation or by special Resolution of the Senate.

2.2 Where a student describes themselves as holding such a qualification when they are not entitled to do so, the Head of Academic Registry Services should refer the matter to the Chair of Senate Student Discipline Committee in accordance with Part F paragraph 3 of these Procedures and Powers.

2.3 The Chair of Senate Student Discipline Committee shall consider the matter in accordance with Part A paragraph 3 and Part F paragraph 4 of these University Disciplinary and Investigative Procedures and Powers.

## **Part D: Procedure for dealing with professional conduct or suitability concerns (Fitness to Practise)**

1. When this procedure applies

1.1 This procedure may be used if you:

1.1.1 are registered on a programme leading to professional registration/accreditation (for example, in the Schools of Education and Lifelong Learning, Health Sciences, Norwich Medical School, Pharmacy, and Social Work); or

1.1.2 maintain accreditation by a professional, statutory and regulatory body (PSRB) while registered on any professional programme

1.2 In any case where there is a conflict between this Procedure under Part D and the requirements of a PSRB, the latter shall take precedence.

1.3 Nothing in this procedure is intended to prevent action being taken independently by an employer of a student, apprentice or trainee in relation to their employment policies.

1.4 If there is an ongoing investigation by an employer, LADO, PSRB, safeguarding body or the police, the Fitness to Practise Lead may choose to pause operation of this procedure until these processes have concluded.

1.5 Within this procedure, any references to the Fitness to Practise Lead are also interpreted to include a designated Deputy Fitness to Practice Lead or a nominated member of staff appointed in the School.

### **2. Raising a concern about fitness to practise**

2.1 Concerns about your conduct, suitability or Fitness to Practise (as defined in General Regulation 14) should be made through the designated University reporting process. Once the referral is logged by the University, it will automatically and immediately be sent to the relevant Fitness to Practise Lead for consideration. Where the Fitness to Practise Lead is notified of a concern but this has not yet been logged in writing through the designated process, they may nevertheless take the preliminary steps set out in Section 3 below. They should then take actions to ensure the referral is communicated using the designated process.

2.2 Any allegation of impaired fitness to practise, professional misconduct and/or professional unsuitability is a serious one. It is essential that proceedings should be conducted on a confidential basis, although it may be appropriate for the University to share certain information with relevant third parties, including employers and placement providers, in the interests of safeguarding or in the public interest.

**Guidance:** *The Office for Students Good Practice Framework on Fitness to Practise states that ‘The purpose of a fitness to practise process is not to punish the student for wrongdoing. It is to ensure the safety of the student and those around them, including members of the public, and to safeguard public confidence in the profession.*

### **3. Preliminary steps in addressing a concern**

The Fitness to Practise Lead shall take the following initial steps on receipt of a concern:

3.1 consider any potential risks to the public associated with the potential allegation/s, and take any immediate actions that they consider necessary to ensure public safety. This may include engagement in formal safeguarding processes to protect children and/or vulnerable adults.

3.2 consider if there appear to be any immediate and significant concerns about your welfare or personal safety based on the information in the referral and take any immediate actions to refer or support you to engage with relevant support services.

3.3 in any situation where there are concerns about public safety or where there is a significant concern about your safety, the Fitness to Practise Lead should also inform the Head of School without delay, so that the Head of School can consider the risks and safeguarding implications and in particular whether it is necessary for there to be an immediate suspension from placement or a referral to the Vice Chancellor for a suspension in studies, in accordance with the procedure set out in Part E of these University Disciplinary and Investigative Procedures and Powers.

3.4 Ascertain whether any previous Fitness to Practise concerns have been substantiated and the nature of these concerns.

### **4. Initial meeting with the student**

4.1 After taking the initial steps outlined in section 3, the Fitness to Practise Lead will consider whether all the information relating to the referral have been received in writing. Once all the relevant information have been received, the Fitness to Practise Lead will consider whether the concerns fall within the scope of General Regulation 14. If they do not consider this to be the case, they may determine that either no further action is necessary or that the concern should be considered through a different University process, and inform you of this decision in writing.

4.2 If the Fitness to Practise Lead considers the referral raises a concern within the scope of General Regulation 14, you will be invited to a meeting with the Fitness to Practise Lead or someone acting on their behalf, to discuss the concerns that have been raised. You must attend any meeting that has been scheduled. The purpose of the meeting is:

4.2.1 to discuss the concerns that have been raised and what you say about them; and

4.2.2 to consider with you whether there are any issues relating to your health or wellbeing that may affect the substantive concern raised or the way in which the University operates this procedure; and

4.2.3 to ascertain whether your employer is aware of concerns, if they have arisen in a setting in which you are also employed as a practitioner or member of staff and have contact with a professional subject.

4.2.4 No fewer than 5 working days before the meeting, you must be informed in writing:

4.2.4.1 of the concerns raised (which should include sufficient information for you to understand the nature of the concerns and the context in which they have arisen); and

4.2.4.2 that you can seek the independent support of the Student Union Advice Team; and

4.2.4.3 that you can be accompanied to the meeting by a Companion as defined by section 17, Part F of the University Disciplinary and Investigative Procedures and Powers and

4.2.4.4 of the decisions that are open to the Fitness to Practise Lead following the meeting.

## **5. Decision by the Fitness to Practise Lead**

5.1 The Fitness to Practise Lead shall then:

5.1.1 determine that there are no Fitness to Practise concerns, in which case no records shall be retained unless the School is required to do so by Professional, Statutory and Regulatory Body requirements; or

5.1.2 where there are concerns but they are considered to be low level, make one of the following determinations:

- give you advice as to the expectations of the profession and warn of the consequences should you be found in the future to have committed any breach which will be recorded as an outcome and/or
- make a determination that a formal warning will be recorded on your file; and/or
- ask your adviser or supervisor to trigger the relevant student engagement procedure and identify a plan of action and outcomes which you must meet; and/or

- require you to undertake a task to support formative development or maintenance of your Fitness to Practise and/or professional standards. An example of such a task may be a reflective account, or reflective discussion with a professional panel. The Fitness to Practise Lead may choose to review your engagement in or response to this task.
- that you have failed a designated Fitness-to-Practice module (where applicable) and you will not be able to progress or continue with the course of study

If the reflective/formative process leads to further concerns about Fitness to Practise and/or Professionalism, the Fitness to Practise Lead should convene a further meeting with the student, following the procedure outlined in Section 4 above.

Any warning will be recorded until the end of your current programme of study unless we are required by a PSRB to keep the warning on file for a longer period.

5.1.3 where there are concerns but they are considered to be of a higher level, or where there have been repeated lower level concerns, make a referral to the Senate Student Discipline Committee (SSDC) under General Regulation 14. Prior to such a referral being made, the Fitness to Practise Lead should check with the Secretary to the Disciplinary Triage Group whether any other General Regulations may potentially have been breached, so that if appropriate an investigation of those can take place and a combined referral be made.

5.2 If you deny the factual basis giving rise to the concerns, and/or where the Fitness to Practise Lead considers the case to be complex, the Fitness to Practise Lead should follow the procedure set out in section 6 below (complex cases).

5.3 Where required by a PSRB, for any concerns substantiated in the operation of this procedure, the Fitness to Practise Lead will make the relevant PSRB aware of the nature of the concerns and the outcome.

5.4 The Fitness to Practise Lead or relevant secretary will then send you an outcome letter which will confirm their decision and the reasons behind it.

**Guidance:** *Where appropriate, the referral to SSDC should be for Regulation 14 and another regulation. For example, where the student is alleged to have harassed another student, the referral would be Regulation 10 and Regulation 14.*

## 6. Complex cases

6.1 In cases that the Fitness to Practise Lead considers to be complex, those in which you deny the factual basis giving rise to the professionalism concerns, or where you did not attend an initial meeting, the Fitness to Practise Lead may appoint an Investigating Officer to investigate the concern.



**Guidance:** Schools should ensure that an Investigating Officer can be appointed in a timely manner. Investigating Officers should have suitable professional practise experience and relevant professional registration. The Fitness to Practise Lead should escalate any difficulty in identifying an Investigating Officer to the Head of School.

6.2 The Investigating Officer will be provided with information about the initial concerns raised and the outcome letter produced after the completion of section 5 above. They shall then assemble all the information relevant to support the Fitness to Practise Lead to make a decision about the case.

6.3 This will typically include an interview with you and the referrer. The investigating officer may also meet with any other interested or involved parties, including representatives of an involved employer or external consultants/practitioners from a relevant professional body. The investigating officer shall submit their findings in a report to the Fitness to Practise Lead.

6.4 Within 10 working days of receipt of the Investigating Officer's report, the Fitness to Practise Lead will decide, on the balance of probabilities, whether or not they believe the allegations do constitute a breach of General Regulation 14. The Fitness to Practise Lead will then determine how to resolve the case in line with the outcomes available in Section 5. This outcome shall be communicated to you in writing. In this communication, the Fitness to Practise Lead, or relevant secretary, should also enclose a copy of the Investigating Officer's report.

**Guidance:** The investigation and write-up of the Investigating Officer's report will normally take up to 30 working days

## **7. Medical evidence**

The Fitness to Practise Lead may request that you consent to an occupational health assessment or specialised medical assessment for the purposes of informing the investigation and deciding on an appropriate outcome and that the outcomes of such assessments are disclosed to relevant parties involved in these disciplinary procedures.

## **8. Appeals**

Judgements derived as set out in section 5 form part of the School's continuous monitoring process that are designed to be supportive or remedial measures, or further possible disciplinary action, and are thus not subject to appeal. You may appeal against the decision that you have failed a designated Fitness-to-Practice module (where applicable) and shall be withdrawn, in accordance with the University's Academic Appeals procedure.

**Guidance:** Referrals to Senate Student Discipline Committee

*Your attention is drawn to Part F: Senate Student Discipline Committee for information about the process that should be followed. The Fitness to Practise Lead must submit to the Secretary of the Senate Student Discipline Committee the evidence, including the report of any Investigating Officer and the evidence on which the School wishes to rely.*

*The School Fitness to Practise Lead may also nominate staff/external contacts to be witnesses, to provide further information at the meeting. All witnesses must have some relevance to the case.*

*In view of the seriousness and complexity of General Regulation 14 cases, it is expected the presenter of the School's case shall be either the Head of School or Fitness to Practise Lead.*

*At the SSDC hearing, the presenter will be asked for their views on the appropriate outcome of the case in the event that the student is found to be in breach of General Regulation 14 on the facts found by SSDC. The presenter's views should be informed by the requirements and expectations of the relevant profession and the environment in which the student would be entitled to practise.*

## Part E: Suspension and exclusion powers

### Definitions

'Exclusion' means the temporary removal of access to University Property and Services and not permanent Expulsion from the University.

#### 1. Vice-Chancellor's powers

1.1 The Vice-Chancellor has the power to act on behalf of Senate to temporarily exclude or suspend you from some or all of:

1.1.1 the University (suspension from studies and exclusion from all University Property, events, and services)

1.1.2 some University Property (exclusion from Property)

1.1.3 some or all of your class/classes or part or all of any programme of study (whole or partial suspension from studies).

**Guidance:** *It is not possible to exclude a student from all University Property as this would be an effective suspension from studies. If such exclusion is necessary, it should be a suspension from studies and exclusion from all University Property, events and services.*

1.2 The power set out in paragraph 1.1 must only be exercised if the purpose of the exclusion or suspension is:

1.2.1 to enable a full and proper investigation to be carried out by the Police and/or University; and/or

1.2.2 to protect you or someone else while an allegation is being investigated by the Police and/or University pending the outcome of criminal and/or disciplinary proceedings.

1.2.3 where a risk assessment has been undertaken by the University and the outcome of which indicates that suspension or exclusion of the kind contemplated is in the professional judgment of the Vice Chancellor on the advice of the Director of Student and Academic Services necessary to meet these purposes.

**Guidance:** *We only use precautionary suspensions where necessary to meet the aims set out at 1.2. It is not a disciplinary outcome and is not automatic but depends on a risk assessment in each case. That is an issue of professional judgment. Without limiting the above, this power is most likely to be used where a student presents a serious risk to the safety of themselves, or the University, its staff, officers, or visitors. This may be where there is a pending criminal investigation or proceeding.*

1.3 The Vice-Chancellor must specify any exceptions to the effects of suspension/exclusion that are described in sections 9 and 10 below. If the Vice-Chancellor does not do so, the provisions of the relevant paragraph shall apply in full.

1.4 The imposition of a temporary suspension and/or exclusion is a precautionary measure only. It is not a penalty or sanction and does not indicate that the university has concluded that you have committed a breach of the Regulations or a criminal offence.

1.5 Where such suspension and/or exclusion is contemplated, the Vice-Chancellor must provide you with the opportunity to make representations (whether verbal or written) about that. These representations must be limited to the need for suspension and/or exclusion and not to the substantive breach of the Regulations that have given rise to the exercise of this power.

1.6 However, where the Vice-Chancellor believes that the situation is so urgent that it cannot wait for you to have the opportunity to make representations, they can suspend and/or exclude you with immediate effect provided that you are given the opportunity to make representations within 5 working days of the suspension. All Vice-Chancellor's suspensions will be notified to the Head of School and the Student and Academic Services on initiation.

***Guidance:*** *You have the right at any time to challenge the precautionary suspension or exclusion, such as by challenging the need for one, or if one is in place by asking us to end it or change its terms or undertake a fresh risk assessment. To challenge the suspension or exclusion, you should contact the Vice Chancellor in writing. No particular form is required. The Vice Chancellor will consider what you say and decide whether it is necessary for the suspension or exclusion to continue. Whatever decision is made by the Vice Chancellor, they will report on the suspension/exclusion and any challenges you make to the next meeting of Senate (see 1.8 below).*

1.7 The Vice-Chancellor must, immediately following investigation or, if there are pending criminal proceedings, at the conclusion of those, refer the case to the Senate Student Discipline Committee in order that a Panel convened in accordance with Part F of these procedures can consider the alleged breach(es) of the Regulations.

1.8 The Vice-Chancellor must also report the suspension/exclusion to the next meeting of Senate, and Senate may, if it thinks fit, terminate the suspension/exclusion from the date of that Senate meeting or any future date.

1.9 Every four weeks from the date of the suspension/exclusion, the Vice-Chancellor must review the need for suspension/exclusion in light of any developments or written representations made by you or on your behalf.

1.10 The suspension or exclusion will last until either the conclusion of disciplinary proceedings or (if earlier) the termination of the suspension/exclusion by the Vice-Chancellor or Senate.

1.11 The Vice-Chancellor may authorise a Deputy-Vice-Chancellor or Pro-Vice-Chancellor to exercise the powers and duties set out in this paragraph 1 on their behalf.

1.12 The powers set out in this paragraph 1 are in addition to the more specific powers set out below.

## **2. Suspension from Study and University Property and Services for students in breach of Immigration Rules**

2.1 The University is the licensed sponsor of your student visa and it has a number of duties that it must comply with. As part of those duties, the University's Visa Policy, Operations and Compliance Manager will monitor your compliance with the Immigration Rules, to ensure that you comply with the conditions of leave of your visa, and will recommend to the Director of Student and Academic Services (or, in the case of postgraduate research students, the Director of the Research and Innovation Division) that you be suspended if you are failing to comply.

2.2 The relevant Director is authorised by Senate to immediately suspend you if you are not, in their judgement, compliant with the conditions of leave of your visa.

2.3 The suspension will be a Suspension from Study and University Property and Services (see section 9 below).

2.4 If you inform the Director of Student and Academic Services (or, in the case of postgraduate research students, the Director of the Research and Innovation Division) within 5 working days of suspension that you wish to return to studies on the basis that:

2.4.1 you can demonstrate to their satisfaction that you have been compliant with the requirements and conditions of leave of your visa, and that these conditions include the necessary conditions to study; and

2.4.2 your School supports your return to study,  
you may be permitted to return to studies. Where the University is your sponsor, if you do not respond within 5 working days and/or you cannot demonstrate to their satisfaction that you have been compliant with the requirements and conditions of leave of your visa then the University will withdraw sponsorship of your visa. As a result of this withdrawal of sponsorship of your visa you will no longer have a right to study at the University and you will be withdrawn from the University. As a consequence your leave to remain in the United Kingdom will be curtailed. If you wish to return to your studies you will be required to interrupt your studies and,

provided that your School supports your return to study, repeat the year or semester during which you were suspended. During this period you will be a Student Interrupting Their Period of Study in accordance with General Regulation 3.

2.5 The operation of suspensions for students in breach of the conditions of leave of their visa or under immigration laws will be kept under review by the Visa Policy, Operations and Compliance Manager.

**Guidance:** *Return to study for student visa holders is addressed at paragraph 11 below.*

**Guidance:** *You must supply documents for any evidence to support your demonstration of compliance (e.g. letter from your doctor). If the original document is not written in English you must provide a certified translation.*

### **3. Suspension from Study and University Property and Services due to an infectious illness**

3.1 In accordance with Regulation 27.3, you must comply with the terms of any quarantine imposed by the Director of Student and Academic Services.

3.2 The Director of Student and Academic Services can immediately suspend and exclude you if you are not compliant with the terms of a quarantine imposed upon you.

3.3 Such suspension and exclusion shall come to an end upon receipt of a certificate from a medical practitioner licensed by the General Medical Council which says that you no longer present a risk of infection to other people.

3.4 The operation of infectious illness suspensions/exclusions will be kept under review by the Director of Student and Academic Services.

### **4. Suspension from Study and University Property and Services pending results of tuberculosis screening**

4.1 The Director of Student and Academic Services may immediately suspend and exclude you if you are required by Regulation 26 to undertake tuberculosis screening by University Medical Centre and your screening results are not available within 42 days of registration at the University.

4.2 You will be suspended and excluded from the University (and therefore from University Property including University Residences) until the screening process is completed.

4.3 In the event that your screening is positive for tuberculosis, paragraph 3 above shall apply.

4.4 The operation of tuberculosis screening suspensions/exclusions will be kept under review by the Director of Student and Academic Services.

## **5. Placement suspensions**

5.1 Your Head of School can suspend you from a placement if you are alleged to be in breach of Regulation 14 (professional misconduct and/or unsuitability/fitness to practise) and the Head of School considers that it is necessary to suspend you in the interests of safeguarding or because the placement provider does not agree to you attending placement.

5.2 Your Head of School can suspend you from a placement if you are alleged to be in breach of Regulation 28 (placements).

5.3 The imposition of a temporary suspension and/or exclusion is a precautionary measure only. It is not a penalty or sanction and does not indicate that the University has concluded that you have committed a breach of the Regulations or a criminal offence.

5.4 In each case under paragraph 5.1 or 5.2 above, the Head of School must immediately commence an investigation into the allegations.

5.5 If the Head of School believes that a Suspension from Study or a Suspension from Study and University Property and Services is necessary in addition to the suspension from placement, they should notify the Vice-Chancellor in accordance with paragraph 1 of this Part.

5.5 Where a student is on a placement which is not a clinical or professional placement, but is, for example an industrial placement, suspension/exclusion pending investigation and referral to SSDC may not take place under this paragraph 5 but may be appropriate under paragraph 1 (Vice-Chancellor's powers).

5.6 The progress of placement investigations and suspensions from placement must be kept under review by the Head of School, with support from the School's Student and Academic Services Manager. For students on a programme of study leading to a professional doctorate, support will be provided by the Postgraduate Research Service.

**Guidance:** Possible outcomes of the investigation: (a) reinstatement on the existing placement including completion of the assessment requirements (b) the offer of a new placement with an alternative provider (c) change of course/module selection (d) referral to a Fitness to Practise Panel or Professionalism Committee (e) referral to a Senate Student Disciplinary Panel under Regulation 14.

**Guidance:** The decision as to whether to impose a suspension will depend on the nature of the concerns relating to the student

## **6. Suspension or exclusion as a disciplinary penalty**

6.1 Senate Student Discipline Committee, whether as the result of a Chair's Summary Determination or a Panel hearing, may use suspension or exclusion as a penalty for breach of a Regulation or Regulations (see Part G: Penalties).

6.2 Suspensions or exclusions resulting from a penalty imposed by a SSDC panel will be kept under review by a nominated Head of Academic Registry Services or, in the case of postgraduate research students, the Head of the Postgraduate Research Service.

## **7. Suspension from Study and University Property and Services for failure to pay fees and charges (Regulation 30)**

7.1 In accordance with Regulation 30.1, if you do not pay all outstanding fees and charges to the University by the due date and you have not agreed with the University a revised payment timetable, you may be suspended and excluded by the University until such time as the fees and charges are paid in full. If the sum or any part thereof remains outstanding for more than twelve months, you will be automatically withdrawn from the University unless the University expressly agrees otherwise.

7.2 If you have been suspended and excluded from the University for non-payment of debt and you then clear your debts, you may apply for readmission to your programme of study. Payment of the debt will be taken as your application to return to your course.

7.3 Operation of suspensions under this paragraph will be kept under review by the Student and Academic Services (or, if you are a postgraduate research student, the Postgraduate Research Service), with support from the Finance Division.

## **8. Effect of a Suspension from Study and University Property and Services**

8.1 If you have been suspended from study and excluded from University Property you may not attend any teaching (e.g. lecture, seminar, supervision, laboratory session etc.) or organised study event, whether online or in person. You may not enter or make use of University Property: You are excluded from all property owned, controlled or managed by the University. Your University email address may be closed and if this happens you will be required to provide an alternative email address we can use for correspondence.

8.2 You may not submit coursework or sit examinations or course tests during the period of your suspension. Material submitted for assessment prior to the date of suspension (essays, course tests, exam scripts etc.) will be marked in accordance with usual practice, but you will not receive any award to which you may otherwise be entitled pending resolution of the reason(s) for the suspension. The mark will



remain provisional and will not be confirmed by the Board of Examiners until the suspension is lifted.

8.3 You may not access any of the central University Services (e.g. Library, IT systems, including your University email account, or, as a student, the Sportspark and car park), unless specific permission is granted by the Director of Student and Academic Services or someone acting on their behalf (for example, to give you permission to attend a meeting or an appointment at Student Services or the University Medical Centre).

8.4 You may continue to access non-academic information, advice and guidance offered by Student Services but by telephone or email only unless prior agreement has been obtained from the Director of Student and Academic Services or someone acting on their behalf so that you can come on campus for a specific appointment.

8.5 You will be required to vacate any University Residences for which you hold a licence and, in the case of an assured tenancy agreement, the University may take legal steps to evict you.

8.6 Applications to Student Services for loans and/ or grants will not normally be considered during the period of suspension.

8.7 If you break the terms of a suspension from study and exclusion from University Property and Services the University may commence immediate disciplinary proceedings under Regulation 10.1.10 as a result.

## **9. Effect of suspension from study**

9.1 If you have been suspended from study you may not attend any teaching (e.g. lecture, seminar, supervision, laboratory session etc.) or organised study event whether online or in person.

9.2 You may not submit coursework or sit examinations or course tests during the period of your suspension. Material submitted for assessment prior to the date of suspension (essays, course tests, exam scripts etc.) will be marked in accordance with usual practice, but you will not receive any award to which you may otherwise be entitled pending resolution of the reason(s) for the suspension. The mark will remain provisional and will not be confirmed by the Board of Examiners until the suspension is lifted.

9.3 You may continue to seek the advice of your Adviser or Senior Adviser (or, in the case of postgraduate research students, your Supervisor or School Postgraduate Research Director) and access all central Services as normal (Library, email and web facilities, Student Services, etc.).

9.4 Unless we say otherwise, you can attend or take part in any activities organised by or on behalf of the University.

9.5 If you break the terms of a suspension from study the University may commence immediate disciplinary proceedings as a result.

#### **9A. Effect of suspension from University Property only**

9A.1 If you are excluded from some University Property only, we will let you know from which Property you are excluded. This may include your residential accommodation pursuant to the terms and conditions of your licence at 5.3 or an accommodation swap at 8.1.

9A.2 If you break the terms of this suspension, the University may commence immediate disciplinary proceedings under General Regulation 10.1.10 as a result.

#### **10. Effect of suspension/exclusion on those with student visas**

In accordance with its legal obligations, the University will notify UK Visas and Immigration within 10 working days of your Suspension from Study or Suspension from Study and Exclusion from University Property and Services that it is withdrawing sponsorship of your visa. As a result of that withdrawal of sponsorship, your permission to remain in the United Kingdom will be curtailed. You will be required to return to your home country and it will be necessary to apply for a new visa should you be permitted to return to the University.

#### **11. Return from suspension**

11.1 The University will tell you the period of suspension and any conditions that must be fulfilled prior to the lifting of it. Subsequent completion of the course must be within the maximum allowable timeframe, normally the duration of the course plus two years.

11.2 With the exception of the situations described in 7.2, 11.4 and 11.5, when the period is due to end, or the relevant conditions have been fulfilled, you must apply to return to study by making an application to the Director of Student and Academic Services (or, in the case of postgraduate research students, the Director of the Research and Innovation Division).

**Guidance:** *With the exception of 7.2, 11.4 and 11.5, the obligation on the part of various officers of the University to monitor operation of the suspension powers does not mean you don't have to make an application: it is your responsibility to make an application to return.*

11.3 The Director of Student and Academic Services (or, in the case of postgraduate research applicants, the Director of the Research and Innovation Division) will:

11.3.1 Seek the permission of the Associate Pro-Vice-Chancellor Education and Curriculum (or, in the case of postgraduate research students, the Associate Pro-Vice-Chancellor UEA Doctoral College readmit you. They will consider the length of time that you were suspended.

11.3.2 Consult with the relevant Faculty and the Director of Student and Academic Services (and, in the case of student visa holders, the Visa Policy, Operations and Compliance Manager, on whether you have extant leave to return to study) and decide the arrangements under which any readmission should be approved.

11.4 If you are suspended for a finite time as a result of a disciplinary proceeding, the appropriate Student and Academic Services Manager or Postgraduate Research Service Officer will proactively contact you to arrange return to study, following the process for return to study after an interruption.

11.5 If you are suspended pending investigation and a referral to SSDC has been made, and the outcome of the SSDC proceedings is that you may return immediately to study, the appropriate Manager/Officer will proactively contact you to arrange return to study, following the process for return to study after interruption.

**11.6 IMPORTANT: The Regulations covering academic awards state that your studies must be completed in a specified amount of time. In some cases, the length of a suspension may mean that you run out of time to complete your studies and have to be withdrawn from the University.**

## Part F: Senate Student Discipline Committee (SSDC)

### Overriding objectives

The overriding objective of this Part is to deal with proceedings fairly. This means that:

- i. Proceedings should be resolved as quickly as is consistent with due process.
- ii. Where a Participant requires reasonable adjustments under the Equality Act 2010 in order to participate, such adjustments will be made.
- iii. Where a provision of the Regulations or this Part is unclear a decision-maker should interpret them in the way most consistent with the requirements of substantive and procedural fairness to you, the student.

### Definitions

**Senate Student Discipline Committee (SSDC)** is a committee authorised by the Senate of the University of East Anglia. It comprises a **Chair and Deputy Chair of the Senate Student Discipline Committee** and members of the Committee who are appointed by Senate from time to time. The current membership of the committee is set out in the University Calendar under 'Statutory Bodies and Committees'. The Secretary to the Committee is a nominated Head of Academic Registry Services

The Chair of the Senate Student Discipline Committee and the Deputy Chair have the power to make a summary determination for certain types of cases. A summary determination means that they make the decision as an individual in a shorter process. In other cases, or if they prefer to do so, they can appoint a **Panel** to hear each case referred to it.

The members of the Panel will be drawn from the **Panel Pool**. The Panel Pool comprises (a) those members of the Senate Student Discipline Committee who are academic staff as described in Statute 7 and who are not Principal Officers of the University; and (b) students who have been recruited and selected by a nominated Head of Academic Registry Services and, the Chair of SSDC from time to time. The Panel sits in different modes according to the nature of the allegations against you. In Professional or Research Misconduct Mode the Panel will also include two additional people.

There will be various **Participants** at the panel hearing.

These are:

- you
- any **Companion** that you bring to support you at the hearing
- any other students involved in the same incident who are also being disciplined
- the Panel members

- the Hearing Secretary, who is usually a senior member of University staff. They do not take part in the deliberations as they are not a member of the Panel, but they may advise on matters of procedure or the powers that the Panel has, and they identify the issues that the Panel needs to address
- the representative(s) of the University who are asserting the University's case, such as the University's Disciplinary Officer or a School plagiarism officer and/or your school's Fitness to Practise Lead. This person is known as the Presenter. In some types of cases (such as professional conduct or suitability /fitness to practise) there may be more than one presenter, so the reference to 'the Presenter' in this document may refer to more than one person
- any witnesses approved by the Panel Chair
- a legal adviser who is not a member of the Panel, but may advise on matters of procedure or the powers that the Panel has
- any other person whose presence the Panel Chair deems necessary to resolve the proceedings fairly, or who (with your agreement only) is there for the purpose of training.

## **1. Training of Panel Members**

1.1 The Secretary to the Senate Student Discipline Committee must ensure that all UEA members of the Panel Pool and Hearing Secretaries have been trained (including on unconscious bias, race awareness and where applicable, issues pertaining to the consideration of sexual misconduct/harassment) before sitting on a Panel for the first time and at least every two years thereafter.

1.2 No UEA person may remain within the Panel Pool unless they have undertaken the training specified in 1.1 above as and when it falls due.

## **2. Reasonable adjustments**

2.1 The University will apply this Part F in accordance with its **Equal Opportunities Policy for Students**.

2.2 The University will also comply with its legal obligation to make reasonable adjustments under the Equality Act 2010. Reasonable adjustments are person specific but could include use of an intermediary or support worker, provision of documents in a different format, regular breaks, or adaptation in the style of questioning used.

2.3 You must tell the Hearing Secretary if you or your Companion or witness requires reasonable adjustments to be made because of a disability. You must do this no later than two working days before the hearing (five working days where the hearing relates to Professional Suitability or Research Misconduct).

*Guidance: Participants should contact [ssdc@uea.ac.uk](mailto:ssdc@uea.ac.uk) Reasonable adjustments are available whatever the person's role in the hearing.*

### **3. Making a referral to Senate Student Discipline Committee**

3.1 Referrals to the SSDC can be made by a Disciplinary Officer, the student's Head of School, the Director of Student and Academic Services, the Director of the Research and Innovation Division, or any person to whom they have delegated that task. A referral is made by completion of a referral form, to which the referrer should attach the evidence on which they wish to rely and (if possible) identify any evidence they are yet to obtain. It is important that the evidence forwarded should be as full as possible, in order for the Chair of the Senate Student Discipline Committee to consider the appropriate route forward under paragraph 4 below, which may include Summary Determination.

3.2 Upon receipt of a referral, the Secretary of SSDC should write to you (the student) and tell you that the matter is now being considered by the Chair of Senate Student Discipline Committee under paragraph 4 below.

### **4. Powers of the Chair of the Senate Student Discipline Committee**

The Chair or Deputy Chair will consider all referrals made to the Senate Student Discipline Committee and can take one or more of the following actions:

4.1 Return a referral with a request for further and better information to be provided within 20 working days (barring exceptional circumstances) so that the Chair can consider the matter further.

4.2 Determine that the issue should be dealt with under Student Engagement Process or, in the case of postgraduate research students, the PGR Procedures on Attendance, Engagement, and Progress at Ability to Engage level, in preference to a

Panel hearing and require the School or Student Services to commence such a process and confirm within 10 working days that it has done so.

4.3.1 Refer the matter onto or back to the Head of School or Disciplinary Officer where the Chair believes that other more appropriate procedures or steps should be used first. The Head of School or Disciplinary Officer should consider what action to take within 10 working days.

4.3.2 For cases relating to General Regulation 13, pause the SSDC procedure and liaise with the you and your School to consider the option of a repeat of year.

4.4 Where you are no longer registered as a student, determine whether the case against you should proceed, or not proceed, or be suspended, taking into account the factors listed in Part A paragraph 3 of these Procedures and Powers.

4.5 Determine that on the balance of probabilities there is no case to answer.

4.6 Determine that the case should proceed to a full panel hearing and specify the relevant mode and select a panel from the Panel Pool. Where the allegations comprise both academic and non-academic breaches which the Chair decides should be heard together, the mode shall be Academic Mode.

4.7 Where the alleged breach involves more than one student, decide whether the students should be dealt with separately or at a single hearing, or refer such a decision to the appointed Panel Chair.

4.8 In the case of an alleged breach or breaches of Regulation 13, proceed in accordance with paragraph 5 below.

4.9 In the case of an alleged breach or breaches of Regulation 18, proceed in accordance with paragraph 6 below.

4.10 In the case of an alleged breach or breaches of Regulations 20, proceed in accordance with paragraph 7 below.

## **5. Summary Determination: Regulation 13 (engagement)**

5.1 Where it appears to the Chair of Senate Student Discipline Committee on consideration of the referral papers that there is evidence of a breach of Regulation 13, the Secretary to SSDC will contact you to:

5.1.1 tell you what the allegations are; and

5.1.2 invite you to submit a written statement and evidence that may mitigate your alleged breach and may:

5.1.3 Request you contact the Chair within 10 working days to explain your low attendance, or

5.1.4 Summarily determine that a breach has, on the balance of probabilities, occurred; consider any evidence of mitigation provided; and proceed thereafter to impose any penalty or penalties other than one which would have the effect of permanently expelling you from the University. Any appeal from this decision goes to Senate Student Discipline Appeals Committee, or

5.1.5 Refer the matter to a full panel hearing, for example because the appropriate penalty or penalties may include expulsion from the University or otherwise have the effect of withdrawing you from the University, or because the matter is complex.

5.2 If the Chair wrote to you to request you contact them within 10 working days and you do not respond in time, the Chair may, at their discretion, withdraw you from the University. This power does not limit the Chair's power to refer the matter to a full panel hearing.

5.3 If the Chair wrote to you to request you contact them within 10 working days and you do respond within 10 working days or you were offered a summary determination and chose to accept the Chair may either:

5.3.1 Summarily determine that a breach has, on the balance of probabilities, occurred; consider any evidence of mitigation provided; and proceed thereafter to impose any penalty or penalties other than one which would have the effect of permanently expelling you from the University. Any appeal from this decision goes to Senate Student Discipline Appeals Committee. The Chair will refer you to a full panel hearing if you do not want summary determination or if you do not respond to the summary determination offer; or

5.3.2 Refer the matter to the school under 4.2 above; or

5.3.3 Where, as a result of your response, the Chair takes the view that your attendance and engagement may be related to mental or physical illness, the Chair may at their discretion offer you a meeting with them for the purposes of exploring this with you more fully. It is up to you whether you bring a Companion with you. This meeting will inform the Chair's decision at 5.3; or

5.3.4 Refer the matter to a full panel hearing, for example because the appropriate penalty or penalties may include expulsion from the University or otherwise have the effect of withdrawing you from the University, or because the matter is complex *finding of dishonesty may lead a regulator to deny entry to the profession or make entry conditional.*

**Guidance:** *Summary determination means that the Chair makes a decision by themselves using a shorter, simpler, process than if the matter went to a full hearing by a Panel of SSDC.*

**Guidance:** *Where the Chair decides to refer to a full panel hearing, the Chair should not then summarily determine, on the balance of probabilities, that a breach has or has not occurred, but leave that to the Panel.*

**Guidance:** *In all cases where the Chair imposes a penalty or penalties, the Secretary must keep a careful note of the breach, the admission, any mitigation offered by the student, and the reasons for the penalty imposed.*

**Guidance:** *Where you are enrolled on a programme of study that may lead to admission to a regulated profession overseen by a Professional, Statutory and Regulatory Body, it may well be appropriate for the matter to be referred to a full panel hearing. This is because a panel is better placed to determine whether the breach has involved you in dishonesty. Dishonesty can be the principal concern of certain professional regulators and determine whether you will be admitted to a profession. A finding that the breach did not involve you in dishonesty may therefore facilitate you in gaining entry to the profession despite the breach, but conversely a*



*finding of dishonesty may lead a regulator to deny entry to the profession or make entry conditional.*

**Guidance:** *However, if you are a student who is a Tier 4 visa holder, you may find that you are also in breach of the conditions of leave of your Tier 4 visa and that the University may withdraw sponsorship of your visa. Please refer to Part E paragraph 2 of these University Disciplinary and Investigative Procedures and Powers.*

## 6. Summary determination: Regulation 18

6.1 Where it appears to the Chair of Senate Student Discipline Committee on consideration of the referral papers that there is evidence of a breach of Regulation 18 the Chair may either:

6.1.1 summarily determine that a breach has, on the balance of probabilities, occurred; consider any evidence of mitigation provided; and proceed thereafter to impose any penalty or penalties other than one which would have the effect of permanently expelling you from the University. Any appeal from this decision goes to Senate Student Discipline Appeals Committee; or

6.1.2 refer the matter to a full panel hearing, for example because the appropriate penalty or penalties may include expulsion from the University or otherwise have the effect of withdrawing you from the University, or because the matter is complex.

6.2 If the Chair decides that the matter be dealt with by way of summary determination, they will write to you by email and:

6.2.1 tell you what the allegations are; and

6.2.2 the penalty, if any imposed.

6.3 If you notify the Chair within 10 working days that you object to summary determination, the Chair will refer the matter to a full hearing by an SSDC Panel.

**Guidance:** *Summary determination means that the Chair makes a decision by themselves using a shorter, simpler, process than if the matter went to a full panel hearing*

**Guidance:** *Where the Chair decides to refer to a full panel hearing, the Chair should not then summarily determine, on the balance of probabilities, that a breach has or has not occurred, but leave that to the panel.*

**Guidance:** *In all cases where the Chair imposes a penalty or penalties, the Secretary must keep a careful note of the breach, the admission, any mitigation offered by the student, and the reasons for the penalty or penalties imposed.*

**Guidance:** Where you are enrolled on a programme of study that may lead to admission to a regulated profession overseen by a Professional, Statutory and Regulatory Body, it may well be appropriate for the matter to be referred to a full panel hearing. This is because a panel is better placed to determine whether the breach has involved you in dishonesty. Dishonesty can be the principal concern of certain professional regulators and determine whether you will be admitted to a profession. A finding that the breach did not involve you in dishonesty may therefore facilitate you in gaining entry to the profession despite the breach, but conversely a finding of dishonesty may lead a regulator to deny entry to the profession or make entry conditional.

**Guidance:** However, if you are a student who is a student visa holder, you may find that you are also in breach of the conditions of leave of your visa and that the University may withdraw sponsorship of your visa. Please refer to Part E paragraph 2 of these University Disciplinary and Investigative Procedures and Powers.

## **7. Summary Determination: Regulation 20**

7.1 Where it appears to the Chair of Senate Student Discipline Committee on consideration of the referral papers that there is evidence of a breach of Regulation 20, the Chair may either:

7.1.1 summarily determine that a breach has, on the balance of probabilities, occurred; consider any evidence of mitigation provided; and proceed thereafter to impose any penalty or penalties other than one which would have the effect of permanently expelling you from the University or otherwise causing you to be withdrawn. Any appeal from this decision goes to Senate Student Discipline Appeals Committee; or

7.1.2 refer the matter to a full panel hearing, for example because the appropriate penalty or penalties may include expulsion from the University or otherwise have the effect of withdrawing you from the University.

7.2 If the Chair decides that the matter be dealt with by way of summary determination, they will write to you by email and:

7.2.1 tell you what the allegations are; and

7.2.2 the penalty, if any imposed.

7.3 If you notify the Chair within 10 working days that you object to summary determination, the Chair will refer the matter to a panel full hearing.

**Guidance:** Summary determination means that the Chair makes a decision by themselves using a shorter, simpler, process than if the matter went to a full panel hearing

**Guidance:** Where the Chair decides to refer to a full panel hearing, the Chair should not then summarily determine, on the balance of probabilities, that a breach has or has not occurred, but leave that to the panel.

**Guidance:** In all cases where the Chair imposes a penalty or penalties, the Secretary must keep a careful note of the breach, the admission, any mitigation offered by the student, and the reasons for the penalty or penalties imposed.

**Guidance:** Where you are enrolled on a programme of study that may lead to admission to a regulated profession overseen by a Professional, Statutory and Regulatory Body, it may well be appropriate for the matter to be referred to a full panel hearing. This is because a panel is better placed to determine whether the breach has involved you in dishonesty. Dishonesty can be the principal concern of certain professional regulators and determine whether you will be admitted to a profession. A finding that the breach did not involve you in dishonesty may therefore facilitate you in gaining entry to the profession despite the breach, but conversely a finding of dishonesty may lead a regulator to deny entry to the profession or make entry conditional.

**Guidance:** However, if you are a student who is a student visa holder, you may find that you are also in breach of the conditions of leave of your visa and that the University may withdraw sponsorship of your visa. Please refer to Part E paragraph 2 of these University Disciplinary and Investigative Procedures and Powers.

## **Full hearings of SSDC**

### **8. Pre-hearing preparation by the University**

8.1 The Secretary to SSDC must notify you that a referral to SSDC has been made and tell you which Regulations you are alleged to have breached and a brief outline of why/how you are alleged to have breached the Regulations.

8.2 The Secretary to SSDC must also notify you if the Chair of SSDC has decided that the case will be heard by a full panel hearing.

8.3 If a full panel hearing is being held, the Secretary to SSDC will request that the referrer provides a Presenter to present the case against the student. The Secretary will also book a room or rooms for the hearing or arrange for it to be held online, prepare a draft hearing pack for consideration by the Panel Chair, and seek any further information or evidence that the Panel Chair has requested in order to consider the case fairly.

8.4 Where the panel hearing is to be held in Special Measures (see paragraph 24 below), the Secretary to SSDC will liaise with the Panel Chair and Hearing Secretary to implement the measures identified.

8.5 Nearer the hearing, the Secretary to SSDC will provide you, by email, with a formal summons to the hearing and you will be provided with an online shared file link to the hearing pack (see Summons, at paragraph 15 below).

**Guidance:** *Scheduling of hearings: The University will try to schedule the hearing to avoid clashes with your timetabled academic activities. If that is not possible, the hearing will take priority. The University will also use its best endeavours to ensure the availability of witnesses and preferred presenters.*

## **9. Role of the Panel Chair**

The Panel Chair appointed for the hearing will:

- 9.1 Review and approve the hearing pack before the hearing.
- 9.2 Lead the hearing and ensure that the schedule is followed.
- 9.3 Ensure that any reasonable adjustments notified in accordance with paragraph 2 are made.
- 9.4 Liaise with the Hearing Secretary to ensure the identification and implementation of any Special Measures (paragraph 23).
- 9.5 Ask any questions the Panel wish to ask the student, Presenter(s) or witnesses during the hearing.
- 9.6 Decide on the admission of any evidence or witnesses, or any other matters requiring determination at a Preliminary Hearing in order that the hearing itself be effective.
- 9.7 Approve the outcome letter written by the Secretary.

## **10. Composition of Disciplinary Panel**

The Panel shall sit in one of three Modes: Professional Suitability or Research Misconduct Mode, Academic Mode and Non-Academic Mode.

### **10.1 Professional Suitability or Research Misconduct Mode**

10.1.1 A Panel shall be convened in Professional Suitability or Research Misconduct Mode for cases arising under General Regulation 14 and/or 15. A Panel convened under this Mode may, in addition to considering matters relating to Regulations 14 and 15, also consider allegations and determinate penalties relating to any other Regulations that are alleged to have been breached.

10.1.2 In Professional Suitability or Research Misconduct Mode, the Panel shall comprise two non-student members of the Panel Pool, one of whom shall be

appointed to act as Chair; and two non-student co-opted Panel members who do not need to be members of Senate Student Discipline Committee:

10.1.2.1 one co-opted Panel member who has expertise within the same or a similar discipline to you; and

10.1.2.2 one co-opted Panel member who is not a member of staff or officer of the University but who has expertise within the same or a similar discipline to you.

10.1.3 Where you are enrolled on a programme that may lead to admission to a regulated profession overseen by a Professional, Statutory and Regulatory Body (or are already regulated by that Body), at least one of the two co-opted Panel members must be regulated by the same Body.

10.1.4 The same Panel must consider both the factual allegations which support the allegations of professional or research misconduct, and (where relevant) as a second and separate step consider the professional implications of any facts found to be proved.

## 10.2 Academic Mode

10.2.1 All cases arising under Regulations 13 and 17-23 inclusive shall proceed in Academic Mode. A Panel convened under this Mode may, in addition to considering matters relating to Regulations 13 and 17–23, also consider allegations and determinate penalties relating to any other Regulations that are alleged to have been breached.

10.2.2 In Academic Mode, the Panel shall comprise three non-student members of the Panel Pool, one of whom shall be appointed to act as Chair.

**Guidance:** *Where a case involves allegations of both academic and non-academic misconduct and the Chair of Senate Student Discipline Committee has decided they should be heard together (which may be appropriate in some cases, for example where there is a close causal link or common facts), then the case will be heard in Academic Mode.*

## 10.3 Non-Academic Mode

All cases not arising under either Academic Mode or Professional Suitability and Research Misconduct Mode shall be heard in Non-Academic Mode. The Panel shall comprise two non-student members of the Panel Pool, one of whom shall be appointed to act as Chair, and one student member of the Panel Pool.

10.4 A Panel must comprise the requisite constitution as set out above (10.1, 10.2 and 10.3) in order to proceed to hear a case. Where the Panel Chair determines that the composition of the Panel is incorrect, they shall adjourn the hearing and refer the matter back to the Chair of the Senate Student Discipline Committee for reallocation

to a new Panel. However, where the Secretary to SSDC has used their best endeavours to obtain a suitably trained student member of the Panel Pool for a scheduled hearing under Non-Academic Mode but has not been able to do so, and the hearing cannot be expeditiously rescheduled, the hearing shall proceed with three non-student panel members.

## **11. Apparent Bias**

No person may be appointed to a particular panel if they have knowingly taught or been the personal adviser or supervisor of a student appearing before the panel or if

they have been involved with the disciplinary proceedings at an early level, such as because they are the Plagiarism Officer, Disciplinary Officer, or Fitness to Practise Lead who dealt with the case in question.

Guidance: Panel members must be alert to the risk not only of actual prejudice or bias but to the appearance of prejudice or bias and should consider removing themselves from the Panel where a reasonable person may consider that there is an appearance of prejudice or bias.

## **12. The evidence**

12.1 The Panel has the power to summon and question any person who is a member of staff, officer, or student at the University, but can only request a member of the public to provide evidence.

12.2 The Panel Chair will decide at their absolute discretion:

12.2.1 whether or not to hear from some or all witnesses giving oral evidence in person; and/or

12.2.2 whether to accept witness statements and other documents instead of or in addition to oral evidence; and/or

12.2.3 whether to hear oral evidence or read a statement from a person (who is attending or not attending) about a conversation they had with a non-attending third party.

12.3 The Panel Chair will decide whether or not proposed evidence is to be considered or should be excluded based on its probative value, i.e., its value in deciding the matters at issue, and fairness to all parties.

**Guidance:** *When considering best evidence, the Panel Chair may like to consider:*

- *Whether the witness and/or third party is a member of staff, officer, or student of the University or a member of the public*
- *Whether the hearing is during a University semester or outside of semesters*
- *The nature and seriousness of the allegations*

- *The nature of the evidence to be given and the degree to which it is accepted or likely to be accepted*
  - *The importance of that witness's or third party's evidence to the case*
  - *The existence or absence of other evidence*
  - *Why the witness and/or third party is not proposing to attend*
  - *The efforts made to secure that witness or third party's attendance*
  - *The availability of special measures to support the giving of evidence*
  - *Whether a student can adequately challenge the case against them in the absence of oral evidence and the ability to question that witness and/or third party.*
- The fact that the panel is directed to consider what weight should be given to evidence not provided by live oral testimony is not always sufficient remedy.*

### **13. Language**

13.1 All documents (other than assessed work prepared for a language module) must be in English or accompanied by a certified translation into English. A certified translation is one that is made by a professional translator or translation company and which includes the credentials of the translator, confirmation from the translator that it is an accurate translation of the original document, the date of the translation, and the original signature of the translator or an authorised official of the translation company.

13.2 The Panel shall conduct its proceedings in English. No member of staff, student, or officer of the University shall have the use of a translator.

### **14. Standard of proof**

14.1 The standard of proof is the balance of probabilities. This means that allegations must be shown to be 'more likely than not' to be true.

14.2 The burden of proof is usually upon the University (or, if you are a student at INTO UEA, INTO UEA). In some cases, some elements of the burden of proof may be on the student, such as relating to a reasonable belief in consent to sexual activity.

14.3 If you have been found guilty of a criminal offence, or accepted a caution, this is at a minimum, a breach of Regulation 10.1.15 and the Panel may proceed on the basis that facts found proven within those proceedings/admissions made by you are true.

#### ***Guidance: What is the standard of proof?***

*The Presenter has to prove the allegation(s) against you on what is called 'the balance of probabilities'. This means that it is 51% or more likely that you are in breach of the regulation. So, in a plagiarism case, the panel might ask itself 'Is it more likely that the student copied these phrases than that the student came up with the same wording as a published journal article, by accident?'*

## **15. Summons to the hearing**

15.1 The Secretary to SSDC must give you access to:

15.1.1 a copy of the General Regulations and any other Statutes, Regulations, Student Charter, Codes of Practice, Rules, and Procedures that you are alleged to have breached.

15.1.2 a copy of these University Disciplinary and Investigative Procedures and Powers.

15.1.3 a copy of all of the documentation provided by the referrer and Presenter that will be considered by the Panel. (This is known as the 'hearing pack'.)

15.2 The Secretary to SSDC must tell you:

15.2.1 the Regulation(s) that are alleged to have been breached.

15.2.2 the nature of the breach.

15.2.3 the time, place, and mode of the hearing.

15.2.4 whether special measures are to be used (if known) and the availability of such measures, including your right to make representations about those.

15.2.5 the identity of the panel members.

15.2.6 the identity of any Presenter(s).

15.2.7 the identity of any witnesses, to the extent known.

15.2.8 that the Panel may proceed in your absence if you do not attend.

15.2.8 your ability to bring a Companion to the hearing subject to paragraph 17 below.

15.3 The summons will be sent to you by email:

15.3.1 no fewer than 20 working days before the hearing in the case of a hearing under Professional Suitability or Research Misconduct mode.

15.3.2 no fewer than 5 working days before the hearing in Academic or Non-Academic Mode.

15.4 A copy of the summons will be sent to the following:

- The Chair of SSDC
- The Deputy Chair of SSDC



- The Chair of the Panel
- Your Head of School or Academic Director at INTO if on a Taught Programme or Head of the Postgraduate Research Service if a research student
- Secretary to the Disciplinary Triage Group (for non-academic matters)
- Your Learning & Teaching Service Team

**Guidance: Your pre-hearing preparation**

*Senate Student Discipline Committee has considerable powers, including the power to exclude you from the University. You should therefore prepare carefully and seriously for the hearing, gathering together all the information you want to discuss and considering all the papers provided to you. We recommend that you seek advice from the Students' Union Advice Centre.*

*At the hearing there are several stages, and you need to be prepared for each one.*

*You will receive a folder of the papers relevant to the hearing, including these Procedures, the relevant Regulation(s) and any written evidence against you. You should consider these papers carefully and make notes of any points that you want the Panel to know about. Sometimes students think that Panels automatically assume that students are guilty. That is not the case. The Panel is independent of the School or Disciplinary officer that is bringing the case and will consider the evidence on both sides carefully and fairly. You should try to help the Panel as much as possible to reach the decision that you want it to make,*

*You must confirm your attendance (see paragraph 18) and whether or not you are bringing a Companion with you (see paragraph 17).*

*At the hearing, you will be given the opportunity to respond to what is said about the case. However, you also have the right to submit a statement prior to the hearing if you want to do so, setting out your position. You can also submit evidence in support of your defence if you want to do so. Please see paragraph 16 below.*

*Please note that all evidence must be in English or accompanied by a certified translation: see paragraph 13 above.*

*If you want to call a witness or witnesses, you must notify the Hearing Secretary about who they are and why you want to call them as a witness. The Panel Chair will decide whether you can call each person. Any witness must be able to provide evidence that is relevant to the alleged breach(es) and/or any mitigating circumstances. It is unlikely that general character references are likely to be of use, unless they engage directly with the allegations against you.*

*If the Panel decides that you have breached the Regulation(s) then it will want to hear from you about whether there are any circumstances that would explain or mitigate why you breached the Regulation(s). If you believe that there are mitigating*

*circumstances that you wish to bring to the Panel's attention if found guilty of a breach of the Regulations, you should ensure that you tell the Panel about those circumstances and provide evidence in support, such as a doctor's report or death certificate.*

*You should ensure that you have submitted evidence no later than two working days before the hearing to the Hearing Secretary (five working days where the hearing relates to Professional Suitability or Research Misconduct). While the Panel will consider whether there are any mitigating circumstances and listen to what you say about that, it may take the view that the breach is of a nature that cannot be mitigated.*

*You cannot appeal to the Senate Student Discipline Appeals Committee on the ground that you did not tell the Panel about mitigating circumstances unless you could not reasonably have obtained that evidence for this hearing, or where you are unable to prove the truth of those circumstances on the balance of probabilities. If there is important evidence that you cannot get in time for the hearing, you should ask the Secretary to SSDC about an adjournment (delaying the hearing).*

## **16. Evidence submitted by you**

16.1 You may (if you wish) submit a statement setting out your position and/or submit evidence in support of your defence. These documents should be sent to the Hearing Secretary no later than two working days before the hearing (five working days where the hearing relates to Professional Suitability or Research Misconduct).

16.2 Your statement will be put into the hearing pack. The Panel Chair will consider any evidence that you submit under paragraph 16.1 above and will decide whether it is of probative value, meaning that is relevant to the matters at issue by helping to prove or disprove the allegations. If the Panel Chair believes the evidence to be of probative value, they will also ensure that this is added to the hearing pack.

16.3 You may bring a witness or witnesses to the hearing. If you want to do this, you must notify the Hearing Secretary no less than two working days before the hearing (five working days where the hearing relates to Professional Suitability or Research Misconduct) of the identity of any witnesses that you want to bring and why you want to bring them. Any witness must be able to provide evidence that is relevant to the alleged breach(es) and/or any mitigating circumstances. The Panel Chair will decide whether you can call each person. If you are allowed to bring them, you are responsible for notifying them of the date, time, and location of the hearing.

Guidance: Send your statement and/or evidence and/or witness information to [its.ssdsc@uea.ac.uk](mailto:its.ssdsc@uea.ac.uk)

### **16A Preliminary Hearings**

16A.1 In some complex cases, the Panel Chair may decide it is sensible to hold a Preliminary Hearing before the full panel hearing, in order to resolve issues such as:

16A.1.1 What special measures are appropriate, if there is no agreement on this, and what reasonable adjustments are needed.

16A.1.2 What issues need to be decided at the full panel hearing. 16A.1.3 The admissibility of evidence and attendance of witnesses.

16A.1.4 Any other matters which need to be resolved in order for the full panel hearing to be effective (such as those relating to procedure or our definitions).

16A.2 Preliminary Hearings will be held by the Panel Chair and Secretary. You and your Companion (if you have one, see paragraph 17) will be invited, as will the Presenter(s).

**Guidance:** *A preliminary hearing is to resolve any issues that might prevent the full panel hearing going ahead. It is a 'housekeeping' hearing aimed at ensuring that the full panel hearing works smoothly and everyone knows what they are doing. It won't address whether you did breach the General Regulations, only how the full panel hearing is going to happen. If you think that a Preliminary Hearing is sensible, please let us know so that we can consider that. The Chair will have help from a Panel Secretary and if there are complex issues to resolve they may also have help from a legal adviser.*

## 16B Fitness to practise hearings

16B.1 We usually address alleged breaches of Regulation 14 and other Regulations at the same hearing, because we do not want to prolong matters for you, but if you ask us to do so we will consider separating out breaches of other Regulations from the fitness to practice allegations and deal with them at two separate hearings as long as you understand that this will cause some delay. This is particularly important because delay may have implications for your progression on the course (if that is the outcome of the hearing).

## 17. Bringing a Companion to the hearing

17.1 You have the right to be accompanied by one Companion, whose role is to offer you support. The Companion must have no connection with the allegations and therefore no material interest in the matter.

17.2 You must tell the Hearing Secretary no later than two working days before the hearing of the identity and status (for example Student Union Adviser or fellow student) of the Companion. If you do not tell the Hearing Secretary within this timescale, the Panel Chair may decide that you are not allowed to bring a Companion at all.

17.3 The Companion may present the case on your behalf and help and support you. However, they cannot give evidence on your behalf about what is alleged to have happened or your state of mind or attend the hearing in your absence.

17.4 It is your responsibility to tell your Companion about the date, time, and location of the hearing. If your Companion does not attend the hearing, the hearing may proceed in their absence.

17.5 Your Companion may be excluded from the hearing if they are so disruptive as to impede the conduct of the hearing. In such a case, the Panel Chair will decide whether or not to continue with the hearing even though your Companion has been excluded.

**Guidance:** *Members of the Student Union Advice Centre are available to act as Your Companion on your request. You must notify the Hearing Secretary of the identity and status of any Companion by emailing [its.ssdcc@uea.ac.uk](mailto:its.ssdcc@uea.ac.uk)*

## **18. Attending the hearing**

18.1 The hearing will be held in closed session, which means that only Participants can attend the hearing.

18.2 You must attend the hearing online unless you have been told to attend it in person. It is a separate disciplinary offence to fail to attend a disciplinary hearing when summoned to do so (a breach of General Regulation 13). It may also severely harm your case, in that the Panel will not be able to gain a direct impression of you or hear your perspective first-hand. If you do not attend, the Panel may proceed anyway.

18.3 If you use an agreed videoconferencing facility to call into the hearing it is your responsibility to ensure that you are contactable at the given time.

**Guidance:** *For adjournments, see paragraphs 22 and 23.*

## **19. What happens at the hearing**

19.1 The procedure at the hearing will usually include the following elements in the following order. However, the Panel Chair has the power to vary the structure and content of the hearing (for example because there are other students being heard at the same time, or a change is needed as a reasonable adjustment).

19.2 The Hearing Secretary should remind the Panel Chair what reasonable adjustments or special measures are in place for the hearing.

19.3 If you have not attended in person or by an agreed videoconferencing facility, the Panel will decide whether to proceed with the hearing or adjourn it.

19.4 If the hearing proceeds, the Hearing Secretary will invite you and other Participants (other than witnesses) into the room or rooms. The Panel Chair will introduce themselves and ask the other Participants to introduce themselves and in what capacity they are there. The witnesses will stay outside the hearing room(s) until the Hearing Secretary calls them to give evidence, and after their evidence they will leave the hearing room.

19.5 The Hearing Secretary will then briefly state what Regulations it is alleged that you have breached, and how. You will be asked whether or not you admit the allegation(s).

19.6 The Panel Chair will invite the person(s) presenting the case against you to outline the allegations and the evidence in the case. It is not always necessary for there to be a Presenter if the documents are clear. The Presenter(s) may call witnesses to support the allegations. You (or your Companion) will have the opportunity to ask questions of the Presenter (if any) and to challenge their evidence.

19.7 You (and/or your Companion) must then respond to the allegations. You must also answer any questions from the Panel and the person presenting the case, and your Companion cannot answer questions on your behalf. You may also call your witnesses to support your defence.

19.8 The Panel may also call any witnesses not called by another party.

19.9 More than one Presenter may attend the hearing. For example, where the Panel is considering allegations of a breach of Regulation 14 (professional conduct or suitability/fitness to practise) then it may be sensible for the Disciplinary Officer to address any allegations of non-academic misconduct while the School Fitness to Practise Lead addresses the Panel on the professional implications of those allegations being found to be true.

19.10 You (or your Companion) and the Presenter(s) will have the opportunity to question any witnesses, as will the Panel, regardless of who has called those witnesses. The Panel Chair may not permit questions that are irrelevant to the issues or which have the purpose of being vexatious (deliberately rude or upsetting).

19.11 If you have a Companion with you, and you wish to speak to them privately at any time, you should ask the Panel Chair to pause the hearing, so you can step outside. If at any time you need a short break to gather your thoughts, you should also ask the Panel Chair. The Panel Chair will try to accommodate these requests.

19.12 The Presenter(s) will be given the opportunity to make a closing statement. They can also outline what penalty or penalties they are seeking in the event that you are found guilty of a disciplinary offence.

19.13 You (or your Companion) will also have the opportunity to make a closing statement. You should use this opportunity to (a) summarise your defence (if any) and (b) to make the Panel aware of any mitigating circumstances that exist. Mitigating circumstances will only be relevant if the Panel finds you guilty of an offence.

19.14 You may wish to raise issues of mitigation which are of a private nature. In this situation, you can ask to speak to the Presenter(s), the Panel and the Panel Secretary in the absence of anyone else. However, in order to be fair to everybody, if what you say is relevant to another Participant (for example that you blame another student for the situation) then the Panel Chair will need to invite that person back into the room and tell that person what you have said. However, it should not be necessary to tell them things like health or personal problems. Any mitigation that you offer may be included in the outcome letter and seen by others who are sent that letter.

19.15 The Panel Chair should then ask you whether there is anything in particular that you think that the Panel should look at or anything you want the Panel to know that hasn't been considered.

19.16 The Panel will then end the hearing and ask you, the Presenter(s), and any witnesses to leave.

19.17 The Panel will confer among themselves and decide whether the allegations against you are proven on the balance of probabilities. In the case of hearings in professional suitability mode, the views of your school regarding the implications of the SSDC's finding you to be in breach of Regulation 14 shall be taken into account by the Panel. The School's views should be informed by the requirements and expectations of the relevant profession and the environment in which you would be entitled to practise.

19.18 If the allegations are proven, then the Panel will decide:

19.18.1 on the balance of probability, whether you have been dishonest (see paragraph 20).

19.18.2 what penalty or penalties should be applied for the proven breach(es).

19.18.3 what steps need to be taken by you in order to become professionally suitable (if applicable). Such steps are not intended to be a form of punishment. The Panel may decide that there are no steps that can be taken to become professionally suitable within a reasonable period of time.

19.19 In making this determination, the Panel will consider:

19.19.1 whether there are any mitigating factors that you or the Presenter have raised but may take the view that the breach is of a nature that cannot be mitigated.

19.19.2 written details of any prior proven breaches dealt with under these University Disciplinary and Investigative Procedures and Powers or previous Disciplinary Procedures.

19.19.3 what weight it would be fair to give to uncorroborated, challenged, evidence that was given other than by oral evidence at the hearing.

19.19.4 where a conviction has already occurred in a court of law in respect of the same facts, the court's penalty shall be taken into consideration in determining any penalty or penalties under these Procedures.

## **20. Findings of dishonesty**

Where possible, the Panel should determine whether any proven breach, or your defence, has involved you in dishonesty. Such dishonesty could relate to the breach itself or to the way in which you have responded to the investigation or determination.

***Guidance:*** *Dishonesty can be the principal concern of certain Professional, Statutory and Regulatory Bodies and it is important that we record at this time whether a proven breach or defence is dishonest so that this finding can be provided to the relevant professional regulator if required in accordance with Part A paragraph 2 (confidentiality). If the outcome letter is silent on this, it can be unhelpful to both the regulator and (if you seek admission to a regulated profession) you.*

*Note that simply making the University prove its case on the balance of probabilities does not by itself mean you are being dishonest – whereas a positive assertion of a false defence may be dishonest.*

## **21. Remitting a case back to the Committee Chair**

21.1 Where the Panel Chair believes that the hearing should not proceed (or, if commenced, continue) because:

21.1.1 evidence (or a witness) is missing or unavailable and that evidence is necessary to resolve the case fairly; and/or

21.1.2 there is strong reason to believe that you have not received the summons and are not deliberately avoiding the summons; and/or

21.1.3 you present at the hearing with serious mental or physical health issues that affects your ability to respond to the allegations such that it would be unfair to continue at the present time; and/or

21.1.4 you have requested an adjournment and have very strong reasons for making that request; and/or

21.1.5 there is another very substantial reason for not proceeding on that occasion; the hearing shall be remitted back to the Chair of Senate Student Discipline Committee.

21.2 The Chair of Senate Student Discipline Committee should then consider the matter afresh under the provisions of paragraph 4. They are free to refer the matter to the same or a differently composed panel of SSDC but may alternatively choose another option outlined in paragraph 4.

## **22. Part-heard hearings**

22.1 A Panel Chair has the power to bring a hearing to a halt and to adjourn the rest of the hearing for a period not exceeding 10 working days without giving any reason for this adjournment.

22.2 A Panel Chair has the power to bring a hearing to a halt and to adjourn the rest of the hearing for a period not exceeding 20 working days where the purpose of the adjournment is to enable you to obtain a report from a licensed psychiatrist or alternative appropriately qualified medical practitioner in response to questions identified by the Panel and such a delay is necessary to dispose of the case fairly.

22.3 A hearing above must be resumed using the same Panel as heard the matter prior to the adjournment.

## **23. Designation of a proceeding as requiring special measures**

23.1 The Chair of SSDC or their nominated representative shall determine whether a hearing requires the implementation of Special Measures, taking into account the preference of the Participants and the need for procedural and substantive fairness. In accordance with 16A above, a Preliminary Hearing may be convened to address this issue.

23.2 The Panel may proceed as Academic Mode (Special Measures), or Non-Academic Mode (Special Measures), or Professional Suitability or Research Misconduct Mode (Special Measures) if:

23.2.1 a Participant is aged under 18; and/or

23.2.2 the case involves alleged non-academic misconduct and a Participant is an alleged victim of such misconduct who seeks Special Measures; and/or



23.2.3 a Participant other than you will give evidence only if Special Measures are provided.

23.3 The purpose of these Special Measures is to enable a Participant (usually a witness) to give the best quality evidence that they can so that the Panel can make an accurate determination of whether or not a disciplinary offence has been committed. The existence of special measures does not in any way indicate that the allegations are true, as this is for the Panel to determine after hearing the evidence; nor does it deflect from the need for careful due process.

**Guidance:** *Special Measures are different to Reasonable Adjustments for a disability, which should be considered a routine part of the preparation and conduct of a hearing in any Mode.*

## **24. Conduct of proceedings in Special Measures**

A hearing in Special Measures may involve the implementation of a number of measures that are designed to assist a Participant in providing the best quality evidence that they can. These measures will be situation specific but may include:

24.1 use of more than one hearing room, with a Participant giving evidence by an agreed videoconferencing facility or listening to evidence by an agreed videoconferencing facility; and/or

24.2 questions being provided in writing prior to the Chair for screening prior to the hearing; and relayed by the Chair at the hearing; and/or

24.3 use of a screen to separate a Participant from another Participant or Participants, other than the Panel; and/or

24.4 use of an appropriately qualified or experienced support worker by a Participant (who is in addition to any Companion); and/or

24.4 regular breaks.

**Guidance:** *Special Measures can include a range of different things, with the focus being on ensuring that the Participant can give their best evidence and the Panel's understanding can be as full as possible. Creative thinking is encouraged and there is no fixed list of what special measures are possible.*

## **25. Notification of outcome to student**

25.1 The Hearing Secretary will normally notify you by email of the outcome within 10 working days and the reasons for the Panel's decision. This emailed letter may also be copied to:

- the Presenter, if any.
- the Panel Chair, who will have approved the letter.
- those involved in the management or administration of the proceedings, such as the Secretary to the Committee.
  - those responsible for you (such as your Head of School, adviser or supervisor, and (where relevant) the Fitness to Practise Lead and/or Degree Apprenticeship Partner and/or employer).
- Secretary to the Disciplinary Triage Group (for non-academic matters).
- Academic Registry Services or Doctoral Training Partnerships Manager

Where the letter contains sensitive information or information relating to a third-party including reporting students called as witnesses to the hearing, the Hearing Secretary must consider whether the letter should be copied only to a small group, with a redacted or summary version copied to the wider group.

25.2 As stated in Part A paragraph 2 in some circumstances it may be necessary, now or in the future, to provide that information to other organisations.

25.3 In the case of a new suspension or expulsion, the Panel Secretary will also notify Student Records of the fact of the suspension or expulsion. Where you are a student visa holder, the Panel Secretary will also notify the University's Visa Policy, Operations and Compliance Manager.

## **26. Post-hearing actions by Student and Academic Services**

26.1 Upon receipt of an outcome letter, the relevant Academic Registry Services team must action any academic penalty such as referral to reassessment. They must inform the Exam Board where an academic penalty prevents a student from being eligible for reassessment/deferred first sit. In the case of suspension, they should action any suspension not already actioned by the Vice-Chancellor and record when any suspension must be lifted and you can return to study. Further information can be found in Part E.

26.2 The Academic Registry Services team should notify all of your Module Organisers about the suspension, that if you attend one of their classes they should ask you to leave, and if you refuse to leave they should call security.

## **27. Post-hearing actions by the Postgraduate Research Service**

27.1 Upon receipt of an outcome letter, the relevant Doctoral Training Partnerships Manager must action any academic penalty such as referral to reassessment. In the case of suspension, the Manager should action any suspension not already actioned by the Vice-Chancellor and record when any suspension must be lifted and you can return to study. Further information can be found in Part F.

27.2 The Doctoral Training Partnerships Postgraduate Research Service Manager should notify your supervisory team and Faculty Training Coordinator about the suspension. You will not be able to attend supervisory meetings or training sessions

## **28. Post-hearing actions by the students Head of School (Regulation 14 only)**

If a Panel finds you to be in breach of Regulation 14, your Head of School will decide whether the University should make a report to the relevant Professional, Statutory and Regulatory Body. In doing so, the Head must bear in mind the requirements of Part A paragraph 2.

## Part G: Penalties

These Penalties are divided into Powers (the penalties that can be applied) and Guidelines to assist the decision-maker.

### Overriding objective

All penalties must:

- have an effect on the student that is proportional to the offence; and
- be consistent with penalties imposed in genuinely similar cases.

In determining an appropriate penalty or whether to refer the issue to SSDC, the decision-maker may take previous breach(es) by the student into account, provided that the student is being penalised for failure to alter their conduct and is not being penalised again for the same breach(es).

### Status of the penalty guidelines

While the guidelines are intended to assist decision-makers in determining the appropriate penalty or penalties for a breach, it is not possible or desirable to capture all the circumstances that may affect the commission of an offence and the different levels of seriousness or culpability and decision-makers, therefore, have a high degree of discretion subject only to review in accordance with the Appeal procedure in Part H and any statutory or judicial body.

### Definitions

**Expulsion** (to **expel**) means your expulsion from the University for a period of at least 7 years following which the University will consider any application for readmission only with the express approval of the Vice-Chancellor.

It is open to SSDC or SSDAC to recommend to the Vice Chancellor that readmission be considered earlier than 7 years and such readmission may be conditional (such as, for example, that admission be to a non-professional course only). It is therefore different to exclusion, which in these University Disciplinary and Investigative Procedures and Powers is used for a type of suspension involving removal of access to University Property and services.

### Withdrawal from the University

If you are withdrawn from the University, you are no longer a member of the University's student community and have none of the rights or privileges accorded to University students. You may not enter or use University Property other than in accordance with any rights given to any member of the public who is neither a student nor a member of staff.

You may be readmitted only by going through the normal admission procedures for new applicants. Any such application for admission will be considered on its merits and will include full consideration of the circumstances that led to the withdrawal decision, and the length of time that has passed since you were withdrawn. Note: If you have been Expelled, you cannot be considered for readmission for a period of at least 7 years, and only with the express approval of the Vice-Chancellor.

**Guidance:** *You may be required to withdraw from the University as a result of disciplinary or professional misconduct proceedings resulting in Expulsion, non-attendance or progression including academic failure, UK Visas and Immigration visa requirements, or as a result of prolonged suspension including for non-payment of fees and charges.*

## **1. Non-academic penalties**

That can be imposed by a University Disciplinary Officer

- 1.1 Issue a warning.
- 1.2 Require you to undertake formative relevant training such as the online module on sexual consent, Consent Matters, or fire safety training.
- 1.3 Require you to write a formal letter of apology to a specified person or persons.
- 1.4 Prohibit you from contacting a specified person or persons either at all or save in respect of specified matters.
- 1.5 Require you to attend and/or engage with specified internal or external agencies.
- 1.6 Exclude you from specified University Property (for example where such Property is linked to your misconduct) except in the case of property operated by the students' union with the prior consent of the students' union.
- 1.7 Require you to move to an alternative University Residence (not available where you hold an assured shorthold tenancy).
- 1.8 Terminate any licence to occupy University Residences.
- 1.9 In the event of damage to or theft of property or University Property, require that such damage or theft be made good at your expense either by yourself or jointly and/or severally with other students.
- 1.10 Instruct the Head of Accommodation Services to seek a court order to terminate any assured shorthold tenancy in respect of University Residences.
- 1.11 Place a restriction on your privilege to have guests visiting University residences.
- 1.12 Exclude you from University Residences other than your own Residence.
- 1.13 Require you to engage in reparative or community service activities commensurate with the nature of your breach.
- 1.14 Require you to remove any material from a publicly available website that is a breach of the university's intellectual property.
- 1.15 Require you to write an essay or reflective account on a topic determined by a Disciplinary Officer.
- 1.16 Impose a fine not to exceed £500.

- 1.17 Prohibit or limit your access to university sports facilities, temporarily or permanently, and/or from activities relating to sports (including training, matches/fixtures, varsity, sports awards shows, trips and tours) where your conduct
- 1.18 Temporarily or permanently remove of some or all of the benefits of any Sports Scholarship you have been awarded or the Scholarship itself (which may require you to refund monies paid to you).
- 1.19 Remove alcoholic beverages from transport to/from sporting fixtures or events.

**Guidance:** *note that if you have been served with notice to quit your licence, this period does not pause if you appeal. You should therefore use this time wisely to search for accommodation in case your appeal is unsuccessful.*

### **That can be imposed by the Head of Accommodation Services**

- 1.20 Issue a warning to include the likely consequences of further proven breaches.
- 1.21 Require you to move to an alternative University Residence (not available where you hold an assured shorthold tenancy) in accordance with 8.1 of the licence terms and conditions.
- 1.22 Terminate any licence to occupy University Residences in accordance with 4.1 of the licence terms and conditions.
- 1.23 In the event of damage to property or University Property, require that such damage be made good at your expense either by yourself or jointly and/or severally with other students.
- 1.24 Require you to undertake formative relevant training such as fire safety training
- 1.25 Seek a court order to terminate any assured shorthold tenancy in respect of University Residences.
- 1.26 Place a restriction on your privilege to have guests visiting in University Residences
- 1.27 Exclude you from University Residences other than your own Residence
- 1.28 Require you to write an essay or reflective account on a topic determined by the Manager.

**Guidance:** *note that if you have been served with notice to quit your licence, this period does not pause if you appeal. You should therefore use this time wisely to*

### **That can be imposed by the Student Sport Operations Manager**

- 1.29 Issue a warning to include the likely consequences of further proven breaches.
- 1.30 Require you to write a formal letter of apology to a specified person or persons.
- 1.31 Require you to attend and/or engage with specified internal or external agencies.
- 1.32 Require you to undertake formative relevant training.
- 1.33 Impose a fine not to exceed £150.
- 1.34 Require you to engage in reparative or community service activities commensurate with the nature of your breach.

- 1.35 Require you to write an essay or reflective account on a topic determined by the Manager.
- 1.36 Exclude you from university sports facilities such as the Sportspark for up to one semester.
- 1.37 Suspend you from activities relating to sports (including training, matches/fixtures, varsity, sports awards shows, access to sports facilities, trips and tours) for up to one semester.
- 1.38 Remove alcoholic beverages from transport to/from sporting fixtures or events.
- 1.39 Temporarily or permanently remove some or all of the benefits of any Sports Scholarship you have been awarded or the Scholarship itself (which may require you to refund monies paid to you).

**Guidance:** *The Students' Union may impose additional penalties as a result of any Code of Conduct finding against you. When determining an appropriate penalty, the second decision-maker should bear in mind the penalty imposed by the first in determining what penalty is proportionate.*

*A Maintaining Good Order document provides guidance on the types of penalties that may be appropriate for different breaches.*

**Guidance:** *Even if you are on a sports scholarship that otherwise gives you access to University sports facilities and sporting activities, these penalties can be imposed.*

## **2. Penalties that can be imposed by a Panel of Senate Student Discipline Committee (or the Chair or Deputy Chair exercising their powers of summary determination) for cases involving breach of a regulation relating to academic misconduct, non-academic misconduct and professional integrity other than professional or research misconduct**

A Panel may apply one or more of the following penalties where it finds a student in breach of a Regulation or Regulations:

- 2.1 Place a restriction on your privilege to have guests visiting in University Residences.
- 2.2 Require you to undertake formative relevant training such as the online module on sexual consent, Consent Matters, or fire safety training.
- 2.3 Require you to write a formal letter of apology to a specified person or persons.
- 2.4 Prohibit you from contacting a specified person or persons either at all or save in respect of specified matters.
- 2.5 Require you to attend and/or engage with specified internal or external agencies.
- 2.6 Require you to move to an alternative University Residence (not available where you hold an assured shorthold tenancy).
- 2.7 In the event of damage to property or University Property, require that such damage be made good at your expense either by yourself or jointly and/or severally with other students.

- 2.8 Require you to engage in reparative or community service activities commensurate with the nature of your breach.
- 2.9 Require you to write an essay or reflective account on a topic determined by the Panel; such as the need for academic integrity.
- 2.10 Require you to remove any material from a publicly available website that is a breach of the university's intellectual property.
- 2.11 Impose a fine not to exceed £1,000.
- 2.12 Instruct the Head of Accommodation Services that they terminate any licence to occupy University Residences.
- 2.13 Instruct the Head of Accommodation Services to seek a court order to terminate any assured shorthold tenancy in respect of University Residences.
- 2.14 Determine that a mark of zero should be recorded for the whole or part of the work submitted by you for assessment and either refer you to reassessment or decide that you should not be permitted to reassess which may mean that you are required to withdraw from the University.
- 2.15 Temporarily suspend you from Study and University Property, University Property only, or less commonly from Study only.
- 2.16 Temporarily or permanently exclude you from specified University activities or from certain areas of campus or University Property which may include the Sportspark (but shall not include premises operated by the Students' Union except with the prior consent of the students' union).
- 2.17 Expel you from the University. Expulsion has the meaning set out above in the Definitions section.
- 2.18 Impose an alternative or additional penalty of its choosing save that where the penalty or exemption requires or implies a concession under the Regulations governing the award of degrees, diplomas, or certificates, approval should first be sought from the Associate PVC Associate PVC Education and Curriculum or the Associate PVC UEA Doctoral College, as appropriate.
- 2.19 Impose a penalty to only come into effect if further breaches occur (a 'suspended sentence').
- 2.20 Withdraw you from the University.

**Guidance:** *In the case of a core module, a decision not to send the student to reassessment in a failed module means that the student cannot progress and will be withdrawn. Panels must ensure that such an outcome is a proportionate response.*

### **3. Penalty guidelines: Breaches of Regulation 13 (attendance, engagement, and progress)**

**Guidance:** *Where a Panel of SSDC has determined that you have breached Regulation 13, the usual penalty is expulsion from the University. Where there are mitigating factors and the Panel considers that the starting point is too severe, you may be withdrawn from the University, or the Panel may impose another penalty.*

### **4. Penalty guidelines: Breaches of Regulation 18 (plagiarism or collusion)**



<b>Penalties</b>	<b>Mitigating and aggravating factors that affect the starting point can include:</b>
<p><b><i>For a first offence under Regulation 18 (but not involving the purchase of assessed work)</i></b></p> <p><i>For a first offence of sufficient severity to merit referral to SSDC, the normal starting point penalty will be temporary Suspension from Study and University Property and Services for up to one semester and a mark of zero in the relevant assessment component.</i></p> <p><i>Where there are mitigating factors and the Panel considers that the starting point is too severe, or when the mark of zero would have the consequence of the student being withdrawn from the University for academic failure (e.g. on a core module) and the Panel considers this excessive, the Panel may impose another Penalty or suspend the application of a suspension.</i></p> <p><i>Where there are aggravating factors and the Panel considers that the starting point is insufficiently severe, the Panel should consider whether a longer period of suspension is appropriate or whether expulsion from the University is appropriate.</i></p>	<p><i>Mitigating:</i></p> <ul style="list-style-type: none"> <li><i>• Your experience is limited (you are in your first semester of a higher education course in the UK)</i></li> <li><i>• There is no evidence that other Regulations have been breached by you</i></li> <li><i>• You accepted your guilt early and have shown remorse</i></li> <li><i>• You are suffering from an illness or other medical condition affecting your judgement or exacerbating the effect of any penalty imposed</i></li> <li><i>• At the time you were experiencing family or relationship problems affecting your judgment</i></li> <li><i>• You have felt under duress</i></li> </ul> <p><i>Aggravating:</i></p> <ul style="list-style-type: none"> <li><i>• You intended to cheat</i></li> <li><i>• You are not in your first semester of a higher education course in the UK</i></li> <li><i>• You have not accepted guilt or shown remorse, or such acceptance/remorse came late in the process</i></li> <li><i>• There is evidence that you have breached other Regulations</i></li> </ul>

<p><b><i>For a second offence under Regulation 18 (but not involving the purchase of assessed work)</i></b></p> <p><i>For a second offence of sufficient severity to merit referral to SSDC, the normal starting point penalty will be temporary Suspension from Study and University Property and Services for up to two semesters and a mark of zero in the relevant assessment component.</i></p> <p><i>Where there are mitigating factors and the Panel considers that the starting point is too severe, or when the mark of zero would have the consequence of the student being withdrawn from the University for academic failure (e.g. on a core module) and the Panel considers this excessive, the Panel may impose another Penalty or suspend the application of a suspension.</i></p> <p><i>Where there are aggravating factors and the Panel considers that the starting point is insufficiently severe, the Panel should consider whether expulsion from the University is appropriate.</i></p>	<p><b><i>Mitigating:</i></b></p> <ul style="list-style-type: none"> <li><i>There is no evidence that other Regulations have been breached by you</i></li> <li><i>You accepted your guilt early and have shown remorse</i></li> <li><i>You are suffering from an illness or other medical condition affecting your judgment or exacerbating the effect of any penalty imposed</i></li> <li><i>You were experiencing family or relationship problems affecting your judgment</i></li> <li><i>You have felt under duress</i></li> </ul> <p><b><i>Aggravating:</i></b></p> <ul style="list-style-type: none"> <li><i>You intended to cheat</i></li> <li><i>You are not in your first semester of a higher education course in the UK</i></li> <li><i>You have not accepted guilt or shown remorse, or such acceptance/remorse came late in the process</i></li> <li><i>There is evidence that you have breached other Regulations</i></li> </ul> <p><i>The fact of a previous offence under Regulation 18 is not a mitigating or aggravating factor as it creates the starting point.</i></p>
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<p><b><i>For a third offence under Regulation 18 <u>or</u> where the offence involves the purchase or commission of assessed work</i></b></p> <p><i>For a third offence of sufficient severity to merit referral to SSDC, or for the purchase or commission of assessed work, the normal starting point penalty will be expulsion from the University and a mark of zero in the relevant assessment component.</i></p> <p><i>Where there are mitigating factors and the Panel considers that the starting point is too severe, the Panel may impose another Penalty or suspend the application of expulsion. However, where the offence involves the purchase of assessed work, mitigation would not normally reduce the penalty below the starting point of expulsion.</i></p>	<p><b><i>Mitigating:</i></b></p> <ul style="list-style-type: none"> <li><i>There is no evidence that other Regulations have been breached by you</i></li> <li><i>You accepted your guilt early and have shown remorse</i></li> <li><i>You are suffering from an illness or other medical condition affecting your judgment or exacerbating the effect of any penalty imposed</i></li> <li><i>You were experiencing family or relationship problems affecting your judgment</i></li> <li><i>You have felt under duress</i> <i>Experience of student is limited (purchased work only: if the student is in this category because they have committed a third offence, they are to be considered an experienced student).</i></li> </ul> <p><b><i>Aggravating:</i></b></p> <ul style="list-style-type: none"> <li><i>You intended to cheat</i></li> <li><i>You are not in your first semester of a higher education course in the UK</i></li> <li><i>You have not accepted guilt or shown remorse, or such acceptance/remorse came late in the process</i> <i>There is evidence that you have breached other Regulations</i></li> </ul>
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**5. Penalty guidelines: Breaches of Regulation 20 (misconduct in examinations and course tests)**

<p><b><i>Penalties to be considered once starting point determined:</i></b></p>	<p><b><i>Mitigating and aggravating factors that affect the starting point can include:</i></b></p>
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<p><b><i>For a medium level offence under Regulations 20</i></b></p> <p><i>The normal starting point penalty will be a mark of zero in the relevant assessment component.</i></p> <p><i>Where there are mitigating factors and the Panel considers that the starting point is too severe, or when the mark of zero would have the consequence of the student being withdrawn from the University for academic failure (e.g. on a core module) the Panel may impose another Penalty.</i></p> <p><i>Where there are aggravating factors and the Panel considers that the starting point is insufficiently severe, the Panel should consider whether a period of suspension is appropriate or whether expulsion from the University is appropriate.</i></p>	<p><i>The factors set out above in the classification table have determined that this is a medium level offence and given us the starting point, so should not be considered as relevant to mitigating or aggravating that starting point.</i></p> <p><i>Consider other factors:</i></p> <p><i>Mitigating:</i></p> <ul style="list-style-type: none"> <li><i>• No evidence that other Regulations have been breached</i></li> <li><i>• Early acceptance of guilt or remorse</i></li> <li><i>• Illness or other medical condition affecting the student's judgment or exacerbating the effect of any penalty imposed</i></li> <li><i>• Family or relationship problems affecting the student's judgment</i></li> <li><i>• You have felt under duress</i></li> </ul> <p><i>Aggravating:</i></p> <ul style="list-style-type: none"> <li><i>• Failure to accept guilt in a timely manner</i></li> <li><i>• Evidence of a breach of other Regulations</i></li> </ul>
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<p><b><i>For a high level offence under Regulations 20</i></b></p> <p><i>The normal starting point penalty will be temporary Suspension from Study and University Property and Services for not less than one semester and a mark of zero in the relevant assessment component.</i></p> <p><i>Where there are mitigating factors and the Panel considers that the starting point is too severe, or when the mark of zero would have the consequence of the student being withdrawn from the University for academic failure (e.g. on a core module) and the Panel considers this excessive, the Panel may impose another Penalty or suspend the application of a suspension.</i></p> <p><i>Where there are aggravating factors and the Panel considers that the starting point is insufficiently severe, the Panel should consider whether expulsion from the University is appropriate.</i></p> <p><i>Where there is a severely aggravating factor, the normal penalty is expulsion from the University.</i></p>	<p><i>The factors set out above in the classification table have determined that this is a high level offence and given us the starting point, so should not be considered as relevant to mitigating or aggravating that starting point.</i></p> <p><i>Consider other factors:</i></p> <p><i>Mitigating:</i></p> <ul style="list-style-type: none"> <li><i>• Early acceptance of guilt or remorse</i></li> <li><i>• Illness or other medical condition affecting the student's judgment or exacerbating the effect of any penalty imposed</i></li> <li><i>• Family or relationship problems affecting the student's judgment or exacerbating the effect of any penalty imposed</i></li> <li><i>• Duress or undue pressure</i></li> </ul> <p><i>Aggravating:</i></p> <ul style="list-style-type: none"> <li><i>• Intentionality</i></li> <li><i>• Failure to accept guilt</i></li> <li><i>• Evidence of a breach of other Regulations</i></li> <li><i>• This incident was one of several breaches on the same occasion (e.g. has notes and has dictionary pen at same exam)</i></li> </ul> <p><i>Severely aggravating:</i></p> <ul style="list-style-type: none"> <li><i>• A previous finding of medium or high level breach of Regulation 20</i></li> </ul> <p><i>As a general rule, no distinction should be drawn between misconduct in an examination and misconduct in a course test. However, the SSDC Panel should take into account the full context and circumstances in which the course test was taken and in particular whether the full procedures governing the invigilation of examinations was followed.</i></p>
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## **6. Outcome Guidelines: Breaches of Regulation 14 (professional conduct and suitability)**

The Fitness to Practise process is not punitive in nature (although where the factual basis involves breach of another Regulation, a penalty may be imposed for that breach). Accordingly, the appropriate outcomes are focused on considering whether you are capable of becoming fit to practise, and if so, what that would look like. Accordingly, panels may require you to take certain steps to improve your professional suitability or reflect on your behaviour (if any). While the Panel can impose any requirements it seems appropriate, any outcome should be aimed at

As a general rule, no distinction should be drawn between misconduct in an examination and misconduct in a course test. However, the SSDC Panel should take into account the full context and circumstances in which the course test was taken and in particular whether the full procedures governing the invigilation of examinations was followed.

ensuring public confidence in the profession and rather than being punitive for its own sake.

Panels might consider the following:

- Remedial actions such as apologies or formative training
- Attending and engaging with appropriate specified internal or external agencies or expertise
- Reflection on events, such as by way of an essay or discussions with appropriate professionals
- Practical steps you can take to alter your behaviour (if relevant) or the context in which your misconduct or unsuitability has arisen
- Recommending that your School advise the relevant PSRB of the outcome of an SSDC case and any penalty applied, and this may mean further action is taken.

In many cases, the appropriate outcome will be for you to be suspended for a defined period. Your return would be contingent on you satisfying the University that you had become fit to practise by the end of that period and if that is not the case then you would be expelled at the end of the period.

If in the professional judgment of the Panel fitness is likely to be unattainable within a reasonable timescale, or perhaps not ever, then you will normally be expelled from the University (although in some cases we may allow you to move to a non-professional course or a course where the same concerns would not arise). Alternatively, you may be withdrawn from the University

## **7. Penalty Guidelines: Breaches of Regulation 15 (misconduct in research and research ethics)**

7.1 A panel may apply one or more of the following outcomes where it finds a student in breach of Regulation 15:

- Require you to undertake formative relevant training
- Require you to write a formal letter of apology to a specified person or persons
- Prohibit you from contacting a specified person or persons either at all or save in respect of specified matters
- Require you to attend and/or engage with specified internal or external agencies.
- Determine that a mark of zero should be recorded for the whole or part of the work submitted by you for assessment and either refer you to reassessment or not do so
- Require you to write an essay or reflective account on a topic determined by the Panel, such as the need for academic integrity
- Temporarily suspend you from Study and University Property and Services or less commonly from study only
- Temporarily or permanently exclude you from specified University activities or from certain areas of campus
- Expel you from the University
- Impose an alternative or additional penalty of its choosing save that where the penalty or exemption requires or implies a concession under the Regulations governing the award of degrees, diplomas, or certificates, approval should first be sought from the Associate PVC Education and Curriculum or the Associate PVC UEA Doctoral College, as appropriate.

7.2 In determining the appropriate penalty for breaches of Regulation 15 (misconduct in research and research ethics), the following factors shall be taken into account:

- Your level and experience
- The nature and extent of your misconduct
- The extent to which you intended the misconduct and the extent to which the offence was premeditated
- Your previous record
- Whether the offence exposed others to actual or potential risk of harm and, if so, the nature and severity of that risk.
- The nature of the award (qualification) to which the misconduct relates
- Early acceptance of guilt or remorse
- Illness or other medical condition affecting your judgement or exacerbating the effect of any penalty imposed
- Family or relationship problems affecting your judgement or exacerbating the effect of any penalty imposed
- Duress or undue pressure

## Part H: Appeals

### Overriding objectives

The overriding objective of this Part is to deal with proceedings fairly. This means that:

- i. Proceedings should be resolved as quickly as is consistent with due process.
- ii. Where a Participant requires reasonable adjustments under the Equality Act 2010 in order to participate, such adjustments will be made.
- iii. Where a provision of the Regulations or these Procedures is unclear a decision-maker should interpret them in the way most consistent with the requirements of substantive and procedural fairness to you, the student.

### Outline

Until such time as your Appeal has been resolved you should continue in accordance with any penalties imposed by the decision maker.

For appeals against a decision of the University Disciplinary Officer, Student Sport Operations Manager or Head of Accommodation Services and where you have had an opportunity to respond to the allegation ahead of a decision being made, there is a two stage appeals process (Section 1 below).

### **1. Appeals against a decision of the University Disciplinary Officer, Student Sport Operations Manager, or Head of UEA Accommodation**

The Appeals Procedure comprises two parts:

Stage One, in which the Academic Registrar considers the appeal and makes a decision; and

Stage Two, which you may follow if dissatisfied with the outcome of the Stage One Appeal. Stage Two Appeals are considered by the Director of Student and Academic Services, who may refer the appeal for further investigation. Where the Director of Student and Academic Services has prior knowledge of the Appeal, they will nominate a member of the university Senior Leadership Team not connected to consider.

#### **1.1 How to appeal**

1.1.1 You must complete a Stage One Non-Academic Student Discipline Appeal/Review form and in that form you will need to state:

- (a) whether you are appealing against the decision that you have breached the Regulations, or the penalty, or both.
- (b) the ground(s) of your appeal.



1.1.2 You will need to attach to your form your evidence in support of your appeal.

1.1.3 You are deemed to have received the notification of the decision of the University Disciplinary Officer/ Student Sport Operations Manager/ Head of Accommodation Services within two working days of it being sent to you by email. You must file any appeal against the decision within five working days of the receipt of the notification of the decision i.e. within seven working days of us sending you the notification.

1.1.4 The University will not consider any appeal until you have been sent formal written notice of the outcome of the hearing.

Guidance: Forms are available on the [LTS Forms webpage](#) within MyUEA

## **1.2 Grounds for appeal (stage one appeals)**

1.2.1 You cannot appeal against a decision to refer a case to the Senate Student Discipline Committee or a decision about allocating the case to a decision-maker.

1.2.2 If you decide to appeal, you must tell us whether the appeal is made against the finding of the University Disciplinary Officer/ Student Sport Operations Manager Head of Accommodation Services, or the penalty imposed, or both.

1.2.3 An appeal will only be considered if one or more of the following grounds is demonstrated:

- (a) that evidence (including any mitigation) put to the University Disciplinary Officer/ / Student Sport Operations Manager/ Head of Accommodation Services was not fully considered
- (b) the correct procedure was not followed and this is sufficient to undermine the validity of the decision
- (c) that there was prejudice and/or bias or the appearance of prejudice and/or bias on the part of the Disciplinary Officer/ Student Sport Operations Manager/Head of Accommodation Services
- (d) that the penalty or penalties imposed were excessive
- (e) that there is new information that should be considered that was not known to the Disciplinary Officer/ Student Sport Operations Manager/ Head of Accommodation Services and you could not reasonably have obtained that evidence at the time that they made their decision.

**Guidance:** *You should provide as much information as possible about the ground(s) on which you are relying. For example, if you say that evidence put to the University Disciplinary Officer was not fully considered, you will need to explain what evidence and in what way you say it was not fully considered. If there is new information, you will need to say what information and why you could not reasonably have obtained*

*that evidence before. We strongly recommend that you seek advice from the Student Union Advice Team.*

### **1.3 The appeal process (stage one appeals)**

1.3.1 The Academic Registrar is responsible for responding to an appeal. If the Academic Registrar is part of the subject of the appeal or has been involved during the investigation phase of the case, or is otherwise in a conflict of interest, a suitable substitution will be made by the Director of Student and Academic Services. Notwithstanding this provision, for ease of reference the person responsible for responding to the Appeal will be called the Academic Registrar in this Procedure.

1.3.2 The Academic Registrar must consider all of the evidence previously submitted to the University Disciplinary Officer/ Student Sport Operations Manager/Head of Accommodation Services and your appeal form and supporting evidence. No evidence submitted can be anonymous.

1.3.3 The Academic Registrar will determine whether there is evidence that satisfies one of the grounds set out at paragraph 1.2.3. The Academic Registrar may ask another member of Academic Registry Services to investigate this for the Academic Registrar, as long as that person has not previously been involved in the case.

### **1.4 Appeal outcomes (stage one appeals)**

1.4.1 The investigation having been completed, the Academic Registrar will decide whether:

- (a) to uphold the decision and penalty
- (b) to uphold the decision but substitute a lower penalty or no penalty
- (c) to uphold the appeal and overturn the penalty

1.4.2 If your appeal is rejected and you are unhappy about that then you may have grounds to start a Stage Two Appeal (paragraph 6 below).

1.4.3 The decision of the Academic Registrar and the reason(s) for it will be communicated to you by email letter within fifteen working days. If you want to meet

### **1.5 How to appeal (stage two appeals)**

1.5.1 You must complete a Stage Two Non-Academic Student Discipline Appeal form and in that form you will need to state:

- (a) Whether you are appealing against the decision of the Academic Registrar, or the penalty, or both.
- (b) The ground(s) of your appeal.

1.5.2 You will need to attach to your form your evidence in support of your appeal.

1.5.3 You are deemed to have received the notification of the Academic Registrar's decision within two working days of it being sent to you by email. You must file any appeal against their decision within five working days of the receipt of the notification of the Academic Registrar's decision i.e., within seven working days of us sending the email letter.

Guidance: Forms are available on the [LTS Forms webpage](#) within MyUEA

## **1.6 Grounds for appeal**

A Stage Two Appeal will only be considered if one or more of the following grounds is demonstrated:

1.6.1 The correct procedure was not followed in the conduct of the Stage One Appeal and this is sufficient to undermine the validity of the decision

1.6.2 That there was prejudice and/or bias or the appearance of prejudice and/or bias on the part of the Academic Registrar and/or any person helping the Academic Registrar to investigate

1.6.3 That evidence (including any mitigation) put forward at Stage One was not fully considered

## **1.7 The Stage Two appeal process**

1.7.1 The Director of Student and Academic Services is responsible for responding to a Stage Two Appeal. The Director must consider all of the evidence previously submitted to the Disciplinary Officer, Student Sport Operations Manager/Head of Accommodation Services and the Stage One Appeal and your Stage Two Appeal form and supporting evidence. No evidence submitted can be anonymous.

1.7.2. The Director will determine whether there is evidence that satisfies one of the grounds set out at paragraph 1.6. The Director may ask a member of the Student Conduct and Complaints team within Academic Registry Services or another appropriate person to investigate this for the Director, as long as that person has not previously been involved in the case.

## **1.8 Appeal outcomes (stage two)**

1.8.1 The investigation having been completed, the Director of Student and Academic Services will decide whether:

- (a) to uphold the decision and penalty or penalties at Stage One
- (b) to uphold the decision but substitute a lower penalty or no penalty
- (c) to uphold the appeal and overturn the penalty

- 1.8.2 The decision of the Director of Student and Academic Services and the reason(s) for it will be communicated to you by email letter within fifteen working days of your filing the Stage Two Appeal letter.
- 1.8.3 If your appeal is rejected there is no further right of appeal in the University.

### **3. Withdrawing an appeal or a request for a review**

3.1 You can withdraw a Stage One Appeal or request for a review at any time. The effect of this will be that the decision and penalty of the University Disciplinary Officer / Student Sport Operations Manager/Head of Accommodation Services will stand.

3.2 You can withdraw a Stage Two Appeal at any time. The effect of this will be that the Stage One outcome will stand.

### **Appeals against a decision of a Senate Student Discipline Panel**

#### **4. Who can appeal**

Only the student(s) who have been found to have breached a Regulation can appeal against a decision of Senate Student Discipline Panel or a Chair or Deputy Chair's summary determination under Part F paragraphs 5, 6, or 7.

#### **5. Timescales**

5.1 You are deemed to have received the notification within two working days of it being sent to you by email.

5.2 You must file any appeal against a decision of a Senate Student Discipline Panel or Chair with the Director of Student and Academic Services within five working days of the receipt of the notification of the decision of the Senate Student Discipline Panel or Chair, i.e., within seven working days of us sending you the notification.

5.3 The University will not consider any appeal until you have been sent formal written notice of the outcome of the hearing.

#### **6. Grounds for appeal**

6.1 If you decide to appeal, you must tell us whether the appeal is made against the finding of the Senate Student Discipline Panel or the penalty imposed, or both.

6.2 If you are appealing against the summary determination of the Chair or Deputy Chair of Senate Student Discipline Committee, you must tell us whether the appeal is made against the Chair's finding or the penalty imposed, or both.

6.3 An appeal will only be considered if one or more of the following grounds is demonstrated:

6.3.1 That evidence put to the SSDC Panel or Chair was not fully considered and that this evidence was of such significance that it would cast doubt over the validity of the decision made by the SSDC.

6.3.2 That there was procedural irregularity in the conduct of any SSDC hearing or meeting with the SSDC Chair that was sufficient to render the outcome unfair.

6.3.3 That there was prejudice and/or bias or the appearance of prejudice and/or bias in the conduct of the hearing by SSDC or, as in the case of summary determination, by the Chair or Deputy Chair of SSDC.

6.3.4 That the penalty or penalties imposed was excessive.

6.3.5 That there is new information that should be considered that was not known to the SSDC Panel or Chair and you could not reasonably have obtained that evidence at the time of the original decision and that this evidence is of such significance that it would cast doubt over the validity of the decision made by the SSDC.

**Guidance:** *You should provide as much information as possible about the ground(s) on which you are relying. For example, if you say that evidence put to the SSDC was not fully considered, you will need to explain what evidence and in what way you say it was not fully considered. If there is new information that was not before the SSDC, you will need to say what information and why you could not reasonably have obtained that evidence before. In all cases you will need to explain why you think that this evidence would call into question the validity of the decision made by the SSDC. We strongly recommend that you seek advice from the Student Union Advice Team*

## **7. Reviewing your appeal**

7.1 The Secretary to Senate Student Discipline Appeals Committee will email you to acknowledge receipt of your appeal.

7.2 The Secretary will then review the appeal and confirm:

7.2.1 That it was received within the specified timescale or, if it was received outside the specified timescale (i.e., late), there is a very good reason to still consider the appeal.

7.2.2 That you have clearly stated a ground of appeal as outlined in 13.3.

7.2.3 That you have provided evidence in support of your ground of appeal, if relevant.

7.2.4 That there is a real possibility that your outcome may be changed as a result of a review by an Appeal Panel.

7.3 If one or more of these things is not confirmed, then the Secretary will recommend to the Chair of Senate Student Discipline Appeals Committee that your appeal should be rejected. If the Chair agrees with the Secretary, then your appeal will be rejected. You will be told the decision of the Chair within fifteen working days of receipt of the appeal form. This decision is final and there is no further right of appeal in the University.

7.4 If all of these things are confirmed, then:

7.4.1 If the appeal is accepted by the Secretary to Senate Student Discipline Appeals Committee solely on the grounds that there is evidence that there was procedural irregularity in the conduct of a Student Discipline Panel or Chair, the Director will refer the appeal to the Chair of the Senate Student Discipline Committee to remedy the procedural irregularity. The Secretary to Senate Student Discipline Appeals Committee will tell you about this referral within fifteen working days of receipt of the appeal form and the Chair of the Senate Student Discipline Committee must notify you of how the procedural irregularity has been resolved within a further fifteen days. Provided that there are no further procedural irregularities in this part of the process, there shall be no further right of appeal in the University.

7.4.2 In other cases, you will be notified within fifteen working days of receipt of the appeal form that your appeal will proceed to a hearing.

## Definitions

**Senate Student Discipline Appeals Committee** is a committee authorised by the Senate of the University of East Anglia. It comprises a Chair and **Deputy Chair of the Senate Student Discipline Appeals Committee** and members of the Committee who are appointed by Senate from time to time. The current membership of the committee is set out in the University Calendar under 'Statutory Bodies and Committees'. The Secretary to the Committee is the Academic Registrar.

The Chair of the Senate Student Discipline Appeals Committee has the power to make a summary determination as to whether an appeal can proceed. In other cases, they can appoint a **Panel** to hear each case referred to it.

The members of the Panel will be drawn from the Panel Pool. The **Panel Pool** comprises (a) those members of the Senate Student Discipline Appeals Committee who are academic staff as described in Statute 7 and who are not Principal Officers of the University; and (b) students who have been recruited and selected by Academic Registry Services, the Chair and Secretary of SSDC from time to time. The Panel sits in different modes according to the nature of the allegations against you. In Professional Suitability or Research Misconduct Mode the Panel will also include two additional people.

A “**real possibility**” is defined as a possibility that cannot sensibly be ignored, as opposed to a fanciful or insubstantial possibility

There will be various **Participants** at the panel hearing. These are:

- you
- any **Companion** that you bring to support you at the hearing
- any other students involved in the same incident who are also appealing
- the Panel members
- the Hearing Secretary, who is usually a senior member of University staff.

They do not take part in the deliberations as they are not a member of the Panel, but they may advise on matters of procedure or the powers that the Panel has, and they identify the issues that the Panel needs to address

- the representative(s) of the University who are asserting the University’s case, such as the University’s Disciplinary Officer or a School plagiarism officer. This person is known as the Presenter. In some types of cases (such as Professional Suitability and Fitness to Practise) there may be more than one presenter, so the reference to ‘the Presenter’ in this document may refer to more than one person.
- any Companion that the person responding to your appeal brings with them
- any witnesses approved by the Panel Chair
- a legal adviser who are not members of the Panel, but may advise on matters of procedure or the powers that the Panel has
- any other person whose presence the Panel Chair deems necessary to resolve the proceedings fairly, or who (with your agreement only) is there for the purpose of training.

## **8. Training of Panel Members**

8.1 The Secretary to the Senate Student Discipline Committee must ensure that all UEA members of the Panel Pool and Hearing Secretaries have been trained (including on unconscious bias and race awareness) before sitting on a Panel for the first time and at least every two years thereafter.

8.2 No UEA person may remain within the Panel Pool unless they have undertaken the training specified in 8.1 above as and when it falls due.

## **9. Reasonable adjustments**

9.1 The University will apply this Part in accordance with its Equal Opportunities Policy for Students.

9.2 The University will also comply with its legal obligation to make reasonable adjustments under the Equality Act 2010. Reasonable adjustments are person specific but could include use of an intermediary or support worker, provision of documents in a different format, regular breaks, or adaptation in the style of questioning used.

9.3 You must tell the Hearing Secretary if you or your Companion or witness requires reasonable adjustments to be made because of a disability. You must do this no later than two working days before the hearing.

**Guidance:** Participants should contact [ssdc@uea.ac.uk](mailto:ssdc@uea.ac.uk). Reasonable adjustments are available whatever the person's role in the hearing.

**Guidance:** Scheduling of hearings: The University will try to schedule the hearing to avoid clashes with your timetabled academic activities. If that is not possible, the hearing will take priority.

## **10. Role of the Panel Chair**

- 10.1 Review and approve the hearing pack before the hearing.
- 10.2 Lead the hearing and ensure that the schedule is followed.
- 10.3 Ensure that any reasonable adjustments notified in accordance with paragraph 16 are made.
- 10.4 Liaise with the Hearing Secretary to ensure the identification and implementation of any Special Measures.
- 10.5 Ask any questions the Panel wish to ask the student, Presenter(s) or witnesses during the hearing.
- 10.6 Decide on the admission of any evidence or witnesses, or any other matters requiring determination at a Preliminary Hearing in order that the hearing itself be effective.
- 10.7 Have the final decision on the inclusion of any evidence.
- 10.8 Approve the outcome letter written by the Secretary.

## **11. Composition of Disciplinary Appeals Panel**

The Panel shall sit in one of three Modes: Professional Suitability or Research Misconduct Mode, Academic Mode, and Non-Academic Mode.

### **11.1 Professional Suitability or Research Misconduct Mode**

11.1.1 A Panel shall be convened in Professional Suitability or Research Misconduct Mode for cases arising under General Regulation 14 and/or 15. A Panel convened under this Mode may, in addition to considering matters relating to Regulations 14 and 15, also consider allegations and determinate penalties relating to any other Regulations that are alleged to have been breached.

11.1.2 In Professional Suitability or Research Misconduct Mode, the Panel shall comprise two non-student members of the Panel Pool, one of whom shall be appointed to act as Chair; and two non-student co-opted Panel members who do not need to be members of Senate Student Discipline Appeals Committee:

11.1.2.1 one co-opted Panel member who has expertise within the same or a similar discipline to you; and



11.1.2.2 one co-opted Panel member who is not a member of staff or officer of the University but who has expertise within the same or a similar discipline to you.

11.1.3 Where you are enrolled on a programme that may lead to admission to a regulated profession overseen by a Professional, Statutory and Regulatory Body (or are already regulated by that Body), at least one of the two co-opted Panel members must be regulated by the same Body.

## 11.2 Academic Mode

11.2.1 All cases arising under Regulations 13 and 17-23 inclusive shall proceed in Academic Mode. A Panel convened under this Mode may, in addition to considering matters relating to Regulations 13 and 17–23, also consider allegations and determinate penalties relating to any other Regulations that are alleged to have been breached.

11.2.2 In Academic Mode, the Panel shall comprise three non-student members of the Panel Pool, one of whom shall be appointed to act as Chair.

**Guidance:** *Where a case involves allegations of both academic and non-academic misconduct and the Chair of Senate Student Discipline Committee has decided they should be heard together (which may be appropriate in some cases, for example where there is a close causal link or common facts), then the case will be heard in Academic Mode.*

## 11.3 Non-Academic Mode

All cases not arising under either Academic Mode or Professional Suitability or Research Misconduct Mode shall be heard in Non-Academic Mode. The Panel shall comprise two non-student members of the Panel Pool, one of whom shall be appointed to act as Chair, and one student member of the Panel Pool.

11.4 A Panel must comprise the requisite constitution as set out in this section 11, in order to proceed to hear a case. Where the Panel Chair determines that the composition of the Panel is incorrect, they shall adjourn the hearing and refer the matter back to the Chair of the Senate Student Discipline Committee for reallocation to a new Panel. However, where the Head of Academic Registry Services has used their best endeavours to obtain a suitably trained student member of the Panel Pool for a scheduled hearing under Non-Academic Mode but has not been able to do so, and the hearing cannot be expeditiously rescheduled, the hearing shall proceed with three non-student Panel members.

## 12. Apparent Bias

No person may be appointed to a particular Panel if a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility of their being biased against a Participant.

No person may be appointed to a particular Panel if, irrespective of the above, they have been the personal adviser or supervisor of a student appearing before the Panel or if they have been involved with the disciplinary proceedings at an early level, such as because they are the Plagiarism Officer, Disciplinary Officer, or Fitness to Practise lead who dealt with the case in question.

### **13. The evidence**

13.1 The Panel has the power to summons and question any person who is a member of staff, officer, or student at the University, including any witnesses not called by another party, but can only request a member of the public to provide evidence.

13.2 The Panel Chair will decide at their absolute discretion:

13.2.1 whether or not to hear from some or all witnesses giving oral evidence in person; and/or

13.2.2 whether to accept witness statements and other documents instead of or in addition to oral evidence; and/or

13.2.3 whether to hear oral evidence or read a statement from a person (who is attending or not attending) about a conversation they had with a non-attending third party.

13.3 The Panel Chair will decide whether or not proposed evidence is to be considered or should be excluded based on its probative value, and fairness to all parties.

**Guidance:** *When considering best evidence, the Panel Chair may like to consider:*

- *Whether the witness and/or third party is a member of staff, officer, or student of the University or a member of the public*
- *Whether the hearing is during a University semester or outside of semesters*
- *The nature and seriousness of the allegations*
- *The nature of the evidence to be given and the degree to which it is accepted or likely to be accepted*
- *The importance of that witness's or third party's evidence*
- *Why the witness and/or third party is not proposing to attend*
- *Whether a student can adequately challenge the case against them in the absence of oral evidence and the ability to question that witness and/or third party*
- *The importance of that witness's or third party's evidence to the case*

- *The existence or absence of other evidence*
- *Why the witness and/or third party is not proposing to attend*
- *The efforts made to secure that witness or third party's attendance*
- *The availability of special measures to support the giving of evidence*
- *Whether a student can adequately challenge the case against them in the absence of oral evidence and the ability to question that witness and/or third party. The fact that the panel is directed to consider what weight should be given to evidence not provided by live oral testimony is not always sufficient remedy*

## **14. Language**

14.1 All documents (other than assessed work prepared for a language module) must be in English or accompanied by a certified translation into English. A certified translation is one that is made by a professional translator or translation company and which includes the credentials of the translator, confirmation from the translator that it is an accurate translation of the original document, the date of the translation, and the original signature of the translator or an authorised official of the translation company.

14.2 The Panel shall conduct its proceedings in English. No member of staff, student, or officer of the University shall have the use of a translator.

## **15. Standard of proof**

15.1 The standard of proof is the balance of probabilities. This means that allegations must be shown to be 'more likely than not' true.

15.2 The burden of proof is usually upon the person appealing (you, the student) to show that your ground(s) of appeal are true.

### ***Guidance: What is the standard of proof?***

*On an appeal, you will need to prove that the ground of appeal you're using is true, such as that the penalty is excessive. You will need to prove this on the balance of probabilities, so that the Panel finds that it's more likely than not that the penalty was excessive.*

## **16. Summons to the hearing**

16.1 The Secretary to SSDAC must give you access to:

16.1.1 a copy of the General Regulations and any other Statutes, Regulations Student Charter, Codes of Practice, Rules, and Procedures that you are alleged to have breached.

16.1.2 a copy of these University Disciplinary and Investigative Procedures and Powers.

16.1.3 a copy of all of the documentation available to the Chair of SSDC if the case was a summary determination or at the first hearing plus the SSDC outcome letter and your appeal documentation. (This is known as the 'hearing pack'.)

16.2 The Secretary to SSDAC must tell you:

16.2.1 the nature and grounds of the appeal.

16.2.2 the time, place, and mode of the hearing.

16.2.3 whether special measures are to be used (if known) and the availability of such measures, including your right to make representations about those.

16.2.4 the identity of the Panel members.

16.2.5 the identity of any Presenter(s).

16.2.6 the identity of any witnesses, to the extent known.

16.2.7 that the Panel may proceed in your absence if you do not attend or confirm the decision and penalty of the original SSDC Panel.

16.2.8 your ability and that of the Presenter to bring a Companion to the hearing subject to paragraph 19 below.

16.3 The summons will be sent to you by email:

16.3.1 no fewer than 20 working days before the hearing in the case of a hearing under Professional Suitability or Research Misconduct mode.

16.3.2 no fewer than 5 working days before the hearing in Academic or Non-Academic Mode.

16.4 A copy of the summons will be sent to the following:

- The Chair of SSDAC
- The Chair and Deputy Chair of SSDC
- The Chair of the Panel
- Your Head of School or Academic Director at INTO if on a Taught Programme or Head of the Postgraduate Research Service if a research student
- Secretary to the Disciplinary Triage Group (for non-academic matters)
- Your Academic Registry Services team or Doctoral training Partnerships Manager

Guidance: Your pre-hearing preparation

It is important to understand that Senate Student Discipline Appeals Committee reviews appeals and will only interfere with the decision made by the Senate Student

Discipline Committee if you prove, on the balance of probabilities, that your ground of appeal is true.

We recommend that you seek advice from the Students' Union Advice Team.

At the hearing there are several stages and you need to be prepared for each one.

You will receive a folder of the papers relevant to the hearing, including these Procedures, the relevant Regulation(s), the SSDC outcome letter, and the appeal documents. You should consider these papers carefully and make notes of any points that you want the Panel to know about.

You must confirm your attendance and whether or not you are bringing a Companion with you (see paragraph 19).

At the hearing, you will be given the opportunity to respond to what is said about the case. However, you also have the right to submit a statement prior to the hearing if you want to do so, setting out your position. You can also submit evidence in support of your appeal if you want to do so. Please see paragraph 24 below. It is unlikely that general character references are likely to be of use, unless they engage directly with the allegations against you.

Please note that all evidence must be in English or accompanied by a certified translation: see paragraph 14.

## **17. Evidence submitted by you**

17.1 You may (if you wish) submit a statement setting out your position and/or submit evidence in support of your appeal. These documents should be sent to the Hearing Secretary no later than two working days before the hearing (five working days where the hearing relates to Professional Suitability or Research Misconduct)

17.2 Your statement will be put into the hearing pack. The Panel Chair will consider any evidence that you submit under paragraph 17.1 above and will decide whether it is of probative value, meaning that it is relevant and helps to prove or disprove the appeal ground. If the Panel Chair believes the evidence to be of probative value they will also ensure that this is added to the hearing pack

**Guidance:** Send your statement and/or evidence to [ssdc@uea.ac.uk](mailto:ssdc@uea.ac.uk)

## **7A. Preliminary Hearings**

17A.1 In some complex cases, we may decide it is sensible to hold a Preliminary

Hearing before the appeal hearing, in order to resolve issues such as:

17A.1.1 What special measures are appropriate, if there is no agreement on this, and what reasonable adjustments are needed.

17A.1.2 What issues need to be decided at the appeal hearing.

17A.1.3 The admissibility of evidence.

17A.1.4 Any other matters which need to be resolved in order for the hearing to be effective (such as those relating to procedure or our definitions).

17A.2 Preliminary Hearings will be held by the Panel Chair. You and your Companion (if you have one, see paragraph 17) will be invited, as will the Presenter(s).

**Guidance:** *A preliminary hearing is to resolve any issues that might prevent the full panel hearing going ahead. It is a 'housekeeping' hearing aimed at ensuring that the full panel hearing works smoothly and everyone knows what they are doing. It won't address the substance of your appeal, only how the appeal hearing is going to happen. If you think that a Preliminary Hearing is sensible, please let us know so that we can consider that. The Chair will have help from a Panel Secretary and if there are complex issues to resolve they may also have help from a legal adviser.*

## **18. Bringing a Companion to the hearing**

18.1. You have the right to be accompanied by a Companion. The Companion must have no connection with the allegations and therefore no material interest in the matter.

18.2 You must tell the Hearing Secretary no later than two working days before the hearing of the identity and status (for example Student Union Adviser or fellow student) of the Companion. If you do not tell the Hearing Secretary within this timescale, the Panel Chair may decide that you are not allowed to bring a Companion at all. Where your case relates to Professional or Research Misconduct, you must notify us no later than five working days before the hearing.

18.3 The Companion may present the case on your behalf and help and support you. However, they cannot answer or give evidence on your behalf about what is alleged to have happened or your state of mind, or attend the hearing in your absence.

18.4 It is your responsibility to tell your Companion about the date, time, and

location of the hearing. If your Companion does not attend the hearing, the hearing may proceed in their absence.

18.5 Your Companion may be excluded from the hearing if they are so disruptive as to impede the conduct of the hearing. In such a case, the Panel Chair will decide whether or not to continue with the hearing even though your Companion has been excluded.

18.6 This paragraph 18 applies equally to the Presenter who, on an appeal hearing, can themselves bring a Companion.

**Guidance:** *Members of the Student Union Advice Team are available to act as your Companion on your request. You must notify the Hearing Secretary of their identity*

## **19. Attending the hearing**

19.1 The hearing will be held in closed session, which means that only Participants can attend the hearing.

19.2 You must attend the hearing if you are present in the UK. You must attend the hearing in person unless you have been told to attend it online. It is a separate disciplinary offence to fail to attend a disciplinary hearing when summoned to do so (a breach of General Regulation 13). It may also severely harm your case, in that the Panel will not be able to gain a direct impression of you or hear your perspective first-hand. If you do not attend, the Panel may proceed anyway.

19.3 If you use an agreed videoconferencing facility to call into the hearing, it is your responsibility to ensure that you are contactable at the given time.

19.4 If you do not attend the hearing, in person or by an agreed videoconferencing facility, the Panel may proceed in your absence or it may determine that you have abandoned your appeal and confirm the original decision and penalty.

## **20. What happens at the appeal hearing**

20.1 The Hearing Secretary should remind the Panel Chair what reasonable adjustments or special measures are in place for the hearing.

20.2 If you have not attended in person or by an agreed videoconferencing facility, the Panel will decide whether to proceed with the hearing or confirm the original decision and penalty.

20.3 If the hearing proceeds, the Hearing Secretary will invite you and other Participants (other than witnesses) into the room or rooms. The Panel Chair will introduce themselves and ask the other Participants to introduce themselves and in what capacity they are there. The witnesses will stay outside the hearing room(s)

until the Hearing Secretary calls them to give evidence, and after their evidence they will leave the hearing room.

20.4 The Hearing Secretary will then briefly state what grounds of appeal are to be considered.

20.5 The Panel Chair will then invite you (or your Companion) to outline the grounds of appeal and why your appeal should succeed. You must also answer any questions from the Panel and the person presenting the case, and your Companion cannot answer questions on your behalf. about what is alleged to have happened or your state of mind. You may also call your witnesses to support your appeal. You should tell the Panel what remedy (outcome) you are seeking.

20.6 The Panel Chair will invite the person presenting the case against you (or their Companion) to respond. The Presenter can indicate (although the Panel is not bound by this) their view of the merits of the appeal.

20.7 The Panel may also call any witnesses not called by another party.

20.8 You (or your Companion) and the presenter will have the opportunity to question any witnesses, as will the Panel, regardless of who has called those witnesses. The Panel Chair has the right to prevent a question being asked that is irrelevant to the issues which have the purpose of being vexatious (deliberately rude or upsetting).

20.9 If you have a Companion with you, and you wish to speak to them privately at any time, you should ask the Panel Chair to pause the hearing, so you can step outside. If at any time you need a short break to gather your thoughts, you should also ask the Panel Chair. The Panel Chair will try to accommodate these requests.

20.10 You (or your Companion) will have the opportunity to make a closing statement. You should use this opportunity to summarise your appeal.

20.11 The Presenter(s) will be given the opportunity to make a closing statement. They can outline whether they believe the first outcome and penalty to be correct or whether they support the appeal wholly or partly.

20.12 You may wish to raise issues of mitigation which are of a private nature. In this situation, you can ask to speak to the Presenter(s), the Panel and the Panel Secretary in the absence of anyone else. However, in order to be fair to everybody, if what you say is relevant to another Participant (for example that you blame another student for the situation) then the Panel Chair will need to invite that person back into the room and tell that person what you have said. However, it should not be necessary to tell them things like health or personal problems. Any mitigation that you offer may be included in the outcome letter and seen by others who are sent that letter.



20.13 The Panel Chair should then ask you whether there is anything in particular that you think that the Panel should look at or anything you want to the Panel to know that hasn't been considered but that is relevant to the appeal.

20.14 The Panel will then end the hearing and ask you, the Presenter(s), and any witnesses to leave.

20.15 The Panel will confer among themselves and decide whether

20.15.1 to reject the appeal and to confirm the decision of the Chair of SSDC or the Senate Student Discipline Panel; or

20.15.2 to uphold an appeal wholly or in part.

20.16 In reaching a decision to uphold or reject an appeal, SSDAC must give reasons for its decision.

20.17 If the Panel decides to uphold the appeal, wholly or in part, it should decide whether to either

20.17.1 determine that no breach has been committed; or

20.17.2 impose a lower penalty (being one that has a less serious consequence for you than the previous penalty); or

## **21 Remitting a case back to the Committee Chair**

21.1 Where the Panel Chair believes that the hearing should not proceed (or, if commenced, continue) because

21.1.1 evidence (or a witness) is missing or unavailable and that evidence is necessary to resolve the case fairly; and/or

21.1.2 there is strong reason to believe that you have not received the summons and are not deliberately avoiding the summons; and/or

21.1.3 you present at the hearing with serious mental or physical health issues that affects your ability to respond to the allegations such that it would be unfair to continue at the present time; and/or

21.1.4 you have requested an adjournment and have very strong reasons for making that request; and/or

21.1.5 there is another very substantial reason for not proceeding on that occasion  
The hearing shall be remitted back to the Chair of Senate Student Discipline Appeals Committee for rescheduling.

## **22. Part-heard hearings**

22.1 A Panel Chair has the power to bring a hearing to a halt and to adjourn the rest of the hearing for a period not exceeding 10 working days without giving any reason for this adjournment.

22.2 A Panel Chair has the power to bring a hearing to a halt and to adjourn the rest of the hearing for a period not usually exceeding 20 working days where the purpose of the adjournment is to enable you to obtain a report from a licensed psychiatrist or alternative appropriately qualified medical practitioner in response to questions identified by the Panel and such a delay is necessary to dispose of the case fairly.

22.3 A hearing above must be resumed using the same Panel as heard the matter prior to the adjournment.

### **23. Designation of a proceeding as requiring special measures**

23.1 The Chair of SSDAC or their nominated representative shall determine whether a hearing requires the implementation of Special Measures, taking into account the preference of the Participants and the need for procedural and substantive fairness. In accordance with 17A above, a Preliminary Hearing may be convened to address this issue.

23.2 The Panel shall proceed as Academic Mode (Special Measures), Non-Academic Mode (Special Measures), or Professional Suitability or Research Misconduct Mode (Special Measures) if:

23.2.1 a Participant is aged under 18; and/or

23.2.2 the case involves alleged non-academic misconduct and a Participant is an alleged victim of such misconduct who does not object to Special Measures; and/or

23.2.3 a Participant other than you will give evidence only if Special Measures are provided.

23.3 The purpose of these special measures is to enable a Participant (usually a witness) to give the best quality evidence that they can so that the Panel can make an accurate determination of whether or not the appeal should be upheld. The existence of special measures does not in any way indicate that the case was decided correctly, as this is for the Panel to determine after hearing the evidence; not does it deflect from the need for careful due process.

***Guidance:*** *Special Measures are different to Reasonable Adjustments for a disability, which should be considered a routine part of the preparation and conduct of a hearing in any Mode.*

## **24. Conduct of proceedings in Special Measures**

A hearing in Special Measures may involve the implementation of a number of measures that are designed to assist a Participant in providing the best quality evidence that they can. These measures will be situation specific but may include:

24.1 use of more than one hearing room, with a Participant giving evidence by an agreed videoconferencing facility or listening to evidence by an agreed videoconferencing facility; and/or

24.2 Questions being provided in writing prior to the Chair for screening prior to the hearing; and relayed by the Chair at the hearing; and/or

24.3 use of a screen to separate a Participant from another Participant or Participants, other than the Panel; and/or

24.4 use of an appropriately qualified or experienced support worker by a Participant (who is in addition to any Companion); and/or

24.5 regular breaks.

**Guidance:** *Special measures can include a range of different things, with the focus being on ensuring that the Participant can give their best evidence and the Panel's understanding can be as full as possible. Creative thinking is encouraged and there is no fixed list of what special measures are possible.*

## **25 Notification of outcome to student**

25.1 The Hearing Secretary will normally notify you of the outcome by email within 10 working days and the reasons for the Panel's decision. This email letter may also be copied to:

- the Presenter, if any
- the Chair and Deputy Chair of SSDC and the SSDC Panel chair that heard your case
- the SSDAC Panel Chair, who will have approved the letter
- those involved in the management or administration of the proceedings, such as the Secretary to the Committee • those responsible for you (such as your Head of School, Adviser or Supervisor, and (where relevant) Fitness to Practise Lead and/or Degree Apprenticeship Partner and/or employer.
- Secretary to the Disciplinary Triage Group (for non-academic matters)
- Your Academic Registry Services team or Doctoral Training Partnerships Manager
- Where the letter contains sensitive information or information relating to a third-party including reporting students called as witnesses to the hearing, the

Hearing Secretary must consider whether the letter should be copied only to a small group, with a redacted or summary version copied to the wider group.

25.2 As stated in Part A paragraph 2 in some circumstances it may be necessary, now or in the future, to provide that information to other organisations.

25.3 In the case of a new suspension or expulsion, the Panel Secretary will also notify Student Records of the fact of the suspension or expulsion. Where you are a student visa holder, the Panel Secretary will also notify the University's Visa Policy, Operations and Compliance Manager.

## **26 Appealing against a decision of the Senate Student Discipline Appeals Committee**

If you are dissatisfied with the outcome of your appeal or if your appeal was rejected without a hearing then there are no further appeals within the University. However, you may make a complaint to the Office of the Independent Adjudicator for Higher Education once our internal procedures are completed. We will tell you more about this in our final outcome letter.