

UNIVERSITY DISCIPLINARY AND INVESTIGATIVE PROCEDURES AND POWERS - 2021/22

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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.

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, Portland 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' 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 closed days.

1. Oversight of the Regulations and these Procedures and Powers

1.1 The Head of Learning and Teaching (Quality) 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 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](#).

The University does not permit voice recording of any disciplinary meetings.

2.3 Subject to paragraph 2.1 above, these proceedings and their outcome, as well as any information disclosed in those proceedings, will be treated as confidential to:

2.3.1 the Participants (including any other students involved in the same proceedings) (Participants are defined in Part F)

2.3.2 those involved in the investigation, management, or administration of the proceedings or potential proceedings.

2.3.3 those responsible for you (such as your Head of School, adviser, and (where relevant) fitness to practise lead or supervisor).

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 or external research ethics committee

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 Head of Learning and Teaching 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 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.

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 or prejudice a criminal investigation (for example, in relation to witness evidence an internal investigation may involve an element of 'rehearsal' of evidence prior to a criminal trial with the potential for memories to be tainted, or the alteration of accounts because of what has been said, heard or disclosed during the process).

(c) A student's engagement with an internal investigation could impact upon their defence in the criminal proceedings therefore a student's lawyer is likely to advise them not to engage with internal proceedings.

(d) An internal investigation may also risk jeopardising a successful prosecution on the part of the reporting student.

Part B: Non-Academic Discipline Procedure

1. Triage

1.1. Unless the breach is a breach of academic and professional integrity (General Regulations 13–23 inclusive, with the exception of Regulation 16 which shall be treated as a non-academic discipline matter), any incident which may breach the University's Regulations shall in the first instance be referred to:

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 Agreement in respect of a University and therefore a breach of Regulation 9); or

1.1.2. the Disciplinary Triage Panel (where the alleged breach is of any other Regulation or a combination including Regulation 9).

1.2. The Disciplinary Triage Panel will consider referrals for disciplinary consideration, determine whether they are disciplinary or not in their nature, undertake a risk assessment, consider any mitigating actions that need to be put in place, and determine whether the matter requires further investigation.

1.3 The Head of Accommodation Services will consider allegations and determine whether they should be considered as a breach of the licence to occupy or as a disciplinary matter in relation to General Regulation 9. Incidents which comprise multiple potential breaches of different levels of seriousness can be considered together. The penalty will be determined on the basis of the most serious breach.

1.4 Matters that are not considered to be disciplinary in nature will be referred appropriately for support and guidance or referred for consideration in a separate process such as Fitness to Study or Fitness to Practice.

2. *Alleged breaches of licence to occupy and/or General Regulation 9*

2.1. The Head of Accommodation Services will investigate the matter. The investigation may include:

2.1.1. Meeting with the people, such as you, alleged to have been involved in the incident.

2.1.2. Obtaining further information from any attending Security Officer, Warden, complainant and any witnesses.

2.1.3. Considering any evidence and/or mitigation submitted by you and others being investigated.

2.2. Following their investigation, the Head of Accommodation Services will decide whether 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 is also a breach of Regulation 9), or a breach of another Regulation, and either:

2.2.1. Determine that you should receive advice about the implications of breaching Regulations and/or the terms of your licence or tenancy and potential steps that may be taken in the event of further breaches; or

2.2.2. apply an appropriate penalty or penalties as listed in Part G (Penalties); or

2.2.3. refer the matter for informal resolution in accordance with paragraph 11 of this Part B; or.

2.2.4. refer the matter to the Disciplinary Triage team recommending further investigation.

2.3. In all cases, the Assistant Head of Student Services (Life and Learning) or Head of Accommodation Services can recommend that you seek pastoral support from another member of staff within Student Support Services.

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

3. *Alleged breaches of General Regulations (except for 13, 14, 15 and 17- 23) not requiring further investigation*

3.1. If the Disciplinary Triage team determine that the fact finding undertaken in the referral process provides sufficient information for a disciplinary decision to be made and that no further investigation is required the matter will be referred to the Student Life Manager.

3.2. Following their review, the Assistant Head of Student Services (Life and Learning) will decide whether there has, on the balance of probabilities, been a breach of General Regulations, and either:

3.2.1. determine that you should receive advice about the implications of breaching Regulations and/or the terms of your licence or tenancy and potential steps that may be taken in the event of further breaches; or

3.2.2. apply an appropriate penalty or penalties as listed in Part G (Penalties); or

3.2.3. refer the matter for informal resolution in accordance with paragraph 11 of this Part B; or.

3.2.4. refer the matter to the Disciplinary Triage team recommending further investigation.

3.3. In all cases, the Assistant Head of Student Services (Life and Learning) can recommend that you seek pastoral support from another member of staff within Student Support Services.

3.4. In any case where a breach has been found proven but the Assistant Head of Student Services (Life and Learning) believes that you may be unfit for study, the Assistant Head of Student Services (Life and Learning) can refer the matter to the Head of Wellbeing who can consider whether to recommend to your School that the Fitness to Study procedure be started. This step does not preclude the Assistant Head of Student Services (Life and Learning) from imposing a penalty or penalties but any such penalty must be carefully considered in light of the concerns about your wellbeing.

4. *Reviews and Appeals from a decision of the Assistant Head of Student Services (Life and Learning) or Head of Accommodation Services*

4.1. Reviews and Appeals from a decision of the Assistant Head of Student Services (Life and Learning) or Head of Accommodation Services (on the facts or on the penalty or both) shall be heard in accordance with Part H (Appeals).

5. *Alleged breaches of General Regulations (except for 13, 14, 15 and 17- 23) requiring investigation*

5.1. Where some or all of the alleged incident(s) can be characterised as requiring investigation, the matter must be referred to a University Disciplinary Officer.

5.2. The University Disciplinary Officers are appointed by the Senate and have 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.

5.3. All such investigations will be undertaken by the University Investigative Team and may involve:

5.3.1. meeting with the people, such as you, alleged to have been involved in the incident.

5.3.2. obtaining further information from any attending Security Officer, Warden, complainant and any witnesses and any other relevant information such as from the UEA records system or from the Police

5.3.3. documenting any evidence and/or mitigation submitted by you and others being investigated.

5.4. A University Disciplinary Officer will consider the 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

5.5.2. to determine a penalty in accordance with Part G (Penalties); or

5.5.3. decide to summon you to a hearing before them; or

5.5.4. decide that instead of reaching a decision themselves on whether you have breached the Regulations the University Disciplinary Officer may refer the matter to Senate Student Discipline Committee

6. *Hearings by the Disciplinary Officer*

6.1. If the 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

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, having spoken with you, may refer 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 7 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, who will usually be a member of Student Support Services, 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 the identity and status (for example Student Union Adviser or fellow student) of the Companion. 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, or 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.

8.6 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 University Disciplinary Officer 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.

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.

9.2. 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 your Head of School and recommend that they trigger the Fitness to Study procedure at level two or level three.

9.3. If the University Disciplinary Officer thinks that it is important that the Fitness to Study process be used even if the School is not sure, they can ask the SSDC Chair to exercise Chair's powers (Part D paragraph 4) to require the School to commence Fitness to Study proceedings. Apart from that, no referral to SSDC should take place.

9.4. The University Disciplinary Officer may impose a penalty or penalties in addition to a referral to Fitness to Study but such penalty must be carefully considered.

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.

10.2. Depending on the nature of the breach, copy the notification to your Head of School or (in the case of postgraduate research students) your supervisor.

11. *Informal resolution*

11.1. Where a student complains that they are a victim of a breach of the Policy on Student Harassment and Sexual or Physical Misconduct, that student may request that the matter be dealt with outside the disciplinary process. Informal resolution consists of the Student Life Manager meeting with the alleged offender and discussing with them the potential implications were a disciplinary procedure to be followed.

11.2. The Student Life Manager will discuss with the complainant what support the complainant can be offered.

11.3. The Student Life Manager will then determine whether the matter should be dealt with informally based on the following criteria:

11.3.1. the alleged victim's wishes: under no circumstances should an informal resolution take place without the express consent of the alleged victim, freely given;

11.3.2. the University's safeguarding obligations;

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

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.

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:

For the procedure for addressing alleged breaches of Regulation 13 (Engagement), please refer to the [Student Engagement Procedure](#) 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 misconduct) 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 Student Life Manager in the first instance although if serious this can be referred onto SSDC and would fall under the Academic Mode. The reason that this Regulation is usually dealt with by the Student Life Manager or University Disciplinary Officer is for want of a low level process for academic matters. However, there may be alleged breaches which are serious in nature or extent and if may in such cases be more appropriate for any alleged breach to be treated 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.

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 Head of Learning and Teaching (Quality) 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.

Classification of offence level to give penalty starting point

Your experience as a student, which relates to the expectation that you should be aware of the seriousness of your actions:

- *You are a student in your first semester of a higher education course in the UK*
- *There are significant cultural considerations and/or extenuating circumstances*
- *You have no previous disciplinary record of cheating*

Indicative elements of a low level offence

Type of Breach:

- *Considered technical*

Your intentions:

- *Breach without genuine intention to gain advantage*
- *The degree to which you have actually gained advantage is irrelevant to the evaluation of your intentions or the type of breach.*

Examples: *Turning over the question paper or writing before the examination starts will usually be considered a low-level breach.*

Classification of offence level to give penalty starting point

Your experience as a student, which relates to the expectation that you should be aware of the seriousness of your actions:

- You are not in your first semester of a higher education course in the UK
- You may have a previous disciplinary record of cheating in an examination or course test

Type of breach:

Indicative elements of a medium level offence

- 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.
- Multiple breaches in the same examination or course test

Your intentions:

- Breach was not substantially premeditated or was a naïve attempt to gain advantage
- The degree to which you have actually gained advantage is irrelevant to the evaluation of your intentions or the type of breach.

Examples: Possession of an electronic device such as a mobile phone will usually be considered a medium-level breach.

Your experience as a student, which relates to the expectation that you should be aware of the seriousness of your actions:

Indicative elements of a high level offence

- You are not in your first semester of a higher education course in the UK and you are considered to be an experienced student.
- You may have a previous disciplinary record of cheating in an examination or course test

Classification of offence level to give penalty starting point

Type of breach:

- *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.*
- *Multiple breaches in the same examination or course test*

Your intentions:

- *Premeditation.*
- *The degree to which you have actually gained advantage is irrelevant to the evaluation of your intentions or the type of breach.*

1.3 The Head of Learning and Teaching 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 Director of Student and Academic 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 allegations of Professional Misconduct or Unsuitability (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 (including taught doctorates at the Norwich Medical School, School of Health Sciences, or the School of Education and Lifelong Learning)

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

2. *Raising a concern about fitness to practise*

2.1 Concerns about your conduct and/or suitability must be made in writing whether through a Cause for Concern Form or otherwise, and sent to the Fitness to Practise Lead in your school. Where the Fitness to Practise Lead is notified of a concern but

has not yet received a copy in writing, he or she may nevertheless take the preliminary steps set out in 14.3 (General Regulations for Students).

2.2. Any allegation of professional misconduct and/or professional unsuitability is a serious and potentially defamatory one. It is essential that the proceedings should be conducted on a basis of strict confidentiality although it may be appropriate for the University to share information with relevant third parties in the interests of public protection.

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 and/or a member of your family if the concerns are found to be true, and any risk to your wellbeing arising from the concern itself or the investigation thereof

3.2 where there are safeguarding concerns, inform the Head of School without delay, so that the Head of School can consider the safeguarding implications and in particular whether it is necessary for there to be an immediate suspension from studies/placement in accordance with the procedure set out in Part E of these University Disciplinary and Investigative Procedures and Powers.

3.3 give you details of the concerns that he or she has received as soon as reasonably practicable. You must be provided with information that is sufficient for you to understand the nature of the concerns and the context in which they have arisen

4. Meeting with the student

4.1 You will be invited to a meeting to discuss the concerns that have been raised. The purpose of the meeting is

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

4.1.2. 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

4.1.3. 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.

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

4.2.1. of the concerns raised

4.2.2. that you can seek the independent support of the Student Union Advice Centre; and

4.3.3. that you can be accompanied to the meeting by a Companion who shall not be a legal representative and must have no connection with the allegations and therefore no material interest in the matter.

Guidance: In complex cases, the Fitness to Practise Lead is advised to contact the Chair of the University's Senate Student Discipline Committee for advice and guidance.

5. Decision by the Fitness to Practise Lead

1.

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, give 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 and/or make a recommendation to the Head of the School that a formal warning be recorded on your file; and/ or

5.1.3. ask your adviser or supervisor to trigger the Student Engagement Procedure and identify a plan of action and outcomes which you must meet; or

5.1.4. recommend to the Head of the School that a referral should be made to Senate Student Discipline Committee under Regulation 14 and/or under another General Regulation.

5.2 Where the factual basis giving rise to the concern are refuted by the student, and/or where the case is complex, the Fitness to Practice Lead may follow the procedure set out in D6 (complex cases).

Guidance: Unless a concern relates wholly to a professional context, the referral 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 complex cases, or those in which the factual basis of the concerns are refuted by the student, the Fitness to Practise Lead may recommend to the Head of School that an Investigating Officer be appointed to investigate the concern.

6.2 The Investigating Officer shall assemble all the information relevant to the case.

6.3 The Fitness to Practise Lead shall, in consultation with the Head of School and Investigating Officer, determine:

6.3.1 a realistic timescale for the relevant information to be collected and for the Investigating Officer to complete his/her report. The Lead must inform you of the agreed timescale in writing, and provide updates as to any progress/delays thereafter.

6.3.2 whether the views of external consultants/practitioners from the relevant professional body should be sought, and if so to contact the relevant external bodies if required.

6.4 Within 10 working days of receipt of the Investigating Officer's report, the Fitness to Practise Lead should meet with the Head of School so that the Head of School can determine

6.4.1. 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

6.4.2. where there are concerns but they are considered to be low level, give 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 and/or issue a formal warning be recorded on your file; and/ or

6.4.3. ask your adviser or supervisor to trigger the Student Engagement Procedure and identify a plan of action and outcomes which you must meet; or

6.4.4. refer the matter to the Senate Student Discipline Committee for determination.

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.

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 Head of School 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 Head of School 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 and for each witness proposed, a brief statement as to their relevance and knowledge must be provided by the Head.

In view of the seriousness and complexity of 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 school will be asked for its views on the appropriate outcome of the case in the event that the student is found to be in breach of Regulation 14 on the facts found by SSDC. The school'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.

8. Penalty Guidelines: Breaches of Regulation 14 (professional conduct and suitability) and 15 (misconduct in research and research ethics)

8.1 A panel may apply one or more of the following penalties where it finds a student in breach of Regulation 14 and/or 15 (misconduct in research or research ethics):

-
- 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 (SSEP) or less commonly from study only (SS)
- 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 Academic Director of Taught Programmes or the Director of Research Degrees, as appropriate.

Part E: Suspension and exclusion powers

Definitions

i. In this Part, there are two types of suspension: a suspension from a programme of study (SS) and a suspension from study coupled with exclusion from University Property and Services (SSEP). (A student cannot be excluded from all Property and Services without also being suspended from study.)

ii. '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 (SSEP)

1.1.2 class or classes of any kind (SS)

1.1.3 part or all of any programme of study (SS)

1.1.4 participation in University activities (SSEP)

1.1.5 University Property and Services (SSEP).

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.

Guidance: 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, and/or where there is a pending criminal investigation or proceeding. Such concerns are most likely to be raised by the Disciplinary Officer or the Director of Student Services.

1.3 The Vice-Chancellor must specify any exceptions to the effects of the SS or SSEP that are described in sections 9 and 10 below. If the Vice-Chancellor does not do so, the provisions of the relevant paragraph (SS or SSEP) 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/expulsion.

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 Senate Student Disciplinary Committee has considered the case, and/or the suspension/exclusion is terminated 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.

1.12 The Vice Chancellor must not suspend you from Property only (PP) except where the following criteria are met:

1.12.1. the university is operating under business continuity measures which require all aspects of your course of study to be delivered remotely; and

1.12.2 all University Services which you are reasonably likely to need are available without you needing physical access to University Property so that you can be excluded from Property and still access Services; and

1.12.3 a risk assessment has been completed which includes consideration of the risks posed to you, to any complainant or witnesses, and to the wider UEA community of you continuing on your programme of study.

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

2. *SSEP for students in breach of Immigration Rules*

2.1 The University is the licensed sponsor of your Tier 4 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 Tier 4 or other 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 SSEP (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 Tier 4 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. *SSEP 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 Services.

3.2 The Director of Student 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 Services.

4. *SSEP pending results of tuberculosis screening*

4.1 The Director of Student 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 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).

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 (SS) or a Suspension from Study and University Property and Services (SSEP) 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 Learning and Teaching Service 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: (i) reinstatement on the existing placement including completion of the assessment requirements (ii) the offer of a new placement with an alternative provider (iii) change of course/module selection (iv) referral to a Fitness to Practise Panel or Professionalism Committee (v) referral to a Senate Student Disciplinary Panel under Regulation 14.

Guidance: The decision as to whether to impose a SS or a (wider) SSEP will depend on the nature of the concerns relating to the student.

6. *Suspension as a disciplinary penalty*

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

6.2. The usual type of suspension is SSEP, but in a rare case the Committee may choose to suspend the student from study (SS) only.

6.3. Suspensions resulting from a penalty imposed by a SSDC panel will be kept under review by the Head of Learning and Teaching (Quality) or, in the case of postgraduate research students, the Head of the Postgraduate Research Service.

7. *SSEP 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 Learning and Teaching Service (or, if you are a postgraduate research student, the Postgraduate Research Service), with support from the Finance Division.

8. *Effect of suspension from study and exclusion from University Property and Services (SSEP)*

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. 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 Services or someone acting on their behalf (for example, to give you permission to attend a meeting or an appointment at Student Support Services or the University Medical Centre).

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

8.5. You will normally 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 Support 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 (SS)*

- 9.1. If you have been suspended from study (but not excluded from University Property and Services) you may not attend any teaching (e.g. lecture, seminar, supervision, laboratory session etc.) or organised study event.
- 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 provided to students as normal (Library, email and web facilities, Student Support, etc.).
- 9.4. If you break the terms of a suspension from study the University may commence immediate disciplinary proceedings as a result.

10. *Effect of suspension from University Property only (PP)*

1.

- 10.1 If you have been excluded from University Property but permitted to continue on your programme of study you may attend any teaching or staff-organised study event that is online. 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 will remain available to you.
- 10.2 You may submit coursework or sit examinations or course tests during the period of your suspension.
- 10.3 You may access any of the central University Services (e.g. Library, IT systems) that are delivered online.
- 10.4 You may continue to access non-academic information, advice and guidance offered by Student Support but by telephone or email only unless prior

agreement has been obtained from the Director of Student Services or someone acting on their behalf so that you can come on campus for a specific appointment.

10.5 You will normally 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.

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

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

11. *Effect of suspension/exclusion on those with Tier 4 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.

12. *Return from SS or SSEP*

12.1. The University will tell you the period of SS or SSEP 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.

12.2. 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 SS and SSEP powers does not mean you don't have to make an application: it is your responsibility to make an application to return.

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

12.3.1. Seek the permission of the Academic Director of Taught Programmes (or, in the case of postgraduate research students, the Academic Director of Research Programmes) to readmit you. The relevant Academic Director will consider the length of time that you were suspended.

12.3.2. Consult with the relevant Faculty and the Director of Student Services (and, in the case of Tier 4 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.

12.4. If you are suspended for a finite time as a result of a disciplinary proceeding, the appropriate Learning and Teaching Service 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.

12.5. 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.

12.6. 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.

13. *Withdrawal from the University*

13.1. 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.

13.2. 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.

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. That 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 the Head of Learning and Teaching (Quality).

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 the Student Union, the Chair of SSDC and the Head of Learning and Teaching 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 staff of the Learning and Teaching Service (or, for postgraduate research students, the Postgraduate Research Service). 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
- 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.
- any witnesses approved by the Panel Chair
- 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 members of the Panel Pool and Hearing Secretaries have been trained before sitting on a Panel for the first time and at least every two years thereafter.

1.2 No 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.

Guidance: Participants should contact its.ssdsc@uea.ac.uk.

3 *Making a referral to Senate Student Discipline Committee*

3.1 Referrals to the SSDC can be made by the Disciplinary Officer, the student's Head of School, the Director of Student and Academic Services, the Director of Student Services, or 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 10 working days so that the Chair can consider the matter further.

4.2 Determine that the issue should be dealt with under Fitness to Study in preference to a Panel hearing and require the School to commence such a process and confirm within 10 working days that it has done so.

4.3 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.

4.4 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 Standard 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 Head of Learning and Teaching 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;

5.2 If you do not respond within 10 working days of this contact, 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 SSDC for a full hearing.

5.3 You may request a full hearing if you are not satisfied with the summary determination of the Chair.

5.4 Any appeal from a decision to withdraw a student by summary determination goes to Senate Student Discipline Appeals Committee.

5.5 If you respond within 10 working days the Chair may either:

5.5.1 summarily determine whether a breach has, on the balance of probabilities, occurred and, if so, consider any evidence of mitigation provided and 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

5.5.2 refer the matter to SSDC for a full 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.

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 SSDC, the chair should not then summarily determine, on the balance of probabilities, that a breach has or has not occurred, but leave that to SSDC.

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 SSDC. This is because SSDC 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 which, if proven, is likely to be classified as a low or medium level breach, 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 or otherwise causing you to be withdrawn. Any appeal from this decision goes to Senate Student Discipline Appeals Committee.

or

6.1.2 refer the matter to SSDC for a full 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.

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 hearing by a Panel of SSDC.

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

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 SSDC. This is because SSDC 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.

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 which, if proven, is likely to be classified as a medium level breach, 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 SSDC for a full 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 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 hearing by a Panel of SSDC.

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

Guidance: In all cases where the Chair imposes a penalty, 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 SSDC. This is because SSDC 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.

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 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, 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 letter, 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.

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 or witnesses during the hearing.

9.6 Have the final decision on the inclusion of any evidence or witnesses.

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 or Research Misconduct Mode, Academic Mode and Non-Academic Mode.

10.1 Professional or Research Misconduct Mode

10.1.1 A Panel shall be convened in Professional 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 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.

10.2 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 16–23, 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 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 Head of Learning and Teaching (Quality) 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 *Conflicts of interest*

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 summons and question any person who is a member of staff, officer, or student at the University, but can only ask 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.

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

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 upon the University (or, if you are a student at INTO UEA, INTO UEA).

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 presenting officer 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?'

This standard is used throughout all non-criminal legal proceedings from the trivial to the life-changing. Even though the panel may instinctively want more evidence for more serious allegations, that is legally wrong, as described in the case *Re B (Children)* [2008] UKHL 35. Even if an allegation is being made that is very serious in nature (such as an allegation of sexual misconduct under Regulation 10) or has

serious consequences for you or someone else (as with fitness to practise under Regulation 14), the standard is still the balance of probabilities.

This is also why someone can be found not guilty in a criminal trial where the standard of proof is higher ('beyond reasonable doubt') but found responsible by the university using the lower 'balance of probabilities' standard.

In deciding whether something is 'more likely than not' true, the panel should take the inherent probabilities of that event/issue happening into account. This can depend upon the context. As Lady Hale says in the above case, 'Consider the famous example of the animal seen in Regent's Park. If it is seen outside the zoo on a stretch of greensward regularly used for walking dogs, then of course it is more likely to be a dog than a lion. If it is seen in the zoo next to the lions' enclosure when the door is open, then it may well be more likely to be a lion than a dog.'

There is 'no logical or necessary connection' between the seriousness of an allegation and the likelihood of it having happened. Some serious events are common; some are not.

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)

15.2.5 the identity of the Panel members

15.2.6 the identity of any Presenter

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 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
- Adviser, Supervisor or Programme Manager at INTO
- Your School's Senior Adviser
- Your Learning and Teaching Service Manager or your Academic Support Team at INTO (Taught programmes only)
- Your Senior Adviser or School Director of Postgraduate Research

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 in person (if you are in the UK) or via videoconferencing (if abroad) (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.

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. 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.

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 relevant. If the Panel Chair believes the evidence to be relevant, 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 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.ssdcc@uea.ac.uk.

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 answer questions on your behalf, 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.ssdsc@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 if you are present in the UK, unless you have been told you must not come onto campus (see paragraph 18.4 below). 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 are no longer in the UK, you may, by prior arrangement, use an agreed videoconferencing facility to call into the hearing. It is your responsibility to ensure that you are contactable at the given time.

18.4 Even if you are in the UK, the University may decide to require you to use a videoconferencing facility instead of physically attending campus if it believes that there may be a risk to you or to others if you come onto campus. A decision to hold a hearing by videoconferencing for this reason is a precautionary measure and does not indicate that the University has concluded that you have committed a breach of the Regulations or a criminal offence.

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.

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 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 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 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 may not permit questions that are irrelevant to the issues and/or only have the purpose of being vexatious (deliberately rude or upsetting).

19.10 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.

19.11 The Presenter 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.

19.12 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.

19.13 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, 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.

19.14 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.

19.15 The Panel will then end the hearing and ask you, the Presenter, and any witnesses to leave.

19.16 The Panel will confer among themselves and decide whether the allegations against you are proven on the balance of probabilities.

19.17 If the allegations are proven, then the Panel will decide

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

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

19.18 In making this determination, the Panel will consider

19.18.1 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.

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

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

19.18.4 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 student Participants and the need for procedural and substantive fairness.

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

23.2.1 a Participant is aged under 18; and/or

23.2.2 the case involves an alleged breach of the Policy on Student Harassment and Sexual or Physical Misconduct and a Participant is an alleged victim of such misconduct who does not object to Special Measures; and/or

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

23.3 The purpose of these special measures is to enable an alleged victim 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 All questions to a witness being directed via the Hearing Chair, who will relay questions appropriately put; 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.

25 *Notification of outcome to student*

25.1 The Hearing Secretary will normally notify you by email of the outcome within 5 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 (the University's Head of Learning and Teaching (Quality)) and staff within the University's Student and Academic Services division
- 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).

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 Tier 4 visa holder, the Panel Secretary will also notify the University's Visa Policy, Operations and Compliance Manager

26 *Post-hearing actions by Learning and Teaching Service*

26.1 Upon receipt of an outcome letter, the relevant Learning and Teaching Service 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 E.

26.2 The Learning and Teaching Service Manager 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 Postgraduate Research Service 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 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 during the period of suspension.

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.

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 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).

1. *Non-academic penalties*

That can be imposed by the Student Life Manager, Deputy Accommodation Manager or University Disciplinary Officer for low and medium level non-academic misconduct

- 1.1. Issue a warning for low or medium level misconduct
- 1.2. Place a restriction on your privilege to have guests visiting in University Residences
- 1.3. Require you to undertake formative relevant training such as the online module on sexual consent, Consent Matters, or fire safety training
- 1.4. Require you to write a formal letter of apology to a specified person or persons
- 1.5. Prohibit you from contacting a specified person or persons either at all or save in respect of specified matters
- 1.6. Require you to attend and/or engage with specified internal or external agencies.
- 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 persons or 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.

1.10. Impose a fine not to exceed £150

That can be imposed by the University Disciplinary Officer for non-academic misconduct

The University Disciplinary Officer may apply one or more of the following penalties where they find a student in breach of a regulation or regulations and have decided not to refer the matter to Senate Student Discipline Committee:

1.11. Place a restriction on your privilege to have guests visiting in University Residences

1.12. Require you to undertake formative relevant training such as the online module on sexual consent, Consent Matters, or fire safety training

1.13. Require you to write a formal letter of apology to a specified person or persons

1.14. Prohibit you from contacting a specified person or persons either at all or save in respect of specified matters

1.15. Require you to attend and/or engage with specified internal or external agencies.

1.16. Require you to move to an alternative University Residence (not available where you hold an assured shorthold tenancy)

1.17. In the event of damage to persons or 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.

1.18. Require you to engage in reparative or community service activities commensurate with the nature of your breach.

1.19. Require you to write an essay or reflective account on a topic determined by the Disciplinary Officer

1.20. Impose a fine not to exceed £500

1.21. Terminate any licence to occupy University Residences.

1.22. Seek a court order to terminate any assured shorthold tenancy in respect of University Residences (this penalty should only be used where the breach relates to the terms of the tenancy).

That can be imposed by a Panel of Senate Student Discipline Committee for non-academic misconduct

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

1.23. Place a restriction on your privilege to have guests visiting in University Residences;

1.24. Require you to undertake formative relevant training such as the online module on sexual consent, Consent Matters, or fire safety training;

1.25. Require you to write a formal letter of apology to a specified person or persons;

1.26. Prohibit you from contacting a specified person or persons either at all or save in respect of specified matters;

1.27. Require you to attend and/or engage with specified internal or external agencies.

1.28. Require you to move to an alternative University Residence (not available where you hold an assured shorthold tenancy);

1.29. In the event of damage to persons or 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;

1.30. Require you to engage in reparative or community service activities commensurate with the nature of your breach;

1.31. Require you to write an essay or reflective account on a topic determined by the Panel;

1.32. Impose a fine not to exceed £1,000;

1.33. Terminate any licence to occupy University Residences;

1.34. Seek a court order to terminate any assured shorthold tenancy in respect of University Residence (this penalty should only be used where the breach relates to the terms of the tenancy);

- 1.35. Temporarily suspend you from Study and University Property (SSEP) or less commonly from Study only (SS);
- 1.36. Temporarily or permanently exclude you from specified University activities or from certain areas of campus;
- 1.37. Expel you from the University;
- 1.38. 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 Academic Director of Taught Programmes or the Academic Director of Research Degrees, as appropriate.

2. *Academic penalties*

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 and professional integrity other than professional or research misconduct

A panel may apply one or more of the following penalties where it finds you in breach of a regulation or regulations:

- 2.1. 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;
- 2.2. Temporarily suspend you from study and University Property (SSEP);
- 2.3. Expel you from the University;
- 2.4. 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 Academic Director of Taught Programmes or the Academic Director of Research Degrees, as appropriate;
- 2.5. Subject to the penalty guidelines below, the Panel may wish to consider the following alternative or additional penalties:

- Requiring you to undertake formative relevant training such as the online module on sexual consent, Consent Matters, or fire safety training;
- Requiring you to write a formal letter of apology to a specified person or persons;
- Requiring you to attend and/or engage with specified internal or external agencies;
- Require you to write an essay or reflective account on a topic determined by the Panel, such as the need for academic integrity;

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, and you have received a first and second formal warning, the usual penalty is expulsion from the University.

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

<i>Penalties</i>	<i>Mitigating and aggravating factors that affect the starting point can include:</i>
<i>For a first offence under Regulation 18 (but not involving the purchase of assessed work)</i> <i>For a first offence of sufficient severity to merit referral to SSDC, the normal starting point penalty will be temporary suspension (SSEP) from the University for not less than</i>	<i>Mitigating:</i> <i>• Your experience is limited (you are in your first semester of a higher education course in the UK)</i> <i>• There is no evidence that other Regulations have been breached by you</i> <i>• You accepted your guilt early and have shown remorse</i> <i>• You are suffering from an illness or other medical condition affecting your</i>

<i>one semester and a mark of zero in the relevant assessment component.</i> <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> <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>	<i>judgement or exacerbating the effect of any penalty imposed</i> <i>At the time you were experiencing family or relationship problems affecting your judgment</i> <i>You have felt under duress</i> Aggravating: <i>You intended to cheat</i> <i>You are not in your first semester of a higher education course in the UK</i> <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>
<i>For a second offence under Regulation 18 (but not involving the purchase of assessed work)</i> <i>For a second offence of sufficient severity to merit referral to SSDC, the normal starting point penalty will be temporary suspension (SSEP) from the University for not less than two semesters and a mark of zero in the relevant assessment component.</i> <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</i>	<i>Mitigating:</i> <i>There is no evidence that other Regulations have been breached by you</i> <i>You accepted your guilt early and have shown remorse</i> <i>You are suffering from an illness or other medical condition affecting your judgment or exacerbating the effect of any penalty imposed</i> <i>You were experiencing family or relationship problems affecting your judgment</i> <i>You have felt under duress</i> <i>Aggravating:</i> <i>You intended to cheat</i>

<i>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> <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>	<i>You are not in your first semester of a higher education course in the UK</i> <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> <i>The fact of a previous offence under Regulation 18 is not a mitigating or aggravating factor as it creates the starting point.</i>
<i>For a third offence under Regulation 18 <u>or</u> where the offence involves the purchase or commission of assessed work</i> <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> <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>	<i>Mitigating:</i> <i>There is no evidence that other Regulations have been breached by you</i> <i>You accepted your guilt early and have shown remorse</i> <i>You are suffering from an illness or other medical condition affecting your judgment or exacerbating the effect of any penalty imposed</i> <i>You were experiencing family or relationship problems affecting your judgment</i> <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> <i>Aggravating:</i> <i>You intended to cheat</i> <i>You are not in your first semester of a higher education course in the UK</i>

	• You have not accepted guilt or shown remorse, or such acceptance/remorse came late in the process • There is evidence that you have breached other Regulations
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5. Penalty guidelines: Breaches of Regulation 20 (misconduct in examinations and course tests)

<i>Penalties to be considered once starting point determined:</i>	<i>Mitigating and aggravating factors that affect the starting point can include:</i>
<i>For a medium level offence under Regulations 20</i> <i>The normal starting point penalty will be a mark of zero in the relevant assessment component.</i> <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> <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</i>	<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> <i>Consider other factors:</i> <i>Mitigating:</i> • No evidence that other Regulations have been breached • Early acceptance of guilt or remorse • Illness or other medical condition affecting the student's judgment or exacerbating the effect of any penalty imposed • Family or relationship problems affecting the student's judgment • You have felt under duress <i>Aggravating:</i> • Failure to accept guilt in a timely manner

<i>appropriate or whether expulsion from the University is appropriate.</i>	• <i>Evidence of a breach of other Regulations</i>
<i>For a high level offence under Regulations 20</i> <i>The normal starting point penalty will be temporary suspension (SSEP) from the University for not less than one semester and a mark of zero in the relevant assessment component.</i> <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> <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> <i>Where there is a severely aggravating factor, the normal penalty is expulsion from the University.</i>	<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> <i>Consider other factors:</i> <i>Mitigating:</i> • <i>Early acceptance of guilt or remorse</i> • <i>Illness or other medical condition affecting the student's judgment or exacerbating the effect of any penalty imposed</i> • <i>Family or relationship problems affecting the student's judgment or exacerbating the effect of any penalty imposed</i> • <i>Duress or undue pressure</i> <i>Aggravating:</i> • <i>Intentionality</i> • <i>Failure to accept guilt</i> • <i>Evidence of a breach of other Regulations</i> • <i>This incident was one of several breaches on the same occasion (e.g. has notes and has dictionary pen at same exam)</i> <i>Severely aggravating:</i>

	• <i>A previous finding of medium or high level breach of Regulation 20</i> <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>
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6. *Penalty Guidelines: Breaches of Regulation 14 (professional misconduct and/or suitability/fitness to practice) and 15 (misconduct in research and research ethics)*

6.1 A panel may apply one or more of the following penalties where it finds a student in breach of Regulation 14 (professional misconduct or unsuitability/fitness to practise) and/or 15 (misconduct in research or research ethics):

- 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 (SSEP) or less commonly from study only (SS)
- 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 Academic Director of Taught Programmes or the Director of Research Degrees, as appropriate.

6.2 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. That 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

For appeals against a decision of the University Disciplinary Officer, Assistant Head of Student Services (Life and Learning), 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).

For appeals against a decision of the Assistant Head of Student Services (Life and Learning) (or Head of Accommodation Services) and where you were not given an opportunity to respond to the allegation before a decision was made, there is a review stage and a single appeal stage (Section 2 below).

1. Appeals against a decision of the University Disciplinary Officer, Student Life Manager, or Deputy Accommodation Manager

The Appeals Procedure comprises two parts:

Stage One, in which the Director of Student Services considers the appeal against a decision made by the University Disciplinary Officer, Student Life Manager, or Deputy Accommodation Manager, 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 is not the same person as the Director of Student Services) who may refer the appeal for further investigation.

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/ Assistant Head of Student Services (Life and Learning) /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: Please go to the [Forms webpage](#) for further information.

1.2. Grounds for appeal (stage one appeals)

1.2.2. You cannot appeal against a decision to refer a case to the Senate Student Discipline Committee or a decision to classify the offence as low, medium, or high for the purposes of 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/ Assistant Head of Student Services (Life and Learning) /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:

1.

a) that evidence (including any mitigation) put to the University Disciplinary Officer/ Assistant Head of Student Services (Life and Learning)/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 Life 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 Life 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 Centre.

1.3 The appeal process (stage one appeals)

1.3.1. The Director of Student Services is responsible for responding to an appeal. If the Director of Student Services 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 Academic Services. Notwithstanding this provision, for ease of reference the person responsible for responding to the Appeal will be called the Director of Student Services in this Procedure.

1.3.2. The Director of Student Services must consider all of the evidence previously submitted to the University Disciplinary Officer/ Assistant Head of Student Services (Life and Learning)/Head of Accommodation Services and your appeal form and supporting evidence. No evidence submitted can be anonymous.

1.3.3. The Director will determine whether there is evidence that satisfies one of the grounds set out at paragraph 3.3. The Director may ask another member of Student Services to investigate this for the Director, 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 Director of Student Services 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 1.5 below).

1.4.3. The decision of the Director of Student Services and the reason(s) for it will be communicated to you by email letter. If you want to meet with the Director so that the Director can explain their decision to you then you should request that.

1.5 How to appeal a Stage one appeal outcome (a stage two appeal)

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 Director of Student Services or the penalty or both
- b) The ground(s) of your appeal.

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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 Director of Student Services 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 Director's decision i.e., within seven working days of us sending you the notification.

Guidance: Please go to the [Forms webpage](#) for further information.

1.6. Grounds for a stage two appeal

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

- a) 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
- b) That there was prejudice and/or bias or the appearance of prejudice and/or bias on the part of the Director of Student Services and/or any person helping the Director to investigate
- c) 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 Director of Governance and Assurance (who is not the same person as the Director of Student Services) is responsible for responding to a Stage Two Appeal. The Director of Governance and Assurance must consider all of the evidence previously submitted to the Disciplinary Officer/Student Life Manager/Deputy Accommodation Manager 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 7. The Director may ask a member of the Learning and Teaching Service or the Postgraduate Research Service 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
- c) reject the appeal.

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.

2. Appeals against a decision of the Assistant Head of Student Services (Life and Learning) or Head of Accommodation Services

This Review Procedure is to be used in situations where you were not given an opportunity to discuss the allegation prior to a decision being made, and comprises two parts:

Stage One, a Review, in which the Director of Student Services will review the evidence against you and any evidence you submit and reach a new decision

A Stage Two Appeal, which you may follow if dissatisfied with the outcome of the Review Stage. Stage Two Appeals are considered by the Director of Governance and Assurance who may refer the appeal for further investigation.

2.1. How to seek a Review of the decision

2.1.1. You must complete a Stage One Non-Academic Student Discipline Appeal/Review form and in that form you should

- a) Indicate that you seek to have the decision made afresh
- b) Provide any evidence on which you wish to rely
- c) Although you do not have to disprove the allegations against you, as the University is instead required to prove them, you are strongly encouraged to explain why the original decision was flawed, as this will help the Director of Student Services reach a fresh decision.

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2.1.2. You are deemed to have received the notification of the decision of the Assistant Head of Student Services (Life and Learning) within two working days of it being sent to you by email. You must request a review 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.

Guidance: Please go to the [Forms webpage](#) for further information.

1.

2.2 Grounds for requesting a review

2.2.1. There are no restrictions. If you consider the original decision to be flawed you can explain why you have reached this conclusion and provide evidence to support your case.

2.3. The review process (stage one)

2.3.1. The Director of Student Services is responsible for responding to a request for a Review. If the Director of Student Services is part of the subject of the Review, 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 Governance and Assurance. Notwithstanding this provision, for ease of reference the person responsible for responding to the Review will be called the Director of Student Services in this Procedure.

2.3.2. The Director of Student Services must consider all of the evidence previously submitted to the University Disciplinary Officer/Student Life Manager/Head of Accommodation Services and your Review form and supporting evidence. No evidence submitted can be anonymously.

2.3.3. The Director may ask another member of Student Services to investigate this for the Director, as long as that person has not previously been involved in the case

2.4 Review outcomes (stage one)

2.4.1. The investigation having been completed, the Director of Student Services will reach a new decision which may or may not be the same as the original decision.

2.4.2. If you are unhappy about the new decision then you may have grounds to start a Stage Two Appeal (paragraph 2.5 below).

2.4.3. The decision of the Director of Student Services and the reason(s) for it will be communicated to you by email letter. If you want to meet with the Director so that the Director can explain their decision to you then you should request that.

1.

2.5 How to appeal a Review outcome (stage two appeal)

2.5.1. To appeal the outcome of a Review, which is a new decision, 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 Director of Student Services or the penalty or both
- b) The ground(s) of your appeal.

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

2.5.3. You are deemed to have received the notification of the outcome of the review from the Director of Student Services 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 Director's decision i.e., within seven working days of us sending you the notification.

Guidance: Please go to the [Forms webpage](#) for further information.

1.

2.6 Grounds for a Stage Two appeal

2.6.1. The grounds for an appeal are as detailed above in Paragraph 1.6.

2.7 The Stage Two appeal process

2.7.1. The appeal process is the same as detailed above in Paragraph 1.7.

2.8. Appeal outcomes (stage two)

2.8.1. The outcomes are as detailed in paragraph 1.8.

3. Withdrawing an appeal or a request for a review

3.1 You can withdraw a Stage One Appeal or a request for a review at any time. The effect of this will be that the decision and penalty of the University Disciplinary Officer/Student Life 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 as 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 Centre.

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 Head of Learning and Teaching (Systems).

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 selected by the Head of Learning and Teaching (Quality) 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.

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 staff of the Learning and Teaching Service (or, for postgraduate research students, the Postgraduate Research Service). 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
- 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.
- any Companion that the person responding to your appeal brings with them
- any witnesses approved by the Panel Chair
- 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 Appeals Committee must ensure that all members of the Panel Pool and Hearing Secretaries have been trained before sitting on a Panel for the first time and at least every two years thereafter.

8.2. No person may remain within the Panel Pool unless they have undertaken the training specified in 15.1 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 its.ssd@uea.ac.uk.

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 or witnesses during the hearing.
- 10.6. Have the final decision on the inclusion of any evidence.
- 10.7. Approve the outcome letter written by the Secretary.

11. *Composition of Disciplinary Appeals Panel*

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

11.1. *Professional or Research Misconduct Mode*

11.1.1. A Panel shall be convened in Professional 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 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:

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 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 above in 18.1, 18.2 and 18.3, 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 Head of Learning and Teaching (Quality) 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. *Conflicts of interest*

12.1. 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.

12.2. No person may be appointed to a particular Panel if they were a member of the Panel or Presenter at the original SSDC hearing.

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 a Panel where a reasonable person may consider that there is an appearance of prejudice or bias.

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 ask 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.

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*

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 upon the person appealing (you, the student) to show that your ground(s) of appeal are true.

Guidance: What is the standard of proof?

The presenting officer 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?'

This standard is used throughout all non-criminal legal proceedings from the trivial to the life-changing. Even though the panel may instinctively want more evidence for more serious allegations, that is legally wrong, as described in the case *Re B (Children)* [2008] UKHL 35. Even if an allegation is being made that is very serious in nature (such as an allegation of sexual misconduct under Regulation 10) or has serious consequences for you or someone else (as with fitness to practise under Regulation 14), the standard is still the balance of probabilities.

This is also why someone can be found not guilty in a criminal trial where the standard of proof is higher ('beyond reasonable doubt') but found responsible by the university using the lower 'balance of probabilities' standard.

In deciding whether something is 'more likely than not' true, the panel should take the inherent probabilities of that event/issue happening into account. This can depend upon the context. As Lady Hale says in the above case, 'Consider the famous example of the animal seen in Regent's Park. If it is seen outside the zoo on a stretch of greensward regularly used for walking dogs, then of course it is more likely to be a dog than a lion. If it is seen in the zoo next to the lions' enclosure when the door is open, then it may well be more likely to be a lion than a dog.'

There is 'no logical or necessary connection' between the seriousness of an allegation and the likelihood of it having happened. Some serious events are common; some are not.

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 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)

16.2.4. the identity of the Panel members

16.2.5. the identity of any Presenter

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 25 below.

16.3. The summons will be sent to you by email no fewer than 5 working days before the hearing in all cases.

16.4. A copy of the summons will be sent to your Head of School and Adviser or Supervisor.

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 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), 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 in person (if you are in the UK) or via an agreed videoconferencing facility (if abroad) (see paragraph 26) and whether or not you are bringing a Companion with you (see paragraph 25).

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 24 below.

Please note that all evidence must be in English or accompanied by a certified translation: see paragraph 21 above.

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.

17.2. Your statement will be put into the hearing pack. The Panel Chair will consider any evidence that you submit under paragraph 32.1 above and will decide whether it is relevant. If the Panel Chair believes the evidence to be relevant, they will also ensure that this is added to the hearing pack.

Guidance: Send your statement and/or evidence to its.ssd@uea.ac.uk.

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.

18.3. The Companion may present the case on your behalf and help and support you. However, they cannot answer questions on your behalf, 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 25 applies equally to the Presenter who, on an appeal hearing, can themselves bring a Companion.

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.ssdsc@uea.ac.uk.

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, unless you have been told you must not come onto campus (see paragraph 26.4 below). 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 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.

19.3. If you are no longer in the UK, you may, by prior arrangement, 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. Even if you are in the UK, the University may decide to require you to use a specified videoconferencing facility instead of physically attending campus if it believes that there may be a risk to you or to others if you come onto campus. A decision to hold a hearing by videoconferencing for this reason is a precautionary measure and does not indicate that the University has concluded that you have committed a breach of the Regulations or a criminal offence.

20. What happens at the 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.

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. 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 and/or only has 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 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, 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 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, 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 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

20.17.3. arrange for case to be heard de novo (afresh) by a panel of Senate Student Discipline Committee which does not include anyone who heard the case before.

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 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 student Participants and the need for procedural and substantive fairness.

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

23.2.1. a Participant is aged under 18; and/or

23.2.2. the case involves an alleged breach of the Policy on Student Harassment and Sexual or Physical Misconduct and a Participant is an alleged victim of such misconduct who does not object to Special Measures; and/or

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

23.3. The purpose of these special measures is to enable an alleged victim 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; 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

24.1.1. 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:

24.1.1. 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

24.1.2. all questions to a witness being directed via the Panel Chair, who will relay questions appropriately put; and/or

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

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

24.1.5. regular breaks.

25. *Notification of outcome to student*

25.1. The Hearing Secretary will normally notify you of the outcome by email within 5 working days and the reasons for the Panel's decision. This email letter may also be copied to:

- the Presenter, if any
- the Chair of SSDC and the SSDC Panel chair that heard your case
- 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 (the University's Head of Learning and Teaching (Quality)) and staff within the University's Academic Services division or Postgraduate Research Service
- 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).

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.

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.