

University Disciplinary and Investigative Procedures and Powers (UDIPP)

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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, 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 Associate Director of Academic Services (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, or the outcome.
 - 2.3.3 those responsible for you (such as your Head of School, adviser, and (where relevant) fitness to practise lead or supervisor)
 - 2.3.4 your course exam board (such information to be limited only to what academic penalties have been applied and eligibility or otherwise for reassessment/deferred first sit)
 - 2.3.5 staff in Student Services for the purposes of offering services to support you or another Participant
 - 2.3.6 those whose reports about your conduct have been considered and/or investigated, to the extent necessary for the purposes of assuring them that their concerns have been addressed appropriately.
- 2.4 However, there are exceptions to this. Confidential and personal information relating to disciplinary and investigative procedures may be disclosed:
- 2.4.1 to the police
 - 2.4.2 to the University's legal representatives
 - 2.4.3 to government, or professional, statutory and regulatory bodies (PSRBs) (such as the General Medical Council or the Health and Care Professions Council) if required by law, or required by those relevant bodies and permitted by law

- 2.4.4 if you ask us to disclose it, or when you ask us to complete a reference for a role or responsibility or for further study
- 2.4.5 if you are enrolled on a degree apprenticeship programme, as the University will share any findings of breach with your employer in accordance with your Apprenticeship Commitment Statement
- 2.4.6 if you are sponsored or seconded by an employer as the University will share any findings of breach with your employer
- 2.4.7 to a funding body, external research ethics committee or scholarships provider, where they require this
- 2.4.8 as a case study for training purposes or to ensure that similar cases are treated similarly. If we do this, we will anonymise the information.

3. Students who leave the University

- 3.1 These University Disciplinary and Investigative Procedures and Powers apply to you even if you withdraw from the University, or are withdrawn, or your registration end date is reached, provided that the alleged breach of the Regulations relates to your time as a student. In this situation, the Chair of Senate Student Discipline Committee will decide whether the case against you should proceed, or not proceed, or be suspended. In making this decision, the Chair will usually consider that the case should proceed where:
 - 3.1.1 there is a need to safeguard University students, staff, officers, visitors, and University Property; and/or
 - 3.1.2 there is a need to safeguard members of the public, especially those who are vulnerable such as children, patients and vulnerable adults who may be affected by the alleged breach(es); and/or
 - 3.1.3 to do so would reflect the requirements or spirit of the Codes of Practice and standards established by the relevant professional, statutory and regulatory body (PSRB); and/or
 - 3.1.4 it is in the interests of academic integrity, for example because it is alleged that you have obtained a qualification from the University by fraud.
- 3.2 Where you have a pending appeal to the Senate Student Discipline Appeals Committee, the Chair of Senate Student Discipline Appeals Committee will make the decision referred to at 3.1 instead.
- 3.3 In the event that the Chair decides that the case should proceed, the Chair can at their discretion keep the proceedings suspended until such time as you engage with them, although in most situations the cases will proceed in your absence. Where the proceedings are suspended, you are not eligible for admission to any programme of study or any other service until conclusion of the proceedings.

- 3.4 As stated in General Regulation 1.3, disciplinary procedures must normally be concluded before any degree or award can be conferred, and this may mean that conferment may be delayed pending conclusion of the procedures.
- 4. Interrelationship with criminal investigations and similar proceedings**
- 4.1 If an allegation of a breach of the General Regulations might also constitute a criminal offence or where a police, criminal, or other legal investigations or legal proceedings are contemplated or underway, the University can at its discretion decide to postpone its own investigative or disciplinary processes until the investigation and/or proceedings have been concluded.
- 4.2 However, there may be circumstances in which the processes run concurrently or consecutively, particularly where there is an immediate issue of risk to you or others, or if the offence under the criminal law would be considered to be not serious and no criminal proceedings are being, or in the opinion of the decision-maker named in paragraph 4.3 below, are likely to be, brought against you in respect of that offence.
- 4.3 The decision as to whether to take or postpone investigation and/or proceedings will be made by:
- 4.3.1 the Associate Director of Academic Services (Quality) 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.
- 4.7 If you are unable to participate in person or by live video link in any SSDC hearing in a timely manner because you are in prison, the Senate Student Discipline Committee may proceed in your absence on the basis of written representations.

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

- (a) Any immediate risk to the University community should be addressed through precautionary action under Part E of these Procedures and Powers. That Part contains the powers of the University to temporarily exclude and/or suspend you pending the progression or outcome of any police, criminal or other legal investigations or proceedings. There are safeguards within that Part.*
- (b) There is a substantial risk that an internal investigation could interfere with 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, and 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. Initial referrals and investigations

- 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 General Regulations for Students shall in the first instance be referred to the Disciplinary Triage Group, which shall determine whether an incident should be investigated as a potential breach of the regulations and what further actions, if any, should be taken to investigate and/or provide support to those involved, and who is to be responsible for those actions. Subject to the decision of the group, it is likely that investigations will be conducted by:
 - 1.1.1 The Head of Accommodation Services, where the alleged breach may constitute a breach of a licence to occupy University Residences or an Assured Shorthold Tenancy, or otherwise relates to accommodation; or
 - 1.1.2 The Student Sport Operations Manager, where the allegations relate to the student's conduct as a sportsperson or in relation to a university sporting activity or event, or while using any university sports facility; or
 - 1.1.3 The Student Misconduct Investigative Team in all other cases, or to assist the Head of Accommodation Services or the Student Sports Operations Manager when requested to do so.
- 1.2 An investigation may include:
 - 1.2.1 Meeting with the people, such as you, alleged to have been involved in the incident or with knowledge of it.
 - 1.2.2 Obtaining further information from any attending Security Officer, Residential Life Adviser, Student Services Resident Tutor, reporter, and any witnesses.
 - 1.2.3 Obtaining any other relevant information such as from the UEA records system or from the Police or Local Authority Designated Officer.
 - 1.2.4 Considering any evidence and/or mitigation submitted by you and others being investigated.
- 1.3 Student Services shall ensure that (where necessary) consent is provided by the reporter to investigation and shall report to the group on the outcome of any risk assessments, precautionary measures, or support provided.

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

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

2. Role of the Head of Accommodation Services in relation to alleged breaches of a licence to occupy or tenancy agreement

- 2.1 Where a student is alleged to have breached a tenancy agreement or licence to occupy university accommodation and the non-academic Disciplinary Triage Group considers that there are no potential breaches of the General Regulations for Students (other than 9.1), the Head of Accommodation Services may:
- 2.1.1 whether or not they have undertaken an investigation choose not to take action other than to issue advice on the implications of breaching the terms of your licence or tenancy and potential steps that may be taken in the event of a proven breach. Such advice does not constitute a finding that a breach has occurred and does not constitute a penalty.
 - 2.1.2 whether or not they have undertaken an investigation decide on the balance of probabilities that no breach has been committed or that there is no case to answer.
 - 2.1.3 following an investigation, decide that there has, on the balance of probabilities, been a breach of the terms and conditions of a licence to reside or an assured shorthold tenancy agreement in University Residences which has:
 - 2.1.3.1 been committed by you; or
 - 2.1.3.2 is damage committed by someone that you have allowed to damage the Residential Premises; or
 - 2.1.3.3 been committed by someone you have invited into, or given access to the Residential Premises;
 and apply an appropriate penalty or penalties as listed in Part G (Penalties) which may include terminating your licence or applying to court to terminate a tenancy.

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

Guidance: Note that a breach of the terms and conditions of an accommodation licence or assured shorthold tenancy will also constitute a breach of General Regulation 9.1. However, we do not use 9.1 and rely instead on the terms of the licence.

- 2.2 Where the Head of Accommodation Services believes that you may have breached the General Regulations for Students (other than General Regulation 9.1) the Head of Accommodation Services shall refer the case to the Disciplinary Officer who shall address both the alleged breach of the terms and conditions and the other alleged breaches.
- 2.3 In all cases, the Student Accommodation Manager can recommend that you seek pastoral support from a member of staff within Student Services.
- 2.4 In any case in which the Head of Accommodation Services believes that you may be unfit for study, they may refer the matter to the Head of Wellbeing who can consider whether to recommend to your School that the Student Academic Engagement procedure be started. This step does not preclude the Head of Accommodation Services from imposing a penalty or penalties where a breach has been found proven, but any such penalty must be carefully considered in light of the concerns about your wellbeing.

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

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

- 3.1 When the Student Sport Operations Manager determines that there is sufficient information for a disciplinary decision to be made, they will decide whether there has, on the balance of probabilities, been a breach of General Regulations, and either:
- 3.2.1 following or not following an investigation choose not to take action other than to issue advice on the implications of breaching

the General Regulations and potential steps that may be taken in the event of a proven breach. Such advice does not constitute a finding that a breach has occurred and does not constitute a penalty.

- 3.1.2 following an investigation, decide on the balance of probabilities that no breach has been committed or that there is no case to answer.
- 3.1.3 following an investigation, decide that there has, on the balance of probabilities, been a breach of the General Regulations and either issue a warning about the implications of breaches and potential steps that may be taken in the event of further breaches; and/or apply an appropriate penalty or penalties as listed in Part G (Penalties).

- 3.3 In all cases, the Student Sport Operations Manager can recommend that you seek pastoral support from Student Services.
- 3.4 In any case in which the Student Sport Operations Manager believes that you may be unfit for study, they can refer the matter to the Head of Wellbeing who can consider whether to recommend to your School that the Student Academic Engagement procedure be started. This step does not preclude the Student Sport Operations Manager from imposing a penalty or penalties where a breach has been found proven, but any such penalty must be carefully considered in light of the concerns about your wellbeing.
- 3.5 Where the Student Sport Operations Manager decides that they do not have sufficient information for a disciplinary decision to be made, or the matter is potentially serious, they may refer the matter to the Disciplinary Officer instead of making a determination themselves.

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

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

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

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

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

5. Referrals to the Disciplinary Officer

- 5.1 The Disciplinary Officer receives referrals in relation to: allegations of breaches of intellectual property/copyright infringement; alleged breaches of the terms and conditions of accommodation where combined with an alleged breach of the General Regulations for Students; and any matter considered by the Disciplinary Triage Group to be complex or potentially serious.
- 5.2 The University Disciplinary Officer is appointed by the Senate and has the power to investigate, hear and determine any case which has been referred to them in accordance with these Disciplinary Procedures. They may delegate these and other responsibilities to an appointed Deputy University Disciplinary Officer and at any time more than one person may be Disciplinary Officer. They may ask the Student Misconduct Investigative Team to investigate the allegations.
- 5.4 A University Disciplinary Officer will consider an investigative report and request any further written information that is necessary to resolve the case fairly.
- 5.5 Once the University Disciplinary Officer has sufficient information on which to make a decision as to how to proceed, the University Disciplinary Officer must then:
 - 5.5.1 decide that there is no case to answer or that you have not breached a Regulation; or
 - 5.5.2 determine a penalty in accordance with Part G (Penalties); or
 - 5.5.3 decide to summon you to a hearing before them, after which they will make a decision; or
 - 5.5.4 decide that instead of reaching a decision themselves on whether you have breached the Regulations the matter should be referred to the Senate Student Discipline Committee.

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

6. Hearings by the Disciplinary Officer

- 6.1 If a University Disciplinary Officer wishes to speak to you in person before they decide the matter themselves, then they will send you, by email, a written summons to a hearing before them. The summons will state:
- 6.1.1 the alleged breaches of regulations or of the terms and conditions of the licence or lease
 - 6.1.2 the nature of the alleged breach
 - 6.1.3 the date, time, and location of the meeting
 - 6.1.4 the fact that the University Disciplinary Officer can decide whether there has been a breach of the Regulations and apply a penalty or penalties
 - 6.1.5 the range of penalties available to the University Disciplinary Officer
 - 6.1.6 any penalty or penalties that the University Disciplinary Officer proposes to impose in the event that you are found guilty of a breach of the Regulations and do not respond to the summons (which is, in itself, a breach of Regulation 13)
 - 6.1.7 that instead of reaching a decision themselves on whether you have breached the Regulations the University Disciplinary Officer, 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 8 below).
- 7.3 If you admit the allegations and you do not want to meet with the University Disciplinary Officer, you can waive your right to the hearing and agree that the University Disciplinary Officer can impose the penalty or penalties that she has outlined in the summons letter without a meeting taking place.

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

8. At the hearing

- 8.1 At the hearing, the University Disciplinary Officer will discuss with you whether you have breached a Regulation or Regulations. A note-taker, who will usually be the Student Misconduct Case Coordinator, will be present at the hearing.
- 8.2 You have the right to be accompanied by a Companion if you want. The Companion must have no connection with the allegations and therefore no material interest in the matter.
- 8.3 You must tell the University Disciplinary Officer no later than **2** working days before the hearing of your Companion's identity and status (for example Student Union Adviser or fellow student). If you do not tell the University Disciplinary Officer within this timescale, they may decide that you are not allowed to bring a Companion at all.
- 8.4 The Companion may present the case on your behalf and help and support you. However, they cannot answer questions on your behalf about what is alleged to have happened or your state of mind, and they cannot attend the hearing in your absence.
- 8.5 It is your responsibility to tell your Companion about the date, time, and location of the hearing. If your Companion does not attend the hearing, the hearing may proceed in their absence.
- 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; or
 - 9.1.3 decide that there is no case to answer or you have not breached a Regulation.
- 9.2 If, whether or not you have been found to have breached a Regulation or Regulations, it appears to the University Disciplinary Officer that you may be unfit to study, the University Disciplinary Officer may contact Student Services and recommend that they trigger the Student Academic Engagement Process at Ability to Engage level.
- 9.3 The University Disciplinary Officer may impose a penalty or penalties in addition to a referral to the Student Academic Engagement Process, but such penalty must be carefully considered in light of the concerns about your wellbeing.

10. After the hearing

- 10.1 Within 5 working days of the hearing, the University Disciplinary Officer must
- 10.1.1 notify you by email letter of the decision and any penalty or penalties imposed; and
 - 10.1.2 advise you of the appeal mechanism.
 - 10.1.3 depending on the nature of the breach, copy the notification to your Head of School, fitness to practise lead (if you are in a professional school) and (in the case of postgraduate research students) your supervisor.

11. Informal resolution

- 11.1 [The University recognises that not all students wish to make a formal complaint through the disciplinary process, for a variety of reasons. The informal resolution process seeks to balance the need for safeguarding and the community interest in addressing such misconduct with the wishes of the reporting student.](#) Where a student alleges that they are a victim of a breach of the Policy on Student Harassment and Sexual or Physical Misconduct, that student (known as the 'reporter') may request that the matter be dealt with outside the disciplinary process.

- 11.2 If they do so, the Student Life Manager will then determine whether the matter should be dealt with informally based on the following criteria:
- 11.3.1 the reporter's wishes: under no circumstances should an informal resolution take place without the explicit informed consent of the reporter, freely given;
 - 11.3.2 the University's safeguarding obligations;
 - 11.3.3 the risk the alleged misconduct, if true, would pose to the reporter;
 - 11.3.4 the risk the alleged misconduct, if true, would pose to the UEA community and the wider community;
 - 11.3.5 whether the alleged misconduct is capable of constituting a criminal offence.
- 11.4 The Student Life Manager must explain to the reporter that some cases are so serious that they cannot be the subject of an informal resolution.
- 11.5 Where the Student Life Manager agrees to informal resolution, the Manager will meet with the responding student and discuss with them the potential implications of their alleged actions. This does not constitute a finding of non-academic misconduct.

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

Part C: Academic Discipline Procedure

Preamble

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

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

It describes the stages up to a referral to SSDC, if such a referral is made.

Guidance:

Regulation 6 may involve academic or non-academic misconduct, but our policy treats this as non-academic misconduct for the purposes of investigation and applying a penalty.

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

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

For the procedure for addressing alleged breaches of Regulation 15 (conduct of research and research ethics), please refer to the University's [Procedures for Investigating Allegations of Misconduct in Research Made Against Students](#).

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

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

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

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

In all cases, please refer to Parts F, G, and H of these University Disciplinary and Investigative Procedures and Powers, which deal with referrals to SSDC and the

conduct of SSDC proceedings, penalties where a breach has been proven, and appeals, respectively.

1. Alleged breaches of Regulation 20

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

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

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

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

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

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

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

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

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

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 Associate Director of Academic Services (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.

<i>Classification of offence level to give penalty starting point</i>	
<i>Indicative elements of a low level offence</i>	<i>Your experience as a student, which relates to the expectation that you should be aware of the seriousness of your actions:</i> <i>• You are a student in your first semester of a higher education course in the UK</i> <i>• There are significant cultural considerations and/or extenuating circumstances</i>

	- You have no previous disciplinary record of cheating 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.
Indicative elements of a medium level offence	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: - 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.
Indicative elements of a high level offence	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 and you are considered to be an experienced student. - You may have a previous disciplinary record of cheating in an examination or course test 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.

	<i>The degree to which you have actually gained advantage is irrelevant to the evaluation of your intentions or the type of breach.</i>
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1.3 The Associate Director of Academic Services (Quality) 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 Associate Director of Academic Services (Quality) should refer the matter to the Chair of Senate Student Discipline Committee in accordance with Part F paragraph 3 of these Procedures and Powers.
- 2.3 The Chair of Senate Student Discipline Committee shall consider the matter in accordance with Part A paragraph 3 and Part F paragraph 4 of these University Disciplinary and Investigative Procedures and Powers.

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

1. When this procedure applies

- 1.1. This procedure may be used if you:
 - 1.1.1. are registered on a programme leading to professional registration/accreditation (for example, in the Schools of Education and Lifelong Learning, Health Sciences, Norwich Medical School, Pharmacy, and Social Work); or
 - 1.1.2. maintain accreditation by a professional, statutory and regulatory body (PSRB) while registered on any professional degree programme such as a taught doctorate 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 practice

- 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.
- 2.2. Any allegation of professional misconduct and/or professional unsuitability is a serious 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 safeguarding.

Guidance: While a concern may give rise to disciplinary proceedings, or disciplinary proceedings may lead to fitness to practise concerns, fitness to practise proceedings are not disciplinary in nature. The Office for Students Good Practice Framework on Fitness to Practise states that 'The purpose of a fitness to practise process is not to punish the student for wrongdoing. It is to ensure the safety of the student and those around them, including members of the public, and to safeguard public confidence in the profession.'

3. Preliminary steps in addressing a concern

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

- 3.1. consider any potential risks to the public 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. Initial meeting with the student

- 4.1. You will be invited to a meeting with the Fitness to Practise Lead or someone acting on their behalf, to discuss the concerns that have been raised. You must attend any meeting that has been scheduled. The purpose of the meeting is:
 - 4.1.1. 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.

Guidance: Students can find fitness to practise issues very stressful and worrying. The purpose of this meeting is to check on your welfare and whether there is anything that we need to know which would change how we deal with the concerns. We will tell you about the concerns and how the fitness to practise process works. You will have the opportunity to explain your view and respond to the concerns.

- 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 and are strongly advised to seek the independent support of the Student Union Advice Centre; and
 - 4.2.3. that you can be accompanied to the meeting by a Companion who must have no connection with the allegations and therefore no material interest in the matter
 - 4.2.4. the decisions that are open to the Fitness to Practise Lead following the meeting.

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

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. Prior to such a referral being made, the Fitness to Practise Lead should check with the Secretary to the Disciplinary Triage Group whether any other General Regulations may potentially have been breached, so that if appropriate an investigation of those can take place and a combined referral be made.

5.2 If you deny the factual basis giving rise to the professionalism concerns, and/or where the Fitness to Practise Lead considers the case to be complex, the Fitness to Practise 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. Note that in some cases there are no breaches of another regulation. An example might be where a student was unfit for reasons outside their control.

6. Complex cases

- 6.1. In complex cases, or those in which you deny the factual basis giving rise to the professionalism concerns (or do not attend an initial meeting), 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 (or a school professionalism panel acting on behalf of the Head of School) so that the Head of School (or school professionalism panel) 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.

Part E: Suspension and exclusion powers

Definitions

- i. '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:

- 1.1.1 the University (SSEPAS – suspension from studies and exclusion from all University Property, events, and Services)

- 1.1.2 some University Property (EP – exclusion from Property)

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

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

- 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

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

Guidance: We only use precautionary suspensions where necessary to meet the aims set out at 1.2. It is not a disciplinary outcome and is not automatic but depends on a risk assessment in each case. That is an issue of professional judgment. Without limiting the above, this power is most likely to be used where a student presents a serious risk to the safety of themselves,

or the University, its staff, officers, or visitors. This may be where there is a pending criminal investigation or proceeding.

- 1.3 The Vice-Chancellor must specify any exceptions to the effects of suspension/exclusion that are described in sections 9 and 10 below. If the Vice-Chancellor does not do so, the provisions of the relevant paragraph shall apply in full.
- 1.4 The imposition of a temporary suspension and/or exclusion is a precautionary measure only. It is not a penalty or sanction and does not indicate that the university has concluded that you have committed a breach of the Regulations or a criminal offence.
- 1.5 Where such suspension and/or exclusion is contemplated, the Vice-Chancellor must provide you with the opportunity to make representations (whether verbal or written) about that. These representations must be limited to the need for suspension and/or exclusion and not to the substantive breach of the Regulations that have given rise to the exercise of this power.
- 1.6 However, where the Vice-Chancellor believes that the situation is so urgent that it cannot wait for you to have the opportunity to make representations, they can suspend and/or exclude you with immediate effect provided that you are given the opportunity to make representations within 5 working days of the suspension/expulsion.

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

- 1.7 The Vice-Chancellor must, immediately following investigation or, if there are pending criminal proceedings, at the conclusion of those, refer the case to the Disciplinary Officer.
- 1.8 The Vice-Chancellor must also report the suspension/exclusion to the next meeting of Senate, and Senate may, if it thinks fit, terminate the suspension/exclusion from the date of that Senate meeting or any future date.
- 1.9 Every four weeks from the date of the suspension/exclusion, the Vice-Chancellor must review the need for suspension/exclusion in light of any developments or written representations made by you or on your behalf.
- 1.10 The suspension or exclusion will last until either the conclusion of disciplinary proceedings or (if earlier) the termination of the suspension/exclusion by the Vice-Chancellor or Senate.

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

2. SSEPAS for students in breach of Immigration Rules

- 2.1 The University is the licensed sponsor of your student visa and it has a number of duties that it must comply with. As part of those duties, the University's Visa Policy, Operations and Compliance Manager will monitor your compliance with the Immigration Rules, to ensure that you comply with the conditions of leave of your visa, and will recommend to the Director of Student and Academic Services (or, in the case of postgraduate research students, the Director of the Research and Innovation Division) that you be suspended if you are failing to comply.
- 2.2 The relevant Director is authorised by Senate to immediately suspend you if you are not, in their judgement, compliant with the conditions of leave of your visa.
- 2.3 The suspension will be a SSEPAS (see section 8 below).
- 2.4 If you inform the Director of Student and Academic Services (or, in the case of postgraduate research students, the Director of the Research and Innovation Division) within 5 working days of suspension that you wish to return to studies on the basis that:
 - 2.4.1 you can demonstrate to their satisfaction that you have been compliant with the requirements and conditions of leave of your visa, and that these conditions include the necessary conditions to study; and
 - 2.4.2 your School supports your return to study,

you may be permitted to return to studies. Where the University is your sponsor, if you do not respond within 5 working days and/or you cannot demonstrate to their satisfaction that you have been compliant with the requirements and conditions of leave of your visa then the University will withdraw sponsorship of your visa. As a result of this withdrawal of sponsorship of your visa you will no longer have a right to study at the University and you will be withdrawn from the University. As a consequence your leave to remain in the United Kingdom will be curtailed. If you wish to return to your studies you will be required to interrupt your studies and, provided that your School supports your return to study, repeat the year or semester during which you were suspended. During this period you will be a Student Interrupting Their Period of Study in accordance with General Regulation 3.
- 2.5 The operation of suspensions for students in breach of the conditions of leave of their visa or under immigration laws will be kept under review by the Visa Policy, Operations and Compliance Manager.

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

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

3. SSEPAS 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. SSEPAS 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) and the Head of School considers that it is necessary to suspend you in the interests of safeguarding or because the placement provider does not agree to you attending placement.

- 5.2 Your Head of School can suspend you from a placement if you are alleged to be in breach of Regulation 28 (placements).
- 5.3 The imposition of a temporary suspension and/or exclusion is a precautionary measure only. It is not a penalty or sanction and does not indicate that the University has concluded that you have committed a breach of the Regulations or a criminal offence.
- 5.4 In each case under paragraph 5.1 or 5.2 above, the Head of School must immediately commence an investigation into the allegations.
- 5.5 If the Head of School believes that a Suspension from Study (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.
- 5.6 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).
- 5.7 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, EP, or a (wider) SSEP will depend on the nature of the concerns relating to the student.

6. Suspension or exclusion as a disciplinary penalty

- 6.1. Senate Student Discipline Committee, whether as the result of a Chair's Summary Determination or a Panel hearing, may use suspension or exclusion as a penalty for breach of a Regulation or Regulations (see Part G: Penalties).
- 6.2. Suspensions or exclusions resulting from a penalty imposed by a SSDC panel will be kept under review by the Associate Director of Academic Services (Quality) or, in the case of postgraduate research students, the Head of the Postgraduate Research Service.

7. SSEPAS 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 (SSEPAS)

- 8.1. If you have been suspended from study and excluded from University Property you may not attend any teaching (e.g. lecture, seminar, supervision, laboratory session etc.) or organised study event, whether online or in person. You may not enter or make use of University Property: You are excluded from all property owned, controlled or managed by the University. Your University email address may be closed and if this happens you will be required to provide an alternative email address we can use for correspondence.
- 8.2. You may not submit coursework or sit examinations or course tests during the period of your suspension. Material submitted for assessment prior to the date of suspension (essays, course tests, exam scripts etc.) will be marked in accordance with usual practice, but you will not receive any award to which you may otherwise be entitled pending resolution of the reason(s) for the suspension. The mark will remain provisional and will not be confirmed by the Board of Examiners until the suspension is lifted.
- 8.3. You may not access any of the central University Services (e.g. Library, IT systems, including your University email account, or, as a student, the Sportspark and car park), unless specific permission is granted by the Director of Student Services or someone acting on their behalf (for example, to give you permission to attend a meeting or an appointment at Student Services or the University Medical Centre).
- 8.4. You may continue to access non-academic information, advice and guidance offered by Student Services but by telephone or email only unless prior agreement has been obtained from the Director of Student Services or

someone acting on their behalf so that you can come on campus for a specific appointment.

- 8.5. You will be required to vacate any University Residences for which you hold a licence and, in the case of an assured tenancy agreement, the University may take legal steps to evict you.
- 8.6. Applications to Student Services for loans and/ or grants will not normally be considered during the period of suspension.
- 8.7. If you break the terms of a suspension from study and exclusion from University Property and Services the University may commence immediate disciplinary proceedings under Regulation 10.1.10 as a result.

9. Effect of suspension from study (SS)

- 9.1. If you have been suspended from study you may not attend any teaching (e.g. lecture, seminar, supervision, laboratory session etc.) or organised study event whether online or in person.
- 9.2. You may not submit coursework or sit examinations or course tests during the period of your suspension. Material submitted for assessment prior to the date of suspension (essays, course tests, exam scripts etc.) will be marked in accordance with usual practice, but you will not receive any award to which you may otherwise be entitled pending resolution of the reason(s) for the suspension. The mark will remain provisional and will not be confirmed by the Board of Examiners until the suspension is lifted.
- 9.3. You may continue to seek the advice of your Adviser or Senior Adviser (or, in the case of postgraduate research students, your Supervisor or School Postgraduate Research Director) and access all central Services as normal (Library, email and web facilities, Student Services, etc.).
- 9.4. Unless we say otherwise, you can attend or take part in any activities organised by or on behalf of the University.
- 9.5. If you break the terms of a suspension from study the University may commence immediate disciplinary proceedings as a result.

9A Effect of exclusion from some University Property (EP)

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

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

10 Effect of suspension/exclusion on those with student visas

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

11. Return from SS or SSEPAS

- 11.1. The University will tell you the period of SS or SSEPAS and any conditions that must be fulfilled prior to the lifting of it. Subsequent completion of the course must be within the maximum allowable timeframe, normally the duration of the course plus two years.
- 11.2. With the exception of the situations described in 7.2, 11.4 and 11.5, when the period is due to end, or the relevant conditions have been fulfilled, you must apply to return to study by making an application to the Director of 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.

- 11.3. The Director of Academic Services (or, in the case of postgraduate research applicants, the Director of the Research and Innovation Division) will:
 - 11.3.1. Seek the permission of the Associate PVC Education and Curriculum (or, in the case of postgraduate research students, the Associate PVC UEA Doctoral College to readmit you. They will consider the length of time that you were suspended.
 - 11.3.2. Consult with the relevant Faculty and the Director of Student Services (and, in the case of student visa holders, the Visa Policy, Operations and Compliance Manager, on whether you have extant leave to return to study) and decide the arrangements under which any readmission should be approved.
- 11.4. If you are suspended for a finite time as a result of a disciplinary proceeding, the appropriate 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.

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

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

12. Withdrawal from the University

12.1. 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.

12.2. 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. It is open to SSDC or SSDAC to recommend to the Vice Chancellor that readmission be considered earlier than 7 years and such readmission may be conditional.

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. 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 Associate Director of Academic Services (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 Associate Director of Academic Services (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.

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, and they identify the issues that the Panel needs to address

- the representative(s) of the University who are asserting the University's case, such as the University's Disciplinary Officer or a School plagiarism officer and/or your school's fitness to practise lead. This person is known as the Presenter. In some types of cases (such as professional conduct or suitability /fitness to practise) there may be more than one presenter, so the reference to 'the Presenter' in this document may refer to more than one person.
- any witnesses approved by the Panel Chair
- a legal adviser or Governance and Misconduct Adviser who is not a member of the Panel, but may advise on matters of procedure or the powers that the Panel has;
- any other person whose presence the Panel Chair deems necessary to resolve the proceedings fairly, or who (with your agreement only) is there for the purpose of training.

1 Training of Panel Members

- 1.1 The Secretary to the Senate Student Discipline Committee must ensure that all UEA members of the Panel Pool and Hearing Secretaries have been trained (including on unconscious bias and race awareness) before sitting on a Panel for the first time and at least every three years thereafter.
- 1.2 No UEA person may remain within the Panel Pool unless they have undertaken the training specified in 1.1 above as and when it falls due.

2 Reasonable adjustments

- 2.1 The University will apply this Part F in accordance with its [Equal Opportunities Policy for Students](#).
- 2.2 The University will also comply with its legal obligation to make reasonable adjustments under the Equality Act 2010. Reasonable adjustments are person specific but could include use of an intermediary or support worker, provision of documents in a different format, regular breaks, or adaptation in the style of questioning used.
- 2.3 You must tell the Hearing Secretary if you or your Companion or witness requires reasonable adjustments to be made because of a disability. You must do this no later than two working days before the hearing (five working days where the hearing relates to Professional Suitability or Research Misconduct).

Guidance: Participants should contact its.ssdsc@uea.ac.uk. Reasonable adjustments are available whatever the person's role in the hearing.

3 Making a referral to Senate Student Discipline Committee

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

4 Powers of the Chair of the Senate Student Discipline Committee

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

- 4.1 Return a referral with a request for further and better information to be provided within 10 working days so that the Chair can consider the matter further.
- 4.2 Determine that the issue should be dealt with under the Student Engagement Process at Ability to Engage level, in preference to a Panel hearing and require the School or Student Services to commence such a process and confirm within 10 working days that it has done so.
- 4.3 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 Academic Mode.
- 4.7 Where the alleged breach involves more than one student, decide whether the students should be dealt with separately or at a single hearing, or refer such a decision to the appointed Panel Chair.

- 4.8 In the case of an alleged breach or breaches of Regulation 13, proceed in accordance with paragraph 5 below.
- 4.9 In the case of an alleged breach or breaches of Regulation 18, proceed in accordance with paragraph 6 below.
- 4.10 In the case of an alleged breach or breaches of Regulations 20, proceed in accordance with paragraph 7 below.

5 Summary Determination: Regulation 13 (engagement)

- 5.1 Where it appears to the Chair of Senate Student Discipline Committee on consideration of the referral papers that there is evidence of a breach of Regulation 13, the Secretary to SSDC will contact you to:
 - 5.1.1 tell you what the allegations are; and
 - 5.1.2 invite you to submit a written statement and evidence that may mitigate your alleged breach
- 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 If you respond within 10 working days the Chair may either:
 - 5.3.1 If the Chair believes the case is suitable for summary determination, offer you the opportunity to have the matter dealt with by way of summary determination by the Chair, rather than proceed to a SSDC hearing. The Chair will refer you to an SSDC panel hearing if you do not want summary determination or if you do not respond to the summary determination offer; or
 - 5.3.2 if you choose summary determination the Chair will 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
 - 5.3.3 Refer the matter to the school under 4.2 above.
- 5.4 Where, as a result of your response, the Chair takes the view that your attendance and engagement may be related to mental or physical illness, the Chair may at their discretion offer you a meeting with them for the purposes of exploring this with you more fully. It is up to you whether you agree to this meeting, and you can bring a Companion with you. This meeting will inform the Chair's decision at 5.3.
- 5.5 Any appeal from a decision to withdraw a student by summary determination goes to Senate Student Discipline Appeals Committee.

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

6 Summary determination: Regulation 18

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

6.1.1 summarily determine that a breach has, on the balance of probabilities, occurred; consider any evidence of mitigation provided; and proceed thereafter to impose any penalty or penalties other than one which would have the effect of permanently expelling you from the University 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, or because the matter is complex.

- 6.2 If the Chair decides that the matter be dealt with by way of summary determination they will write to you by email and tell you what the allegations are; offer summary determination; give an indication of the available penalties; and invite you to submit any evidence that you want.
- 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 student visa holder, you may find that you are also in breach of the conditions of leave of your visa and that the University may withdraw sponsorship of your visa. Please refer to Part E paragraph 2 of these University Disciplinary and Investigative Procedures and Powers.

7 Summary Determination: Regulation 20

- 7.1 Where it appears to the Chair of Senate Student Discipline Committee on consideration of the referral papers that there is evidence of a breach of Regulation 20 the Chair may either
- 7.1.1 summarily determine that a breach has, on the balance of probabilities, occurred; consider any evidence of mitigation provided; and proceed thereafter to impose any penalty or penalties other than

one which would have the effect of permanently expelling you from the University or otherwise causing you to be withdrawn. Any appeal from this decision goes to Senate Student Discipline Appeals Committee.

or

- 7.1.2 refer the matter to 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, or because the matter is complex.

- 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 tell you what the allegations are; offer summary determination; give an indication of the available penalties; and invite you to submit any evidence that you want.

- 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 student visa holder, you may find that you are also in breach of the conditions of leave of your visa and that the University may withdraw sponsorship of your visa. Please refer to Part E paragraph 2 of these University Disciplinary and Investigative Procedures and Powers.

Full hearings of SSDC

8 Pre-hearing preparation by the University

- 8.1 The Secretary to SSDC must notify you that a referral to SSDC has been made and tell you which Regulations you are alleged to have breached and a brief outline of why/how you are alleged to have breached the Regulations.
- 8.2 The Secretary to SSDC must also notify you if the Chair of SSDC has decided that that the case will be heard by a full panel hearing.
- 8.3 If a full panel hearing is being held, the Secretary to SSDC will request that the referrer provides a Presenter to present the case against the student. The Secretary will also book a room or rooms for the hearing or arrange for it to be held online, prepare a draft hearing pack for consideration by the Panel Chair, and seek any further information or evidence that the Panel Chair has requested in order to consider the case fairly.
- 8.4 Where the Panel hearing is to be held in Special Measures (see paragraph 24 below), the Secretary to SSDC will liaise with the Panel Chair and Hearing Secretary to implement the measures identified.
- 8.5 Nearer the hearing, the Secretary to SSDC will provide you, by email, with a formal summons to the hearing and you will be provided with an online shared file link to the hearing pack (see Summons, at paragraph 15 below).

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

9 Role of the Panel Chair

The Panel Chair appointed for the hearing will:

- 9.1 Review and approve the hearing pack before the hearing
- 9.2 Lead the hearing and ensure that the schedule is followed.
- 9.3 Ensure that any reasonable adjustments notified in accordance with paragraph 2 are made
- 9.4 Liaise with the Hearing Secretary to ensure the identification and implementation of any Special Measures (paragraph 23)
- 9.5 Ask any questions the Panel wish to ask the student, Presenter(s) or witnesses during the hearing.

- 9.6 Decide on the admission of any evidence or witnesses, or any other matters requiring determination at a Preliminary Hearing in order that the hearing itself be effective.
- 9.7 Approve the outcome letter written by the Secretary.

10 Composition of Disciplinary Panel

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

10.1 Professional Suitability or Research Misconduct Mode

- 10.1.1 A Panel shall be convened in Professional Suitability or Research Misconduct Mode for cases arising under General Regulation 14 and/or 15. A Panel convened under this Mode may, in addition to considering matters relating to Regulations 14 and 15, also consider allegations and determinate penalties relating to any other Regulations that are alleged to have been breached.
- 10.1.2 In Professional Suitability or Research Misconduct Mode, the Panel shall comprise two non-student members of the Panel Pool, one of whom shall be appointed to act as Chair; and two non-student co-opted Panel members who do not need to be members of Senate Student Discipline Committee:
 - 10.1.2.1 one co-opted Panel member who has expertise within the same or a similar discipline to you; and
 - 10.1.2.2 one co-opted Panel member who is not a member of staff or officer of the University but who has expertise within the same or a similar discipline to you
- 10.1.3 Where you are enrolled on a programme that may lead to admission to a regulated profession overseen by a Professional, Statutory and Regulatory Body (or are already regulated by that Body), at least one of the two co-opted Panel members must be regulated by the same Body.
- 10.1.4 The same Panel must consider both the factual allegations which support the allegations of professional or research misconduct, and (where relevant) as a second and separate step consider the professional implications of any facts found to be proved.

10.2 Academic Mode

- 10.2.1 All cases arising under Regulations 13 and 17–23 inclusive shall proceed in Academic Mode. A Panel convened under this Mode may, in addition to considering matters relating to Regulations 13 and 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.

Non-Academic Mode

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

- 10.3 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 Apparent Bias

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

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

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 request a member of the public to provide evidence.
- 12.2 The Panel Chair will decide at their absolute discretion:
- 12.2.1 whether or not to hear from some or all witnesses giving oral evidence in person; and/or
 - 12.2.2 whether to accept witness statements and other documents instead of or in addition to oral evidence; and/or
 - 12.2.3 whether to hear oral evidence or read a statement from a person (who is attending or not attending) about a conversation they had with a non-attending third party.
- 12.3 The Panel Chair will decide whether or not proposed evidence is to be considered or should be excluded based on its probative value, i.e., its value in deciding the matters at issue, and fairness to all parties.

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

- *Whether the witness and/or third party is a member of staff, officer, or student of the University or a member of the public*
- *Whether the hearing is during a University semester or outside of semesters*
- *The nature and seriousness of the allegations*
- *The nature of the evidence to be given and the degree to which it is accepted or likely to be accepted*
- *The importance of that witness's or third party's evidence to the case*
- *The existence or absence of other evidence*
- *Why the witness and/or third party is not proposing to attend*
- *The efforts made to secure that witness or third party's attendance*
- *The availability of special measures to support the giving of evidence*
- *Whether a student can adequately challenge the case against them in the absence of oral evidence and the ability to question that witness and/or third party. The fact that the panel is directed to consider what weight should be given to evidence not provided by live oral testimony is not always sufficient remedy*
- *In relation to character references, a guidance note, 'Character references: their uses and abuses as evidence' is available from the Governance and Misconduct Advisor, the UIDPP teams site, or by emailing its.ssdsc@uea.ac.uk*

13 Language

- 13.1 All documents (other than assessed work prepared for a language module) must be in English or accompanied by a certified translation into English. A certified translation is one that is made by a professional translator or translation company and which includes the credentials of the translator, confirmation from the translator that it is an accurate translation of the original document, the date of the translation, and the original signature of the translator or an authorised official of the translation company.
- 13.2 The Panel shall conduct its proceedings in English. No member of staff, student, or officer of the University shall have the use of a translator.

14 Standard of proof

- 14.1 The standard of proof is the balance of probabilities. This means that allegations must be shown to be 'more likely than not' to be true.
- 14.2 The burden of proof is usually upon the University (or, if you are a student at INTO UEA, INTO UEA). In some cases some elements of the burden of proof may be on the student, such as relating to a reasonable belief in consent to sexual activity.
- 14.3 If you have been found guilty of a criminal offence, or accepted a caution, this is at a minimum, a breach of Regulation 10.1.15 and the Panel may proceed on the basis that facts found proven within those proceedings/admissions made by you are true.

Guidance: What is the standard of proof?

The 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?'

If you would like more information, a guidance note on the Standard of Proof is available from its.ssdsc@uea.ac.uk, the UDIPP Teams site, or the Governance and Misconduct Advisor.

15 Summons to the hearing

- 15.1 The Secretary to SSDC must give you access to

- 15.1.1 a copy of the General Regulations and any other Statutes, Regulations, Student Charter, Codes of Practice, Rules, and Procedures that you are alleged to have breached
- 15.1.2 a copy of these University Disciplinary and Investigative Procedures and Powers
- 15.1.3 a copy of all of the documentation provided by the referrer and Presenter that will be considered by the Panel. (This is known as the 'hearing pack'.)
- 15.2 The Secretary to SSDC must tell you
 - 15.2.1 the Regulation(s) that are alleged to have been breached
 - 15.2.2 the nature of the breach
 - 15.2.3 the time, place, and mode of the hearing
 - 15.2.4 whether special measures are to be used (if known) and the availability of such measures, including your right to make representations about those
 - 15.2.5 the identity of the Panel members
 - 15.2.6 the identity of any Presenter(s)
 - 15.2.7 the identity of any witnesses, to the extent known
 - 15.2.8 that the Panel may proceed in your absence if you do not attend
 - 15.2.8 your ability to bring a Companion to the hearing subject to paragraph 17 below.
- 15.3 The summons will be sent to you by email
 - 15.3.1 no fewer than 20 working days before the hearing in the case of a hearing under Professional Suitability or Research Misconduct mode.
 - 15.3.2 no fewer than 5 working days before the hearing in Academic or Non-Academic Mode.
- 15.4 A copy of the summons will be sent to the following:
 - The Chair of SSDC
 - The Deputy Chair of SSDC
 - The Chair of the Panel
 - Your Head of School or Academic Director at INTO if on a Taught Programme or Head of the Postgraduate Research Service if a research student
 - Secretary to the Disciplinary Triage Group (for non-academic matters)
 - Your Learning & Teaching Service Team

Guidance: Your pre-hearing preparation

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

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

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

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

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

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

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

If the Panel decides that you have breached the Regulation(s) then it will want to hear from you about whether there are any circumstances that would explain or mitigate why you breached the Regulation(s). If you believe that there are mitigating circumstances that you wish to bring to the Panel's attention if found guilty of a breach of the Regulations, you should ensure that you tell the Panel about those circumstances and provide evidence in support, such as a doctor's report or death certificate.

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

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

16 Evidence submitted by you

- 16.1 You may (if you wish) submit a statement setting out your position and/or submit evidence in support of your defence. These documents should be sent to the Hearing Secretary no later than **two working days** before the hearing (five working days where the hearing relates to Professional Suitability or Research Misconduct).
- 16.2 Your statement will be put into the hearing pack. The Panel Chair will consider any evidence that you submit under paragraph 16.1 above and will decide whether it is of probative value, meaning that it is relevant to the matters at issue by helping to prove or disprove the allegations. If the Panel Chair believes the evidence to be of probative value they will also ensure that this is added to the hearing pack.
- 16.3 You may bring a witness or witnesses to the hearing. If you want to do this you must notify the Hearing Secretary no later 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. Where your case relates to Professional or Research Misconduct, you must notify us no **later than five working days** before the hearing.

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

16A Preliminary Hearings

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

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

16A.1.2 What issues need to be decided at the final hearing

16A.1.3 The admissibility of evidence and attendance of witnesses

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

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

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

16B Fitness to practise hearings

- 16B.1 Fitness to practise hearings involve allege breaches of General Regulation 14 which relates to professional suitability or professional misconduct. Although we have the same process for such hearings as for disciplinary hearings, fitness to practise hearings are not disciplinary in nature, but focused on safeguarding.
- 16B.2 When the Panel is considering an alleged breach of Regulation 14 (professional suitability/fitness to practise), there are two separate stages to a hearing and thus to the Panel's decision. The first stage is to determine the factual basis on which you are alleged to be in breach of Regulation 14. The Presenter has to prove on the balance of probabilities (more likely than not) that the evidence that it is using to argue that you are professionally unsuited or have committed professional misconduct is true. The Panel will decide whether the allegations are true.
- 16B.3 The second stage is what implications, if any, the facts that the Panel has decided are true have on your fitness to practise. The second stage therefore only becomes relevant if some or all of the allegations are proven at the first stage.
- 16B.4 Where you are alleged to have breached another Regulation as well as General Regulation 14, that might provide the factual basis on which you are thought to be professionally unsuited or have committed professional misconduct. We may determine whether or not you have breached that Regulation and apply a penalty for that. However, that is a separate issue to whether you are not able to continue in your chosen profession. We usually address this at the same hearing as the fitness to practise, because we do not want to prolong matters for you, but if you ask us to do so we will consider separating out breaches of other regulations from the fitness to practise hearing as long as you understand that this will cause some delay. This is particularly important because delay may have implications for your progression on the course (if that is the outcome of the hearing).

17 Bringing a Companion to the hearing

- 17.1 You have the right to be accompanied by one Companion, whose role is to offer you support. The Companion must have no connection with the allegations and therefore no material interest in the matter.
- 17.2 You must tell the Hearing Secretary no later than two working days before the hearing of the identity and status (for example Student Union Adviser or fellow student) of the Companion. If you do not tell the Hearing Secretary within this timescale, the Panel Chair may decide that you are not allowed to bring a Companion at all. Where your case relates to Professional or Research Misconduct, you must notify us no later than five working days before the hearing.
- 17.3 The Companion may present the case on your behalf and help and support you. However, they cannot give evidence on your behalf about what is alleged to have happened or your state of mind, or attend the hearing in your absence.
- 17.4 It is your responsibility to tell your Companion about the date, time, and location of the hearing. If your Companion does not attend the hearing, the hearing may proceed in their absence.
- 17.5 Your Companion may be excluded from the hearing if they are so disruptive as to impede the conduct of the hearing. In such a case, the Panel Chair will decide whether or not to continue with the hearing even though your Companion has been excluded.

Guidance: Members of the Student Union Advice Centre are available to act as Your Companion on your request. You must notify the Hearing Secretary of the identity and status of any Companion by emailing Its.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. You must attend the hearing in person unless you have been told to attend it online. It is a separate disciplinary offence to fail to attend a disciplinary hearing when summoned to do so (a breach of General Regulation 13). It may also severely harm your case, in that the Panel will not be able to gain a direct impression of you or hear your perspective first-hand. If you do not attend, the Panel may proceed anyway.
- 18.3 If you use an agreed videoconferencing facility to call into the hearing, it is your responsibility to ensure that you are contactable at the given time.

Guidance: For adjournments, see paragraphs 22 and 23.

19. What happens at the full hearing

- 19.1 The procedure at the hearing will usually include the following elements in the following order. However, the Panel Chair has the power to vary the structure and content of the hearing (for example because there are other students being heard at the same time, or a change is needed as a reasonable adjustment).
- 19.2 The Hearing Secretary should remind the Panel Chair what reasonable adjustments or special measures are in place for the hearing.
- 19.3 If you have not attended in person or by an agreed videoconferencing facility, the Panel will decide whether to proceed with the hearing or adjourn it.
- 19.4 If the hearing proceeds, the Hearing Secretary will invite you and other Participants (other than witnesses) into the room or rooms. The Panel Chair will introduce themselves and ask the other Participants to introduce themselves and in what capacity they are there. The witnesses will stay outside the hearing room(s) until the Hearing Secretary calls them to give evidence, and after their evidence they will leave the hearing room.
- 19.5 The Hearing Secretary will then briefly state what Regulations it is alleged that you have breached, and how. You will be asked whether or not you admit the allegation(s).
- 19.6 The Panel Chair will invite the person(s) presenting the case against you to outline the allegations and the evidence in the case. It is not always necessary for there to be a Presenter if the documents are clear. The Presenter(s) may call witnesses to support the allegations. You (or your Companion) will have the opportunity to ask questions of the Presenter (if any) and to challenge their evidence.
- 19.7 You (and/or your Companion) must then respond to the allegations. You must also answer any questions from the Panel and the person presenting the case, and your Companion cannot answer questions on your behalf **about what is alleged to have happened or your state of mind**. You may also call your witnesses to support your defence.
- 19.8 The Panel may also call any witnesses not called by another party.
- 19.9 More than one Presenter may attend the hearing. For example, where the Panel is considering allegations of a breach of Regulation 14 (professional conduct or suitability/fitness to practise) then it may be sensible for the Disciplinary Officer to address any allegations of non-academic misconduct while the School Fitness to Practise Lead addresses the Panel on the professional implications of those allegations being found to be true.
- 19.10 You (or your Companion) and the Presenter(s) will have the opportunity to question any witnesses, as will the Panel, regardless of who has called those witnesses. The Panel Chair may not permit questions that are irrelevant to the issues or which have the purpose of being vexatious (deliberately rude or upsetting).
- 19.11 If you have a Companion with you, and you wish to speak to them privately at any time, you should ask the Panel Chair to pause the hearing, so you can

step outside. If at any time you need a short break to gather your thoughts, you should also ask the Panel Chair. The Panel Chair will try to accommodate these requests.

- 19.12 The Presenter(s) will be given the opportunity to make a closing statement. They can also outline what penalty or penalties they are seeking in the event that you are found guilty of a disciplinary offence.
- 19.13 You (or your Companion) will also have the opportunity to make a closing statement. You should use this opportunity to (a) summarise your defence (if any) and (b) to make the Panel aware of any mitigating circumstances that exist. Mitigating circumstances will only be relevant if the Panel finds you guilty of an offence.
- 19.14 You may wish to raise issues of mitigation which are of a private nature. In this situation, you can ask to speak to the Presenter(s), the Panel and the Panel Secretary in the absence of anyone else. However, in order to be fair to everybody, if what you say is relevant to another Participant (for example that you blame another student for the situation) then the Panel Chair will need to invite that person back into the room and tell that person what you have said. However, it should not be necessary to tell them things like health or personal problems. Any mitigation that you offer may be included in the outcome letter and seen by others who are sent that letter.
- 19.15 The Panel Chair should then ask you whether there is anything in particular that you think that the Panel should look at or anything you want to the Panel to know that hasn't been considered.
- 19.16 The Panel will then end the hearing and ask you, the Presenter(s), and any witnesses to leave.
- 19.17 The Panel will confer among themselves and decide whether the allegations against you are proven on the balance of probabilities. In the case of hearings in professional suitability mode, the views of the school concerned on the implications of the SSDC's findings of fact on your fitness to practise. The school's views should be informed by the requirements and expectations of the relevant profession and the environment in which you would be entitled to practise.
- 19.18 If the allegations are proven, then the Panel will decide
 - 19.18.1 on the balance of probability, whether you have been dishonest (see paragraph 20)
 - 19.18.2 what penalty or penalties should be applied for the proven breach(es)
 - 19.18.3 what steps need to be taken by you in order to become professionally suitable (if applicable). Such steps are not intended to be a form of punishment. The Panel may decide that there are no steps that can be taken to become professionally suitable within a reasonable period of time.
- 19.19 In making this determination, the Panel will consider

- 19.19.1 whether there are any mitigating factors that you or the Presenter have raised but may take the view that the breach is of a nature that cannot be mitigated.
- 19.19.2 written details of any prior proven breaches dealt with under these University Disciplinary and Investigative Procedures and Powers or previous Disciplinary Procedures.
- 19.19.3 what weight it would be fair to give to uncorroborated, challenged, evidence that was given other than by oral evidence at the hearing.
- 19.19.4 where a conviction has already occurred in a court of law in respect of the same facts, the court's penalty shall be taken into consideration in determining any penalty or penalties under these Procedures.

20. Findings of dishonesty

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

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

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

21. Remitting a case back to the Committee Chair

- 21.1 Where the Panel Chair believes that the hearing should not proceed (or, if commenced, continue) because
 - 21.1.1 evidence (or a witness) is missing or unavailable and that evidence is necessary to resolve the case fairly; and/or
 - 21.1.2 there is strong reason to believe that you have not received the summons and are not deliberately avoiding the summons; and/or
 - 21.1.3 you present at the hearing with serious mental or physical health issues that affects your ability to respond to the allegations such that it would be unfair to continue at the present time; and/or
 - 21.1.4 you have requested an adjournment and have very strong reasons for making that request; and/or

- 21.1.5 there is another very substantial reason for not proceeding on that occasion the hearing shall be remitted back to the Chair of Senate Student Discipline Committee.
- 21.2 The Chair of Senate Student Discipline Committee should then consider the matter afresh under the provisions of paragraph 4. They are free to refer the matter to the same or a differently composed panel of SSDC but may alternatively choose another option outlined in paragraph 4.

22. Part-heard hearings

- 22.1 A Panel Chair has the power to bring a hearing to a halt and to adjourn the rest of the hearing for a period not exceeding 10 working days without giving any reason for this adjournment.
- 22.2 A Panel Chair has the power to bring a hearing to a halt and to adjourn the rest of the hearing for a period not usually exceeding 20 working days where the purpose of the adjournment is to enable you to obtain a report from a licensed psychiatrist or alternative appropriately qualified medical practitioner in response to questions identified by the Panel and such a delay is necessary to dispose of the case fairly.
- 22.3 A hearing above must be resumed using the same Panel as heard the matter prior to the adjournment.

23. Designation of a proceeding as requiring special measures

- 23.1 The Chair of SSDC or their nominated representative shall determine whether a hearing requires the implementation of Special Measures, taking into account the preference of the Participants and the need for procedural and substantive fairness. In accordance with 16A above, a Preliminary Hearing may be convened to address this issue.
- 23.2 The Panel may proceed as Academic Mode (Special Measures), or Non-Academic Mode (Special Measures), or Professional Suitability or Research Misconduct Mode (Special Measures) if
 - 23.2.1 a Participant is aged under 18; and/or
 - 23.2.2 the case involves alleged non-academic misconduct and a Participant is an alleged victim of such misconduct who seeks Special Measures; and/or
 - 23.2.3 a Participant other than you will give evidence only if Special Measures are provided.
- 23.3 The purpose of these special measures is to enable a Participant (usually a witness) to give the best quality evidence that they can so that the Panel can make an accurate determination of whether or not a disciplinary offence has been committed. The existence of special measures does not in any way

indicate that the allegations are true, as this is for the Panel to determine after hearing the evidence; nor does it deflect from the need for careful due process.

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

24. Conduct of proceedings in Special Measures

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

- 24.1 use of more than one hearing room, with a Participant giving evidence by an agreed videoconferencing facility or listening to evidence by an agreed videoconferencing facility; and/or
- 24.2 Questions being provided in writing prior to the Chair for screening prior to the hearing; and relayed by the Chair at the hearing; and/or
- 24.3 use of a screen to separate a Participant from another Participant or Participants, other than the Panel; and/or
- 24.4 use of an appropriately qualified or experienced support worker by a Participant (who is in addition to any Companion); and/or
- 24.4 regular breaks.

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

25 Notification of outcome to student

- 25.1 The Hearing Secretary will normally notify you by email of the outcome within 10 working days and the reasons for the Panel's decision. This emailed letter may also be copied to:
 - the Presenter, if any
 - the Panel Chair, who will have approved the letter
 - those involved in the management or administration of the proceedings, such as the Secretary to the Committee (the University's Associate Director of Academic Services (Quality)) and staff within the University's 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
 - Secretary to the Disciplinary Triage Group

- Your Learning and Teaching Service team or Postgraduate Research Services manager

Where the letter contains sensitive information or information relating to a third party, the Hearing Secretary must consider whether the letter should be copied only to a small group, with a redacted or summary version copied to the wider group.

- 25.2 As stated in Part A paragraph 2 in some circumstances it may be necessary, now or in the future, to provide that information to other organisations.
- 25.3 In the case of a new suspension or expulsion, the Panel Secretary will also notify Student Records of the fact of the suspension or expulsion. Where you are a student visa holder, the Panel Secretary will also notify the University's Visa Policy, Operations and Compliance Manager.

26 Post-hearing actions by Learning and Teaching Service

- 26.1 Upon receipt of an outcome letter, the relevant Learning and Teaching Service team must action any academic penalty such as referral to reassessment. The Learning & Teaching Service Manager must inform the Exam Board where an academic penalty prevents a student from being eligible for reassessment/deferred first sit. In the case of suspension, the team 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 team should notify all of your Module Organisers about the suspension, that if you attend one of their classes they should ask you to leave, and if you refuse to leave they should call security.

27 Post-hearing actions by the Postgraduate Research Service

- 27.1 Upon receipt of an outcome letter, the relevant 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.

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

Status of the penalty guidelines

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

Definitions

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

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

1. Non-academic penalties

That can be imposed by the University Disciplinary Officer

- 1.1. Issue a warning
- 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. Exclude you from specified University Property (for example where such Property is linked to your misconduct) except in the case of property operated by the students' union with the prior consent of the students' union.
- 1.8. Require you to move to an alternative University Residence (not available where you hold an assured shorthold tenancy)
- 1.9. Terminate any licence to occupy University Residences
- 1.10. In the event of damage to property or University Property, require that such damage be made good at your expense either by yourself or jointly and/or severally with other students.
- 1.11. Instruct the Head of Accommodation Services to seek a court order to terminate any assured shorthold tenancy in respect of University Residences.
- 1.12. Place a restriction on your privilege to have guests visiting in University Residences
- 1.13. Exclude you from University Residences other than your own Residence
- 1.14. Require you to engage in reparative or community service activities commensurate with the nature of your breach.
- 1.15. Require you to remove any material from a publicly available website that is a breach of the university's intellectual property.
- 1.16. Require you to write an essay or reflective account on a topic determined by the Disciplinary Officer
- 1.17. Impose a fine not to exceed £500
- 1.18. Prohibit or limit your access to university sports facilities, temporarily or permanently, and/or from activities relating to sports (including training, matches/fixtures, varsity, sports awards shows, trips and tours) where your conduct is linked to sport or such facilities. This includes where you are the recipient of a university sports scholarship.

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

That can be imposed by the Head of Accommodation Services for breach of the terms and conditions of your licence or your assured shorthold tenancy

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

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

That can be imposed by the Student Sport Operations Manager

- 1.27. Issue a warning to include the likely consequences of further proven breaches.
- 1.28. Require you to write a formal letter of apology to a specified person or persons
- 1.29. Require you to attend and/or engage with specified internal or external agencies.
- 1.30. Require you to undertake formative relevant training
- 1.31. Impose a fine not to exceed £150
- 1.32. Require you to engage in reparative or community service activities commensurate with the nature of your breach.
- 1.33. Require you to write an essay or reflective account on a topic determined by the Manager
- 1.34. Exclude you from university sports facilities such as the Sportspark for up to 4 weeks
- 1.35. Suspend you from activities relating to sports (including training, matches/fixtures, varsity, sports awards shows, access to sports facilities, trips and tours) for up to 4 weeks
- 1.36. Remove alcoholic beverages from transport to/from sporting fixtures or events

Guidance: The Students' Union may impose additional penalties as a result of any Code of Conduct finding against you. When determining an appropriate

penalty, the second decision-maker should bear in mind the penalty imposed by the first in determining what penalty is proportionate.

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

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

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:

- 1.37. Place a restriction on your privilege to have guests visiting in University Residences;
- 1.38. Require you to undertake formative relevant training such as the online module on sexual consent, Consent Matters, or fire safety training;
- 1.39. Require you to write a formal letter of apology to a specified person or persons;
- 1.40. Prohibit you from contacting a specified person or persons either at all or save in respect of specified matters;
- 1.41. Require you to attend and/or engage with specified internal or external agencies.
- 1.42. Require you to move to an alternative University Residence (not available where you hold an assured shorthold tenancy);
- 1.43. In the event of damage to property or University Property, require that such damage be made good at your expense either by yourself or jointly and/or severally with other students;
- 1.44. Require you to engage in reparative or community service activities commensurate with the nature of your breach;
- 1.45. Require you to write an essay or reflective account on a topic determined by the Panel;
- 1.46. Require you to remove any material from a publicly available website that is a breach of the university's intellectual property.
- 1.47. Impose a fine not to exceed £1,000;
- 1.48. Instruct the Head of Accommodation Services that they terminate any licence to occupy University Residences;
- 1.49. Instruct the Head of Accommodation Services to seek a court order to terminate any assured shorthold tenancy in respect of University Residences.
- 1.50. Temporarily suspend you from Study and University Property (SSEPAS), University Property (EP), or less commonly from Study only (SS);

- 1.51. Temporarily or permanently exclude you from specified University activities or from certain areas of campus or University Property which may include the Sportspark (but shall not include premises operated by the Students' Union except with the prior consent of the students' union);
- 1.52. Expel you from the University. Expulsion has the meaning set out above in the Definitions section.
- 1.53. Impose an alternative or additional penalty of its choosing save that where the penalty or exemption requires or implies a concession under the Regulations governing the award of degrees, diplomas, or certificates, approval should first be sought from the Associate PVC Associate PVC Education and Curriculum or the Associate PVC UEA Doctoral College, as appropriate.
- 1.54. Impose a penalty to only come into effect if further breaches occur (a 'suspended sentence').

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 (SSEPAS);
- 2.3. Expel you from the University. Expulsion has the meaning set out in the definitions section above;
- 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 Associate PVC Education and Curriculum or the Associate PVC UEA Doctoral College, 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.
- Impose a penalty to only come into effect if further breaches occur (a 'suspended sentence').

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)**

Penalties	Mitigating and aggravating factors that affect the starting point can include:
<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 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>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 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> <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>

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

<i>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>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> <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>
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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</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> <i>• No evidence that other Regulations have been breached</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>point is insufficiently severe, the Panel should consider whether a period of suspension is appropriate or whether expulsion from the University is appropriate.</i>	• <i>Family or relationship problems affecting the student's judgment</i> • <i>You have felt under duress</i> <i>Aggravating:</i> • <i>Failure to accept guilt in a timely manner</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</i>

	<i>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. Outcome Guidelines: Breaches of Regulation 14 (professional conduct and suitability) and

The Fitness to Practise process is not punitive in nature (although where the factual basis involves breach of another Regulation, a penalty may be imposed for that breach). Accordingly, the appropriate outcomes are focused on considering whether you are capable of becoming fit to practise, and if so, what that would look like.

Accordingly, panels may require you to take certain steps to improve your professional suitability or reflect on your behaviour (if any). While the Panel can impose any requirements it seems appropriate, any outcome should be aimed at ensuring public confidence in the profession and rather than being punitive for its own sake.

Panels might consider the following:

- Remedial actions such as apologies or formative training
- Attending and engaging with appropriate specified internal or external agencies or expertise
- Reflection on events, such as by way of an essay or discussions with appropriate professionals
- Practical steps you can take to alter your behaviour (if relevant) or the context in which your misconduct or unsuitability has arisen

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

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

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

- 7.1 A panel may apply one or more of the following outcomes where it finds a student in breach of Regulation 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 Associate PVC Education and Curriculum or the Associate PVC UEA Doctoral College, as appropriate.

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

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

Part H: Appeals

Overriding objectives

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

- i. Proceedings should be resolved as quickly as is consistent with due process.
- ii. 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, Student Sport Operations Manager or Head of Accommodation Services and where you have had an opportunity to respond to the allegation ahead of a decision being made, there is a two stage appeals process (Section 1 below).

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

The Appeals Procedure comprises two parts:

Stage One, in which the Director of Student Services considers the appeal against the Head of Accommodation Services, Student Sport Operations Manager and University Disciplinary Officers and makes a decision; and

Stage Two, which you may follow if dissatisfied with the outcome of the Stage One Appeal. Stage Two Appeals are considered by the Director of Governance and Assurance, 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 form and in that form you will need to state:

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

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

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

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

Guidance: Forms are available on the LTS Forms webpage within MyUEA

1.2. Grounds for appeal (stage one appeals)

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

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

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

(a) that evidence (including any mitigation) put to the University Disciplinary Officer/ / Student Sport Operations Manager/ [Head of Accommodation Services](#) was not fully considered

(b) the correct procedure was not followed and this is sufficient to undermine the validity of the decision

(c) that there was prejudice and/or bias or the appearance of prejudice and/or bias on the part of the Disciplinary Officer/ Student Sport Operations Manager/Head of Accommodation Services

(d) that the penalty or penalties imposed were excessive

(e) that there is new information that should be considered that was not known to the Disciplinary Officer/ Student Sport Operations Manager/ [Head of Accommodation Services](#) and you could not reasonably have obtained that evidence at the time that they made their decision.

Guidance: You should provide as much information as possible about the ground(s) on which you are relying. For example, if you say that evidence put to the University Disciplinary Officer was not fully considered, you will need to explain what evidence and in what way you say it was not fully considered. If there is new information, you will need to say what information and why you could not reasonably have obtained that evidence before. We strongly recommend that you seek advice from the Student Union Advice 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 Governance and Assurance. 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/ Student Sport Operations Manager/[Head of Accommodation Services](#) and your appeal form and supporting evidence. No evidence submitted can be anonymous.

1.3.3. The Director will determine whether there is evidence that satisfies one of the grounds set out at paragraph 1.2.3. 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 6 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 within fifteen working days of your filing the Stage One Appeal letter. If you want to meet with the Director so that the Director can explain their decision to you then you should request that.

Stage two appeals

1.5 How to appeal (stage two appeals)

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

- (a) Whether you are appealing against the decision of the Director of Student Services or the penalty or both
- (b) The ground(s) of your appeal.

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

1.5.3. You are deemed to have received the notification of the 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: Forms are available on the LTS Forms webpage within MyUEA

1.6 Grounds for appeal

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

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

1.6.2 That there was prejudice and/or bias or the appearance of prejudice and/or bias on the part of the Director of Student Services and/or any person helping the Director to investigate

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

1.7 The Stage Two appeal process

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

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

1.8 Appeal outcomes (stage two)

1.8.1. The investigation having been completed, the Director of Governance and Assurance will decide whether:

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

1.8.2. The decision of the Director of Governance and Assurance and the reason(s) for it will be communicated to you by email letter within fifteen working days of your filing the Stage Two Appeal letter.

1.8.3. If your appeal is rejected there is no further right of appeal in the University.

3. Withdrawing an appeal

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

Appeals against a decision of a Senate Student Discipline Panel

4. Who can appeal

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

5. Timescales

- 5.1 You are deemed to have received the notification within two working days of it being sent to you by email.
- 5.2 You must file any appeal against a decision of a Senate Student Discipline Panel or Chair with the Director of Governance and Assurance within five working days of the receipt of the notification of the decision of the Senate Student Discipline Panel or Chair, i.e., within seven working days of us sending you the notification.
- 5.3 The University will not consider any appeal until you have been sent formal written notice of the outcome of the hearing.

6. Grounds for appeal

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

- 6.2 If you are appealing against the summary determination of the Chair or Deputy Chair of Senate Student Discipline Committee, you must tell us whether the appeal is made against the Chair's finding or the penalty imposed, or both.
- 6.3 An appeal will only be considered if one or more of the following grounds is demonstrated:
- 6.3.1 That evidence put to the SSDC Panel or Chair was not fully considered and that this evidence was of such significance that it would cast doubt over the validity of the decision made by the SSDC;
 - 6.3.2 That there was procedural irregularity in the conduct of any SSDC hearing or meeting with the SSDC Chair that was sufficient to render the outcome unfair;
 - 6.3.3 That there was prejudice and/or bias or the appearance of prejudice and/or bias in the conduct of the hearing by SSDC or, as in the case of summary determination, by the Chair or Deputy Chair of SSDC;
 - 6.3.4 That the penalty or penalties imposed was excessive;
 - 6.3.5 That there is new information that should be considered that was not known to the SSDC Panel or Chair and you could not reasonably have obtained that evidence at the time of the original decision and that this evidence is of such significance that it would cast doubt over the validity of the decision made by the SSDC.

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

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

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

- you
- any **Companion** that you bring to support you at the hearing
- any other students involved in the same incident who are also appealing
- the Panel members
- the Hearing Secretary, who is usually a senior member of 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, and they identify the issues that the Panel needs to address
- the representative(s) of the University who are asserting the University’s case, such as the University’s Disciplinary Officer or a School plagiarism officer. This person is known as the Presenter. In some types of cases (such as professional suitability and fitness to practise) there may be more than one presenter, so the reference to ‘the Presenter’ in this document may refer to more than one person.
- any Companion that the person responding to your appeal brings with them
- any witnesses approved by the Panel Chair
- a legal adviser or Governance and Misconduct Adviser who are not members of the Panel, but may advise on matters of procedure or the powers that the Panel has
- any other person whose presence the Panel Chair deems necessary to resolve the proceedings fairly, or who (with your agreement only) is there for the purpose of training.

8. Training of Panel Members

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

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

9. Reasonable adjustments

- 9.1 The University will apply this Part in accordance with its [Equal Opportunities Policy for Students](#).
- 9.2 The University will also comply with its legal obligation to make reasonable adjustments under the Equality Act 2010. Reasonable adjustments are person specific but could include use of an intermediary or support worker, provision of documents in a different format, regular breaks, or adaptation in the style of questioning used.
- 9.3 You must tell the Hearing Secretary if you or your Companion or witness requires reasonable adjustments to be made because of a disability. You must do this no later than **two** working days before the hearing.

Guidance: Participants should contact its.ssd@uea.ac.uk. Reasonable adjustments are available whatever the person's role in the hearing.

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

10. Role of the Panel Chair

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

11. Composition of Disciplinary Appeals Panel

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

11.1 *Professional Suitability or Research Misconduct Mode*

- 11.1.1 A Panel shall be convened in Professional Suitability or Research Misconduct Mode for cases arising under General Regulation 14 and/or 15. A Panel convened under this Mode may, in addition to considering matters relating to Regulations 14 and 15, also consider allegations and determinate penalties relating to any other Regulations that are alleged to have been breached.
- 11.1.2 In Professional Suitability or Research Misconduct Mode, the Panel shall comprise two non-student members of the Panel Pool, one of whom shall be appointed to act as Chair; and two non-student co-opted Panel members who do not need to be members of Senate Student Discipline Committee:
- 11.1.2.1 one co-opted Panel member who has expertise within the same or a similar discipline to you; and
- 11.1.2.2 one co-opted Panel member who is not a member of staff or officer of the University but who has expertise within the same or a similar discipline to you
- 11.1.3 Where you are enrolled on a programme that may lead to admission to a regulated profession overseen by a Professional, Statutory and Regulatory Body (or are already regulated by that Body), at least one of the two co-opted Panel members must be regulated by the same Body.

11.2 *Academic Mode*

- 11.2.1 All cases arising under Regulations 13 and 17–23 inclusive shall proceed in Academic Mode. A Panel convened under this Mode may, in addition to considering matters relating to Regulations 13 and 17–23, also consider allegations and determinate penalties relating to any other Regulations that are alleged to have been breached.
- 11.2.2 In Academic Mode, the Panel shall comprise three non-student members of the Panel Pool, one of whom shall be appointed to act as Chair.

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

11.3 *Non-Academic Mode*

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

- 11.4 A Panel must comprise the requisite constitution as set out in this section 11, in order to proceed to hear a case. Where the Panel Chair determines that the composition of the Panel is incorrect, they shall adjourn the hearing and refer the matter back to the Chair of the Senate Student Discipline Committee for reallocation to a new Panel. However, where the Head of 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. Apparent Bias

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

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

13. The evidence

- 13.1 The Panel has the power to summons and question any person who is a member of staff, officer, or student at the University, including any witnesses not called by another party, but can only request a member of the public to provide evidence.
- 13.2 The Panel Chair will decide at their absolute discretion:
- 13.2.1 whether or not to hear from some or all witnesses giving oral evidence in person; and/or
 - 13.2.2 whether to accept witness statements and other documents instead of or in addition to oral evidence; and/or
 - 13.2.3 whether to hear oral evidence or read a statement from a person (who is attending or not attending) about a conversation they had with a non-attending third party.
- 13.3 The Panel Chair will decide whether or not proposed evidence is to be considered or should be excluded based on its probative value, and fairness to all parties.

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

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

14. Language

- 14.1 All documents (other than assessed work prepared for a language module) must be in English or accompanied by a certified translation into English. A certified translation is one that is made by a professional translator or translation company and which includes the credentials of the translator, confirmation from the translator that it is an accurate translation of the original document, the date of the translation, and the original signature of the translator or an authorised official of the translation company.
- 14.2 The Panel shall conduct its proceedings in English. No member of staff, student, or officer of the University shall have the use of a translator.

15. Standard of proof

- 15.1 The standard of proof is the balance of probabilities. This means that allegations must be shown to be 'more likely than not' true.
- 15.2 The burden of proof is usually upon the person appealing (you, the student) to show that your ground(s) of appeal are true.

Guidance: What is the standard of proof?

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

If you would like more information, a guidance note on the Standard of Proof is available from its.ssdac@uea.ac.uk, the UDIPP Teams site, or the Governance and Misconduct Advisor.

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) and the availability of such measures, including your right to make representations about those
- 16.2.4 the identity of the Panel members
- 16.2.5 the identity of any Presenter
- 16.2.6 the identity of any witnesses, to the extent known
- 16.2.7 that the Panel may proceed in your absence if you do not attend or confirm the decision and penalty of the original SSDC Panel
- 16.2.8 your ability and that of the Presenter to bring a Companion to the hearing subject to paragraph 19 below.

16.3 The summons will be sent to you by email

- 16.3.1 no fewer than 20 working days before the hearing in the case of a hearing under Professional Suitability or Research Misconduct mode.
- 16.3.2 no fewer than 5 working days before the hearing in Academic or Non-Academic Mode.

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

- The Chair of SSDC
- The Deputy Chair of SSDC
- The Chair of the Panel
- Your Head of School or Academic Director at INTO if on a Taught Programme or Head of the Postgraduate Research Service if a research student
- Secretary to the Disciplinary Triage Group
- Your Learning and Teaching Service team or Postgraduate Research Services manager

Guidance: Your pre-hearing preparation

It is important to understand that Senate Student Discipline Appeals Committee reviews appeals and will only interfere with the decision made by the Senate Student Discipline Committee if you prove, on the balance of probabilities, that your ground of appeal is true.

We recommend that you seek advice from the Students' Union Advice 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 and whether or not you are bringing a Companion with you (see paragraph 19).

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

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

17. Evidence submitted by you

- 17.1 You may (if you wish) submit a statement setting out your position and/or submit evidence in support of your appeal. These documents should be sent to the Hearing Secretary no later than two working days before the hearing (five working days where the hearing relates to Professional Suitability or Research Misconduct)
- 17.2 Your statement will be put into the hearing pack. The Panel Chair will consider any evidence that you submit under paragraph 17.1 above and will decide whether it is of probative value, meaning that it is relevant and helps to prove

or disprove the appeal ground. If the Panel Chair believes the evidence to be of probative value they will also ensure that this is added to the hearing pack.

*Guidance: Send your statement and/or evidence to lts.ssdsc@uea.ac.uk.
to lts.ssdsc@uea.ac.uk.*

17A Preliminary Hearings

17A.1 In some complex cases, we may decide it is sensible to hold a Preliminary Hearing before the appeal hearing, in order to resolve issues such as:

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

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

17A.1.3 The admissibility of evidence

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

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

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

18. Bringing a Companion to the hearing

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

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

Misconduct, you must notify us no later than five working days before the hearing.

- 18.3 The Companion may present the case on your behalf and help and support you. However, they cannot answer give evidence on your behalf about what is alleged to have happened or your state of mind, or attend the hearing in your absence.
- 18.4 It is your responsibility to tell your Companion about the date, time, and location of the hearing. If your Companion does not attend the hearing, the hearing may proceed in their absence.
- 18.5 Your Companion may be excluded from the hearing if they are so disruptive as to impede the conduct of the hearing. In such a case, the Panel Chair will decide whether or not to continue with the hearing even though your Companion has been excluded.
- 18.6 This paragraph 18 applies equally to the Presenter who, on an appeal hearing, can themselves bring a Companion.

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

19. Attending the hearing

- 19.1 The hearing will be held in closed session, which means that only Participants can attend the hearing.
- 19.2 You must attend the hearing if you are present in the UK. You must attend the hearing in person unless you have been told to attend it online. It is a separate disciplinary offence to fail to attend a disciplinary hearing when summoned to do so (a breach of General Regulation 13). It may also severely harm your case, in that the Panel will not be able to gain a direct impression of you or hear your perspective first-hand. If you do not attend, the Panel may proceed anyway.
- 19.3 If you use an agreed videoconferencing facility to call into the hearing, it is your responsibility to ensure that you are contactable at the given time.
- 19.4 If you do not attend the hearing, in person or by an agreed videoconferencing facility, the Panel may proceed in your absence or it may determine that you have abandoned your appeal and confirm the original decision and penalty.

20. What happens at the appeal hearing

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

- 20.2 If you have not attended in person or by an agreed videoconferencing facility, the Panel will decide whether to proceed with the hearing or confirm the original decision and penalty.
- 20.3 If the hearing proceeds, the Hearing Secretary will invite you and other Participants (other than witnesses) into the room or rooms. The Panel Chair will introduce themselves and ask the other Participants to introduce themselves and in what capacity they are there. The witnesses will stay outside the hearing room(s) until the Hearing Secretary calls them to give evidence, and after their evidence they will leave the hearing room.
- 20.4 The Hearing Secretary will then briefly state what grounds of appeal are to be considered.
- 20.5 The Panel Chair will then invite you (or your Companion) to outline the grounds of appeal and why your appeal should succeed. You must also answer any questions from the Panel and the person presenting the case, and your Companion cannot answer questions on your behalf about what is alleged to have happened or your state of mind. You may also call your witnesses to support your appeal. You should tell the Panel what remedy (outcome) you are seeking.
- 20.6 The Panel Chair will invite the person presenting the case against you (or their Companion) to respond. The Presenter can indicate (although the Panel is not bound by this) their view of the merits of the appeal.
- 20.7 The Panel may also call any witnesses not called by another party.
- 20.8 You (or your Companion) and the presenter will have the opportunity to question any witnesses, as will the Panel, regardless of who has called those witnesses. The Panel Chair has the right to prevent a question being asked that is irrelevant to the issues or which have the purpose of being vexatious (deliberately rude or upsetting).
- 20.9 If you have a Companion with you, and you wish to speak to them privately at any time, you should ask the Panel Chair to pause the hearing, so you can step outside. If at any time you need a short break to gather your thoughts, you should also ask the Panel Chair. The Panel Chair will try to accommodate these requests.
- 20.10 You (or your Companion) will have the opportunity to make a closing statement. You should use this opportunity to summarise your appeal.
- 20.11 The Presenter 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 usually exceeding 20 working days where the purpose of the adjournment is to enable you to obtain a report from a licensed psychiatrist or alternative appropriately qualified medical practitioner in response to questions identified by the Panel and such a delay is necessary to dispose of the case fairly.
- 22.3 A hearing above must be resumed using the same Panel as heard the matter prior to the adjournment.

23. Designation of a proceeding as requiring special measures

- 23.1 The Chair of SSDAC or their nominated representative shall determine whether a hearing requires the implementation of Special Measures, taking into account the preference of the Participants and the need for procedural and substantive fairness. In accordance with 17A above, a Preliminary Hearing may be convened to address this issue.
- 23.2 The Panel shall proceed as Academic Mode (Special Measures), Non-Academic Mode (Special Measures), or Professional Suitability or Research Misconduct Mode (Special Measures) if
 - 23.2.1 a Participant is aged under 18; and/or
 - 23.2.2 alleged non-academic misconduct and a Participant is an alleged victim of such misconduct who does not object to Special Measures; and/or
 - 23.2.3 a Participant other than you will give evidence only if Special Measures are provided.
- 23.3 The purpose of these special measures is to enable a Participant (usually a witness) to give the best quality evidence that they can so that the Panel can make an accurate determination of whether or not the appeal should be upheld. The existence of special measures does not in any way indicate that the case was decided correctly, as this is for the Panel to determine after hearing the evidence; not does it deflect from the need for careful due process.

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

24. Conduct of proceedings in Special Measures

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

24.1.3 ; and/or

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

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

24.1.6 regular breaks.

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

25. Notification of outcome to student

25.1 The Hearing Secretary will normally notify you of the outcome by email within 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 Associate Director of Academic Services (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 letter.