

# Student Disciplinary Procedure



BATH SPA  
UNIVERSITY

## 1. Introduction

### Purpose

- 1.1 This document details the procedures that Bath Spa University ('the University') will use to consider allegations of non-academic misconduct by students. It defines what counts as misconduct and explains the various roles involved in considering allegations, the range of penalties that may be imposed, avenues of appeal and reporting and monitoring arrangements.

### Scope

- 1.2 The Student Disciplinary Procedure ("Procedure") applies to those students who are enrolled at the University, or who were enrolled at the University at the time of the alleged misconduct (and have since withdrawn either on a temporary or permanent basis and who intend to return), including those who are suspended for whatever reason.

### Principles

- 1.3 The following principles shall apply in the application of this Procedure:
- a) The standard of proof to be applied shall be the balance of probabilities (i.e. more likely than not);
  - b) To address misconduct by students rather than to resolve disputes between individuals;
  - c) The University shall not act on allegations of misconduct which it considers to be vexatious, spurious or malicious;
  - d) A student who is alleged to have committed an act of misconduct shall have the right to be informed of and to respond to the allegations;
  - e) Sanctions imposed under this Procedure shall be reasonable, proportionate and consistent;
  - f) The person bringing the allegation only has the right to know about the outcome of a case in line with the terms of data protection law and appreciating the rights of the responding party;
  - g) If a counter-allegation is submitted against a reporting student whilst the disciplinary process is already ongoing, the University will normally wait for the initial case to conclude before then considering any counter-allegations against a reporting student;
  - h) Investigations will be conducted in a timely manner and the University will normally aim to arrive at an outcome within 60 working days of an investigation commencing;
  - i) All parties should be aware that Disciplinary matters are to remain strictly confidential, and cases should not be discussed with any person outside of the process.

### Support

- 1.4 Students who are either reporting or responding to an allegation under this Procedure are strongly encouraged to seek advice and support regarding this

Procedure from the Students' Union Advice Centre, which is independent of the University.

1.5 Students are also encouraged to seek support from their Academic Advisor /supervisor and from the University's Student Wellbeing Service, as appropriate.

1.6 Students considering making a report which concerns allegations of bullying and harassment, discrimination, hate crime, sexual harassment or sexual assault are encouraged to use the Report and Support portal where further information and details for accessing support can be found: <https://reportandsupport.bathspa.ac.uk/>

#### Delegation of authority

1.7 Unless the context indicates otherwise, references in this Procedure to any University officer shall be construed to refer to a person or persons nominated by them to act on their behalf.

## 2. Misconduct

#### Definition of misconduct

2.1 Any act or omission, whether occurring on University premises or elsewhere (including electronically and on social media), which improperly interferes with the functioning or activities of the University or of those who work or study in the University or otherwise improperly damages the University or its reputation, shall constitute misconduct under this Procedure.

2.2 Misconduct shall include, but not be limited to, the following:

- a) Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University;
- b) Obstruction of, or improper interference with, the functions, duties, activities of any student or member of staff of the University, or any visitor to the University;
- c) Violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language, whether expressed verbally or in writing, including in electronic form and via social media;
- d) Engaging in any sexual activity without consent, including kissing without consent, inappropriate touching, making unwanted remarks of a sexual nature, sending unsolicited explicit messages or graphic images, or sharing private sexually graphic material of another person without their consent;<sup>1</sup>
- e) Bullying or harassment of, or unacceptable behaviour towards any other person, including in electronic form and via social media;
- f) Bullying or harassment of, or unacceptable behaviour towards any other

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<sup>1</sup> Refer to the Sexual Violence and Misconduct Procedure for Students [Sexual-Violence-and-Misconduct-Procedure-for-Students.pdf](https://bathspa.ac.uk/Sexual-Violence-and-Misconduct-Procedure-for-Students.pdf) ([bathspa.ac.uk](https://bathspa.ac.uk))

- person, on the grounds of sex, race, religion or belief, disability, sexual orientation, gender identity or expression, age or other grounds, including in electronic form and via social media;
- g) Fraud, deceit, deception or dishonesty in relation to the University or its staff, students or visitors;
  - h) Theft, misappropriation or misuse of University property, or the property of its staff, students or visitors;
  - i) Misuse or unauthorised use of premises owned or operated by the University;
  - j) Damage to University property, or the property of the University's staff, students or visitors, caused intentionally or recklessly;
  - k) Action likely to cause injury or impair safety on University premises, at University organised events or on any other site associated with the University;
  - l) Failure to respect the rights of others to freedom of belief and freedom of speech;
  - m) Breach of the provisions of any University code, rule or regulation including any student code of conduct;
  - n) Persistent misuse of the Engagement Monitoring Systems as detailed in the Student Engagement and Attendance Policy.
  - o) Failure to disclose personal details to a member of staff of the University in circumstances in which it is reasonable to require that such information be given;
  - p) Failure to comply with a reasonable instruction relating to discipline, issued by the Vice-Chancellor, the Pro-Vice-Chancellor, the University Secretary, or by a member of staff acting with the authority of these post-holders.
  - q) Conduct (on or off campus) which has damaged or could have damaged the reputation of the University;
  - r) Failure to comply with the terms of an order for suspension, or with any penalty issued under this Procedure;
  - s) Conduct that is considered unlawful or criminal activity, to include substance abuse and associated behaviours.

### 3. Misconduct in Student Residences and in the Community

#### Local rules and regulations

- 3.1 The Student Accommodation Manager and any other member of staff authorised by the Vice-Chancellor may draw up and publish local rules and regulations for student behaviour in University residences and in the community.

#### Breaches of local rules and regulations

- 3.2 The Student Accommodation Manager and any other member of staff authorised by the Vice-Chancellor may exercise summary disciplinary jurisdiction and to impose penalties for breaches of local rules and regulations for student behaviour in University residences and in the community.
- 3.3 The Student Accommodation Manager will report annually to the Student Experience Department with details of all misconduct dealt with and penalties imposed under this section.

## Penalties for breaches of local rules and regulations

- 3.4 If a student is found to have breached local rules and regulations for student behaviour in University residences and in the community, the persons described in section 3.2 of this Procedure may impose one or more of the disciplinary penalties in section 7.26 (a)-(k) below.
- 3.5 In the case of serious misconduct, the matter shall be referred initially to the Student Experience Department for consideration under section 6 of this Procedure and a broader range of penalties may be imposed where it has been established that misconduct has occurred.
- 3.6 Where the misconduct is also a breach of the terms of residence of University accommodation, the student may also be referred to the Director of Estates and Services who may take steps to evict the student.

## 4. Involvement of the Police and the Criminal Courts

### Misconduct that is also a criminal offence

- 4.1 Behaviour that may amount to a criminal offence is usually best dealt with by the police, Crown Prosecution Service, and the criminal courts in the first instance. The following provisions will apply where the allegation of misconduct, if proved, would also constitute an offence under criminal law.

### Offences that may be dealt with internally

- 4.2 Where the University considers it appropriate, having regard to the seriousness of the alleged misconduct, the matter may be dealt with internally. If the offence is reported to the police, the University will normally defer taking action, except for taking any necessary precautionary measures, until the police and courts have dealt with the matter or a decision not to prosecute has been taken.

### Offences that are not reported to the police

- 4.3 The University has the right to report any alleged criminal offence to the police. However, if a person claims to be the victim of an offence committed by a student but does not wish the police to be involved, the University may in its discretion agree not to report the matter to the police. If the Reporting Party does not report the incident to the police, this does not preclude the University from taking action under the Student Disciplinary Procedure, and it will not impact the investigation process.

### Imposition of penalty after sentence imposed by a criminal court

- 4.4 Where a student has been convicted of a criminal offence the University may rely upon the conviction to establish a disciplinary offence under this Procedure, to the extent that the conviction was based on the same facts as

the alleged misconduct. The penalty imposed by the criminal court will be taken into account in deciding the penalty under this Procedure.

#### Acquittal

- 4.5 If a student is acquitted of a criminal offence the University may still take disciplinary action against the accused student if it appears that misconduct under this Procedure has occurred.

### 5. Suspension of Students as a Precautionary Measure

#### Power to suspend

- 5.1 A student who is the subject of an allegation of misconduct, or against whom a criminal charge is pending, or who is the subject of a police investigation, may be suspended from the University by the Vice-Chancellor, the Pro- Vice-Chancellor, the University Secretary or the Duty Senior Executive Officer, pending the conclusion of the disciplinary or any criminal process.

#### Definition of suspension

- 5.2 A student who is suspended from the University under this Procedure has restricted rights to enter University premises and to take part in University activities. The terms of the suspension will be notified in writing to the student.
- 5.3 The terms of suspension may include (but are not limited to) a requirement that the student shall have no contact with a specified person or persons and include a total or selective prohibition on:
- Attendance at the University;
  - Access to University facilities;
  - Participation in University activities;
  - Exercising the functions or duties of any office or committee membership in the University or the Students' Union.

#### Orders to be made as a precautionary measure only

- 5.4 Orders for suspension are to be used only where the University considers it necessary as a precautionary measure; for example, to protect a member or members of the University community, or the property of the University or the property of a member or members of the University community, or to aid the facilitation of an investigation, or where the issues involved are of a highly sensitive nature. Written reasons for the decision will be recorded and made available to the student.

#### Representations

- 5.5 Unless the matter is deemed to be urgent by the University, no student shall normally be suspended under this Procedure unless they have been given an

opportunity to make representations. In cases deemed to be urgent by the University, a student may be suspended with immediate effect. An opportunity will be given to the student to make representations as soon as reasonably practicable.

#### Initial review

- 5.6 A decision to suspend a student under this Procedure shall be subject to review at the request of the student after four weeks. Such a review will not involve a hearing, but the student will be entitled to make written representations. The review will normally be conducted by the Vice-Chancellor (or nominee) and the outcome of the review will be communicated to the student.

#### Periodic review

- 5.7 In addition to the initial review, the Vice-Chancellor shall review the suspension on receipt of evidence of altered circumstances which might affect the order.

#### Impact of suspension

- 5.8 Following a period of suspension, if the outcome of the case is to permit the student to return to the University, this will be subject to the student's academic status and return to the programme being at a time deemed academically appropriate. The decision will be taken in consultation with the student's School of study.
- 5.9 Students should be aware that following a period of suspension, a return to their programme might incur additional financial costs in relation to their tuition fees and/or accommodation. Where relevant, students should promptly contact the Student Loans Company (or equivalent body) as required regarding any period of suspension.
- 5.10 International students who are sponsored to study at Bath Spa University on a Tier 4 visa or equivalent may be subject to restrictions due to their immigration status and as a result of a suspension may find themselves unable to meet the conditions of their leave to remain in the UK. The University's Compliance Team will assess this on a case by case basis, taking into account the duration and nature of the suspension, and issue advice to affected students accordingly.

## 6. Summary Procedure

#### Dismissal

- 6.1 Allegations of misconduct made by staff, students or members of the public under this Procedure should be submitted in writing to the Student Experience Department via email to the Complaints Officer inbox within 20 working days of the incident, or the last in a series of incidents. Allegations will only be considered outside of this timeframe in exceptional circumstances at the

discretion of the Pro-Vice-Chancellor for Student Experience. .

- 6.2 The Pro-Vice-Chancellor may dismiss the allegation immediately if they believe there is no case to answer or that it is for some other reason appropriate to do so.

#### Preliminary interview

- 6.3 If the allegation is not so dismissed, the Student Casework Investigator may conduct a preliminary interview with the student against whom the allegation has been made in order to hear the student's initial response to the allegations of misconduct. Where a preliminary interview is conducted the student will normally be made aware of the allegations in advance, usually in writing via email. Following the allegations being shared with the student, the interview will normally be conducted within 10 working days, in order to allow a response to be prepared by the student. At the interview, the student may be accompanied by a member of the Students' Union Advice Centre, a friend from within the University, or a family member. If the student is unable to attend this interview within the timeframe provided, without good reason, then the University will continue to progress the investigation in the student's absence.
- 6.4 Following the preliminary interview, the Pro-Vice-Chancellor may at their discretion decide to take no further steps under the Procedure or may find that there is no case to answer and will notify the student accordingly.
- 6.5 Allegations reported to the Pro-Vice-Chancellor concerning a student who holds any office within Bath Spa University Students' Union will normally be notified to the Chief Executive of the Students' Union.

#### Failure to attend preliminary interview

- 6.6 If the student fails to attend a preliminary interview without good reason, the Pro-Vice-Chancellor, Student Feedback and Complaints Manager or the Student Casework Investigator may deal with the case in the student's absence.

#### Decision to deal summarily

- 6.7 If the Pro-Vice-Chancellor decides to take further action in respect of the allegations of misconduct, the following principles shall apply:
- a) If the student agrees, the Pro-Vice-Chancellor may deal with the case summarily, without recourse to a Disciplinary Panel, provided that they consider it appropriate to do so.
  - b) In all other cases the Pro-Vice-Chancellor will refer the case to a Disciplinary Panel in accordance with section 7 of this Procedure.

#### Procedure

- 6.8 If the matter is dealt with summarily, the Pro-Vice-Chancellor or the Student



Feedback and Complaints Manager will consider written or oral evidence as they think fit. The University will find the student guilty of misconduct if, on the balance of probabilities, it is satisfied of the student's guilt. If a finding of guilt is made, the Pro-Vice-Chancellor or the Student Feedback and Complaints Manager may impose any of the penalties set out in section 7.26 of this Procedure, other than expulsion from the University.

## Report

- 6.9 At the end of the proceedings, the Student Casework Investigator will write a short report. In the event of a finding of guilt, the report will set out the misconduct alleged, a brief summary of the evidence received, the grounds for the finding of guilt, the penalty imposed, and the factors taken into account in deciding the penalty.. The student will receive an outcome letter from the Student Feedback and Complaints Manager, summarising the report and advising of any penalties which have been applied. A copy of the report can be sent to the student upon request.

## Referral to a Disciplinary Panel

- 6.10 If the Pro-Vice-Chancellor does not consider it appropriate to deal with the matter summarily, or if the student does not agree to its being dealt with in that way, then it shall be referred to a Disciplinary Panel in accordance with section 7 of this Procedure.

## 7. Disciplinary Panel

### Composition

- 7.1 The Vice-Chancellor shall appoint the members of the Disciplinary Panel and invite one of them, who shall not be a student member, to act as its Chair, normally the Pro-Vice-Chancellor for Student Experience. The Panel will have three or five members at the discretion of the Vice-Chancellor. The members will normally include both a member of the academic staff of the University and a student of the University who will usually be an officer of the Students' Union. In cases of sexual misconduct, the panel will normally include a member of staff of the Students' Union, rather than a student officer. The Vice-Chancellor shall have regard to the need to ensure that all members of the Panel are impartial.

### Assistance to the Panel

- 7.2 A person will be appointed to act as Clerk to the Disciplinary Panel, to provide procedural advice and to assist the Panel as it thinks fit. The Clerk will arrange for a note of the proceedings to be taken.

### Representation

- 7.3 The student may be present at all disciplinary hearings, and may be represented by another student of the University, a member of the Students'

Union Advice Centre or, where the student is on a programme leading to professional registration, a member of their professional organisation. Legal representation will not normally be permitted, except with the permission of the Chair of the Panel. Where a student is legally represented, the University reserves the right for the panel to also receive legal advice on procedural issues during the hearing.

7.4 Additionally, the student may be accompanied by a family member or a friend from within the University.

7.5 If a student does not attend without good reason for their failure to attend, the hearing may take place in the student's absence. The student's absence will not invalidate the proceedings.

#### Standard of proof

7.6 The Panel will find a student guilty of misconduct if, on the evidence before it, it is satisfied on the balance of probabilities of the student's guilt. This means that the Panel must be satisfied that, on the evidence available, the student's guilt is more likely than not.

#### Majority verdict

7.7 If the members of the Panel cannot agree, the verdict of the Panel will be that of the majority of its members. Members shall deliberate in private, normally in the presence of the Clerk.

#### Procedure

7.8 Subject to the provisions of this Procedure, the order of proceedings shall be at the discretion of the Chair of the Panel. The Panel may at its discretion ask for additional enquiries to be undertaken, and may call for any witnesses to attend.

#### Joint hearings

7.9 If two or more students are involved in allegations of misconduct which are related, the Panel may at its discretion deal with their cases together.

#### Witness evidence

7.10 Witness evidence presented at the hearing will normally be oral, given by witnesses appearing in person. The Panel may accept a witness's written statement in evidence where it is impracticable for the witness to attend, or where in the opinion of the Panel it is for some other reason in the interests of justice to do so.

#### Presentation of the case

7.11 The Vice-Chancellor will appoint a member of University staff to present the

allegation against the student. This will usually be the Student Casework Investigator.

#### Written allegations

7.12 The Clerk, on behalf of the Panel, will ask the case presenter to set out the allegation(s) in writing in advance of the hearing. A copy will be sent to the student normally at least one week before the hearing.

#### Written witness statements in advance of the hearing

7.13 The Clerk, on behalf of the Panel, may call for written witness statements in support of the allegation in advance of the hearing. If such statements are obtained, members of the Panel will be entitled to see them in advance of the hearing and copies will be made available to the student and to the case presenter normally at least one week before the hearing.

#### Documentary evidence

7.14 Any documentary evidence must be submitted in advance of the hearing and copies will be made available to members of the Panel and to all parties normally at least one week before the hearing. Evidence submitted late will only be admitted with the permission of the Chair of the Panel.

#### Opening and closing addresses

7.15 The case presenter shall be entitled to address the Panel before calling witnesses, and at the conclusion of the evidence called on behalf of the student. The student, or their representative, may address the Panel before calling witnesses and after the case presenter's final address.

#### No case to answer

7.16 At the conclusion of the evidence in support of the allegation against the student, the student (or their representative) may submit that no case has been made against them (the student) that requires an answer. The case presenter has the right to reply. If the Panel finds on the evidence that there is no case for the student to answer, it must dismiss the allegation.

#### Time limits

7.17 The Panel may impose time limits on oral addresses and submissions as it thinks fit.

#### Witness evidence

7.18 The allegation against the student shall be put first. If the case proceeds, the student may then give evidence. Witnesses may be recalled only with the permission of the Chair of the Panel.

7.19 The Panel may ask questions of all those called before it. The student and the case presenter will ask questions of witnesses through the Chair unless directed otherwise by the Chair.

#### Relevance

7.20 The Panel will refuse to admit evidence that is, in the Panel's opinion, irrelevant to the issues raised.

#### Adjournments

7.21 The Panel shall have the power to adjourn a hearing to another date, as it thinks fit.

#### Report

7.22 At the termination of the proceedings, the Chair will prepare a report on behalf of the Panel. In the event of a finding of guilt, the report will set out the misconduct alleged, a brief summary of evidence received, the grounds for the finding of guilt, the penalty imposed, and the factors taken into account in deciding the penalty. A copy of the report will be sent to the student. The student will also receive an outcome letter from the Clerk, summarising the report and advising of any actions required by the student, in order to comply with the penalties which have been applied. Where a student who is undertaking a professional programme of study has been found guilty of misconduct under this Procedure the University may also notify the outcome to the relevant professional or regulatory body where the University considers it appropriate to do so.

#### Right to stop proceedings

7.23 The Vice-Chancellor has the power to suspend the activity of the Panel at any time, and to stop the proceedings against the student, if they believe it appropriate to do so.

#### Penalties

7.24 If a student is found guilty of an allegation of misconduct, one or more penalties may be imposed by the Pro-Vice-Chancellor in the case of matters dealt with summarily, or by the Disciplinary Panel in other cases. The penalties are set out below. A student may not be expelled following an allegation considered under the summary procedure.

#### Matters to be considered

7.25 When determining penalties, consideration will be given to the seriousness of the misconduct, the circumstances of the misconduct, and the general personal circumstances of the student. ie. penalties will be appropriate and proportionate to the misconduct which occurred.

## Types of penalty

7.26 A student found guilty of misconduct may be subject to the following penalties:

- a) Absolutely discharged, which means that although the student may be technically guilty of misconduct, no blame should be attached to their actions;
- b) Reprimanded;
- c) Cautioned, which means that if the student is found guilty of misconduct on a subsequent occasion following 12 months, or some other specified period, they will then be dealt with for both offences;
- d) Conditionally discharged, which means that no immediate penalty is imposed, subject to the student fulfilling certain stipulated conditions including future good behaviour over the following 12 months, or some other specified period. If the conditions are not met, a penalty may be imposed following a further hearing;
- e) Fined up to a maximum of £400;
- f) Required to write a letter of apology to a specified person or persons;
- g) Required to attend a specified course and to pay the reasonable cost as determined by the University;
- h) Required to pay a reasonable sum by way of compensation for identified and quantified loss;
- i) Required to perform unpaid services for the University community to a maximum of 40 hours;
- j) Required to have no contact, or restricted contact, with a specified person or persons;
- k) Suspended from enjoying specified privileges for a fixed period of time;
- l) Excluded from the University for a fixed period of time, up to a maximum of 12 months. A student who is excluded from the University has restricted rights to enter University premises, and to participate in University activities. The terms of exclusion will be notified to the student in writing. An order of exclusion does not affect the student's status as a member of the University;
- m) Suspended from the University for a fixed period of time, up to a maximum of 12 months. A student who is suspended ceases to be a member of the University for the duration of the suspension and is prohibited from entering University premises, and from participating in University activities. Suspension may be subject to qualification, such as permission to take an examination. The terms of suspension will be notified to the student in writing;
- n) Expelled from the University, which means the student ceases to be a member of the University, and loses all rights and privileges of membership.

## Suspended penalty

7.27 Any of the above penalties may be suspended for a fixed period of time. If the student is found guilty of subsequent misconduct within that period the suspended penalty will immediately take effect.

## Record keeping

7.28 If found guilty of misconduct, details of the misconduct and the penalty imposed

will be sent to the student's Head of School. A record will also be made on the student's central University file. The record will be kept on the student's files in accordance with the University's retention schedule and may be referred to for the purpose of references.

- 7.29 The Student Experience Department will keep a record of student misconduct and penalties imposed and will report to the Academic Board annually for monitoring.

## 8. Mental Illness

### Evidence of mental illness

- 8.1 If there is medical evidence that the student is experiencing mental illness, those dealing with the case may suspend or terminate the proceedings, if it is considered appropriate to do so. It may be a condition or suspension or termination of proceedings that the student seeks medical treatment.

## 9. Appeals against the Outcome of a Disciplinary Panel

### Grounds of appeal

- 9.1 Where a student is found to have committed misconduct, the student shall be informed of their right of appeal to the Disciplinary Appeals Panel. The only grounds of appeal which will be considered are that:
- a) there is relevant evidence which was not considered by the Disciplinary Panel before the decision was taken and which may have affected the outcome. In this case, the new evidence must be included in support of any appeal at the time the request is lodged and the student must explain why they were not able to submit the new evidence to the Disciplinary Panel; no appeal shall be permitted if all the evidence submitted was considered by the Disciplinary Panel or if the new evidence could reasonably have been submitted to the Disciplinary Panel by the student before the decision was taken; or
  - b) the procedures were not followed correctly prior to decisions being taken and that irregularity may have affected the outcome; or
  - c) where the result of the disciplinary action was expulsion, the student shall have the right of appeal on the additional grounds that the nature of the breach of discipline does not justify expulsion.

### Submission of an appeal

- 9.2 If the student wishes to appeal the decision of the Disciplinary Panel, they must lodge their appeal with the Vice-Chancellor within ten working days from the date of notification of the Disciplinary Panel's decision. Such appeals must be made in writing, clearly specifying the ground(s) for appeal and attaching all supporting evidence.

## Consideration of an appeal

- 9.3 The Vice-Chancellor shall nominate a member of the University's Senior Leadership Group who has not had any previous involvement with the case to review the appeal. That individual shall decide if the appeal has a real prospect of success or if there is some other compelling reason why the appeal should be considered. If the member of the University's Senior Leadership Group decides that the appeal has a real prospect of success or that there is some other compelling reason why the appeal should be considered then it shall be referred to a Disciplinary Appeals Panel. If not, then the decision of the Disciplinary Panel will stand. The student shall be notified in writing of the decision together with the reasons for the decision as soon as practicable after the decision has been made.

## 10. Disciplinary Appeals Panel

### Composition

- 10.1 Membership of the Disciplinary Appeals Committee shall consist of any three members of the Board of Governors appointed by the Chair of the Board of Governors. The Chair shall have regard to the need to ensure that all members of the Panel are impartial.

### Assistance to the Panel

- 10.2 A person will be appointed to act as Clerk to the Disciplinary Appeals Panel, to provide procedural advice and to assist the Panel as it thinks fit. The Clerk will arrange for a note of the proceedings to be taken.

### Procedure

- 10.3 Subject to the provisions of this Procedure, the order of proceedings shall be at the discretion of the Chair of the Panel.
- 10.4 At least ten working days prior to the hearing, the Clerk to the Disciplinary Appeals Panel will ensure that the student is sent the time, date and venue of the appeal hearing.

### Terms of Reference

- 10.5 The Terms of Reference of the Disciplinary Appeals Panel shall be:
- a) To review the case presented to the Disciplinary Panel but not to re-hear the evidence (witnesses will therefore not usually be permitted at the hearing);
  - b) To examine any relevant evidence which was not considered by the Disciplinary Panel before the decision was taken and which may have affected the outcome, and which the student was not able to submit to the Disciplinary Panel;
  - c) To determine whether the procedures were followed correctly by the Disciplinary Panel;

- d) Where the result of the disciplinary action was expulsion, to consider whether the nature of the breach of discipline justified the sanction;
- e) To determine whether to uphold, or not, the Disciplinary Panel's decision.

## Outcome

- 10.6 After consideration of the appeal, the Disciplinary Appeals Panel shall have the power to annul, vary or confirm the decision of the Disciplinary Panel. The decision of the Disciplinary Appeals Panel shall be final and the student shall be notified in writing of the decision, together with reasons for the decision. There shall be no further permissible appeal against the outcome.
- 11. Office of the Independent Adjudicator for Higher Education (OIA)
  - 11.1 If, after the University's internal procedures have been exhausted, the student is dissatisfied with the outcome they may make a complaint to the Office of the Independent Adjudicator (OIA), subject to the rules of the OIA's independent complaints scheme.
  - 11.2 Once the University's procedures have been exhausted the University will issue a "Completion of Procedures" letter. Students must apply to the OIA within twelve (12) months of the issue of this letter if they wish to make a complaint. For information on how to submit a complaint to the OIA, please refer to the OIA's website: [www.oiahe.org.uk](http://www.oiahe.org.uk).



## Document Details

**Responsible Office:** Student Experience

**Responsible Officer:** Pro Vice-Chancellor Student Experience

**Approving Authority:** Board of Governors/Academic Board

**Date of latest Approval:** April 2024

**Effective Date:** 1 September 2024

**Related Policies and Procedures:** Academic and Student Policies and Procedures

<https://www.bathspa.ac.uk/about-us/governance/policies/>

Student Complaints Procedure

Student General Regulations

Sexual Violence and Misconduct Procedure for students

Academic Misconduct Policy

Harassment Policy

Data Protection Policy

**Supersedes:** Student Disciplinary Procedure v3

**Next review due:** June 2025