

Student Discipline

UPR SA13 version 11.0

Policies superseded by this document

This document replaces version 10.0 of UPR SA13, with effect from 1 September 2022.

There are several institutional processes/procedures and associated regulations common to UPR SA13 and UPR SA15¹, namely those relating to:

- Student Disciplinary Panels;
- Student Academic Misconduct Panels;
- Suspension or Exclusion from the University by the Vice-Chancellor;
- Conduct of Panel Hearing.

The University Schedule of Sanctions and Penalties for Academic and Non-Academic Misconduct applies both to UPR SA13 and to UPR SA15¹.

Summary of significant changes to the previous version

Minor amendments have been made in line with changes to other UPRs.

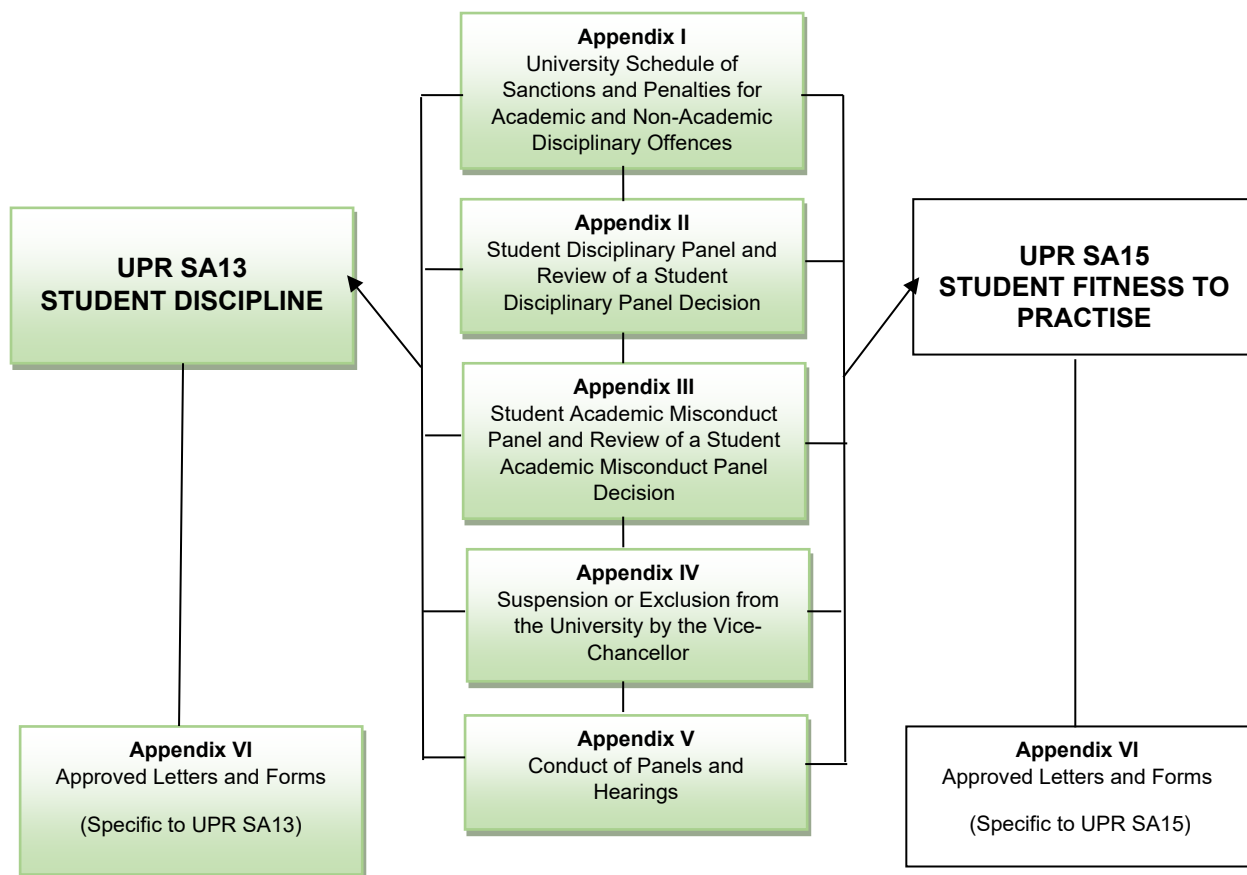
Glossary

A glossary of approved University terminology can be found in [UPR GV08](#).

Table of contents

1	Introduction	4
2	Abbreviations	4
3	Definitions	4
3.1	‘student’:	4
3.2	‘Case Officer’:	4
3.3	‘Academic Misconduct’:	4
3.4	‘Non-Academic Misconduct’:	5
3.5	‘Letter’	5
4	Jurisdiction of The University	5
5	Scope	6
5.3	Students registered on programmes delivered at Partner Organisations which lead to awards of the University	6
5.3.1	Alleged Academic Misconduct.....	6
5.3.2	Alleged Non-Academic Misconduct and criminal offences.....	6
6	Role of the Vice-Chancellor	7

6.1	Designation of deputies and nominees for the purposes of UPR SA13	7
7	Role of the Secretary and Registrar	7
8	Policy	7
8.1	General	7
8.2	Breach of University regulations by students (Academic Misconduct and Non-Academic Misconduct).....	8
8.3	Students' fitness to practise	8
8.4	Schedule of Sanctions and Penalties for Academic and Non-Academic Misconduct offences	8
8.5	Criminal offences by students.....	8
8.5.8	Criminal offences by students - reporting	9
8.5.9	Criminal offences by students - general principles to be applied in the administration of discipline where a student has been charged with a criminal offence.....	10
8.6	Students who have withdrawn	10
9	Student Disciplinary Procedure - Non-Academic Misconduct.....	10
9.1	Non-Academic Misconduct – notification of allegations.....	10
9.2	Non-Academic Misconduct – Stage 1 – preliminary process	10
9.2.3	Non-Academic Misconduct – Stage 2 - referral to the formal process	11
9.3	Non-Academic Misconduct - Stage 2 - formal process.....	11
10	Student Disciplinary Procedure - Academic Misconduct.....	12
11	Suspension or Exclusion from The University by, or on the authority of, the Vice-Chancellor (generic process)	12
12	Office of the Independent Adjudicator	12
13	Legal Redress	12
14	Monitoring	13
15	Standard forms and correspondence.....	13



1 Introduction

- 1.1 The policies, regulations and procedures set out in this document (UPR SA13) have been approved by the Board of Governors¹ and are amended with effect from 1 September 2021 on the authority of the Secretary and Registrar.
- 1.2 In the implementation of the policies and regulations set out in this document, the Board of Governors and the Vice-Chancellor will be guided by the 'Notes of Guidance on Student Disciplinary Procedures' published by the CVCP in December 1994.
- 1.3 Information concerning sanctions and penalties is set out in Appendix I, UPR SA13²/Appendix I, UPR SA15³.

2 Abbreviations

OIA	Office of the Independent Adjudicator
SBU	Strategic Business Unit
SDP	Student Disciplinary Panel
SAMP	Student Academic Misconduct Panel
UPRs	University Policies and Regulations

3 Definitions

For the purposes of this document the following definition will apply:

3.1 'student':

a person registered by the University of Hertfordshire following a University owned and/or delivered taught programme or programme of research which will be assessed and will normally lead to a University award and any other person to whom the University provides educational services (such as 'short courses') who has agreed to be bound by the University's regulations;

3.2 'Case Officer':

the individual responsible for presenting the case before a Student Disciplinary Panel or Student Academic Misconduct Panel;

3.3 'Academic Misconduct':

see section 2, Appendix III, UPR AS14⁴;

(Note for guidance

¹ **See Board of Governors Minutes:** 131, 21 March 95 (effective 1 May 95); 215, 2 July 96; 616, 26 June 200; 702, 24 June 2004; 789, 22 June 2005 888.2, 21 June 2006, 829, 9 July 2012. **Academic Board Minutes:** 20, 16 March 2011, 160, 20 June 2012, 797, 14 March 2018.

² Appendix I, UPR SA13 'University Schedule of Sanctions and Penalties for Academic and Non-Academic Disciplinary Offences'

³ Appendix I, UPR SA15 'University Schedule of Sanctions and Penalties for Academic and Non-Academic Disciplinary Offences'

⁴ Appendix III, UPR AS14 'Academic Integrity and Academic Misconduct'

Section 2, Appendix III, UPR AS14, sets out the institutional definition of ‘Academic Misconduct’, which is not repeated in this document.

Section 9.2, Appendix III, UPR AS14 sets the criteria for referral of Academic Misconduct offences to a Student Academic Misconduct Panel under UPR SA13 (unless the decision has been taken to refer the case to a Fitness to Practise Panel under UPR SA15))

3.4 ‘Non-Academic Misconduct’:

a breach of the non-academic regulations of the University, for example, the regulations relating to security or car parking; harassment and bullying or local, non-academic regulations determined, for example, by a Dean of School or the Chief Information Officer or the manager of another academic or non-academic area.

3.5 ‘Letter’

(See section 15 also.)

the Letter prescribed by the Secretary and Registrar for use at a specific point in this process.

(Note:

The Secretary and Registrar has approved standard letters which are to be used at different stages of the Student Disciplinary process in order to communicate with students and other individuals involved in matters being considered under these procedures.

Letters must be sent to the email address the student has provided to the University for all correspondence and, where possible, also by Recorded Mail (see Appendix VI, UPR SA13⁵).

4 Jurisdiction of The University

4.1 The University of Hertfordshire is a community whose members work and study in close proximity with each other. The University owes a duty of care to, and has responsibilities towards, each member of that community. For such a community to continue to be successful, it is essential that its individual members adhere to certain standards of good behaviour. These are described in detail in the Student Code of Conduct (see UPR SA01⁶) and the supporting Statement of Responsibilities and Commitments (see Appendix I, UPR SA01⁷).

4.2 The University of Hertfordshire takes seriously its responsibilities to the local and wider community, recognises its broader social responsibilities as a Higher Education institution and is committed to upholding, through its aims, objectives and mission, certain standards and values. The University will at all times be entitled to uphold and protect its good name and reputation and, therefore, reserves the right to take disciplinary action against students where there is reason to believe that they may have breached University regulations or brought the University into disrepute through their behaviour on University premises or elsewhere.

⁵ Appendix VI, UPR SA13 ‘Approved Letters and Forms’

⁶ UPR SA01 ‘Student Code of Conduct’

⁷ UPR SA01, Appendix I, ‘Statement of Responsibilities and Commitments’

5 Scope

5.1 These policies and procedures apply to all students of the University of Hertfordshire.

5.2 All students should note that they are bound by the University's regulations and procedures and that acceptance of these regulations and procedures is a condition of registration for all students of the University of Hertfordshire. These regulations and procedures apply also to other persons to whom the University provides educational services (such as 'short courses') who are required to be bound by University regulations.

5.3 **Students registered on programmes delivered at Partner Organisations which lead to awards of the University**

5.3.1 Alleged Academic Misconduct

Where it is alleged that a student may have committed an Academic Misconduct offence, the matter will be dealt with initially by the Partner Organisation in accordance with the policies, regulations and procedures operated by the Organisation. Following the Organisation's final decision, students will have a right to request a review by the Deputy Vice-Chancellor in accordance with the procedure and on the limited grounds set out in Appendix III, UPR SA13⁸. The decision of the Deputy Vice-Chancellor in relation to the review will be final and binding on all parties. Having exhausted the University's internal procedures and subject to the provisions of legislation, the student has the right to request the Office of the Independent Adjudicator to review their case.

5.3.2 Alleged Non-Academic Misconduct and criminal offences

i Students are subject to the policies, regulations and procedures of the Partner Organisation relating to criminal offences and Non-Academic Misconduct. Any alleged breaches of such policies, regulations and procedures will be dealt with by the Organisation in accordance with the policies, regulations and procedures operated by the Organisation. The decision of the Partner Organisation in respect of Non-Academic Misconduct will be final, save and except, the student may petition the University for a procedural review of the handling by the Organisation of the matter once all internal levels of appeal at the Organisation have been exhausted. The University will not have jurisdiction in such matters and will only have limited powers to review the matter which will not include overturning the decision made by the Organisation but will include acting in an advisory capacity to the Organisation.

⁸ Appendix III, UPR SA13 'Student Academic Misconduct Panel and Review of a Student Academic Misconduct Panel Decision'

- ii It should be noted that a Partner Organisation may request the University to advise in certain circumstances. Such cases will be dealt with in accordance with the relevant University procedures and the University reserves the right to impose on a student or graduate any of the penalties set out in Appendix I, UPR SA13³ /Appendix I, UPR SA15⁴ or elsewhere in University regulations.

6 Role of the Vice-Chancellor

6.1 Designation of deputies and nominees for the purposes of UPR SA13

The Vice-Chancellor may, from time-to-time, at their sole discretion, identify nominees and deputise individuals to act on their behalf in respect of all aspects of the procedures set out in these regulations (UPR SA13), save and except that where it is proposed that a student should be suspended or excluded from the University the decision will be made only by the Vice-Chancellor or, in the Vice-Chancellor's absence, by the Deputy Vice-Chancellor, or in the absence of both the Vice-Chancellor and Deputy Vice-Chancellor, the senior University official who has been designated by the Vice-Chancellor to undertake the acting position on behalf of the Vice-Chancellor. The Student Procedures Co-ordinator will maintain a written record of the delegations made by the Vice-Chancellor under the provisions of section 6.1.

- 6.2 The Vice-Chancellor may make an anonymised report to the President of the Students' Union concerning any matter of student discipline and will do so in all cases of suspension or exclusion.

7 Role of the Secretary and Registrar

The Secretary and Registrar is responsible to the Vice-Chancellor and the Board of Governors for the proper administration of the policies, regulations and procedures set out in this document. Where it is believed that an offence may have occurred, the Secretary and Registrar has discretion to refer the matter to the appropriate stage of these procedures.

8 Policy

8.1 General

- 8.1.1 Regardless of whether or not the incident took place on premises owned or occupied by the University, the University reserves the right to invoke disciplinary proceedings against a student where it is believed that the student may have:
 - a committed a criminal offence and/or
 - b committed an Academic Misconduct offence and/or
 - c committed a Non-Academic Misconduct offence and/or
 - d acted in a manner which has or is likely to bring the University into disrepute.
- 8.1.2 Where a student enrolled on a Professional Programme (as defined in UPR SA15¹) is alleged to have behaved in a way that calls into question their fitness to practise, the matter will be dealt with under the provisions of UPR SA15¹.

- 8.1.3 In applying its disciplinary policies and procedures the University will have due regard for the needs of those students who are disabled, for example, those who have mental health difficulties (see UPR EQ07⁹).
- 8.1.4 Should disciplinary proceedings occur during or before a period of assessment and there is concern that such proceedings may affect a student's performance in an assessment, students are expected to apply for an extension to the assessment deadline and/or submit Exceptional Circumstances to the relevant Module Board of Examiners (see section C3.8, UPR AS14¹⁰).
- 8.1.5 The University will make reasonable efforts to handle cases efficiently and to comply with the time periods specified in this document (UPR SA13).

8.2 Breach of University regulations by students (Academic Misconduct and Non-Academic Misconduct)

- 8.2.1 Unless it has been deemed appropriate to deal with a matter under the provisions of UPR SA15¹, alleged Academic and Non-Academic Misconduct by students will be dealt with in accordance with UPR SA13.
- 8.2.2 It should be noted that where an allegation is proven, the University reserves the right to include full information about the case on the offending student's personal file.

8.3 Students' fitness to practise

(See section D12, UPR AS14¹⁴ and UPR SA15¹.)

8.4 Schedule of Sanctions and Penalties for Academic and Non-Academic Misconduct offences

- 8.4.1 The University reserves the right, at its absolute discretion to impose sanctions and penalties, as set out in Appendix I, UPR SA13³; Appendix I, UPR SA15⁴, in circumstances where an offence has been proven. These sanctions and penalties are not absolute and the University reserves the right to vary them where it deems this to be appropriate.
- 8.4.2 In determining the sanction or penalty to be imposed, the relevant Panel will have regard for mitigating circumstances presented for consideration at any Hearing.

8.5 Criminal offences by students

(Note:

Counter Terrorism and Security Act 2015

For the avoidance of doubt, the University's policy is to treat alleged breaches of the Counter Terrorism and Security Act 2015 and/or of the Home Office guidance 'Prevent Duty Guidance for Higher Education Institutions in England and Wales' (2015) in the same way as other alleged serious criminal offences.

⁹ UPR EQ07 'Student Mental Wellbeing'

¹⁰ UPR AS14 'Structure and Assessment Regulations – Undergraduate and Taught Postgraduate Programmes'

Unacceptable or criminal activities, and/or the expression of views that constitute extremist views that risk drawing individuals into terrorism or are shared by terrorist groups, or membership of a Proscribed Organisation (an organisation proscribed by the Home Secretary under the Terrorism Acts 2000 and 2006 for involvement with terrorist activity) are offences under the terms of University regulations (see Appendix I, UPR SA13³/Appendix I, UPR SA15⁴.)

- 8.5.1 The University expects that all serious criminal offences should be reported to the Police.
- The University encourages students who are victims of crime to report incidents to the Police.
- 8.5.2 Where it is suspected that a criminal offence may have been committed by a student, regardless of whether or not the incident took place on University property, the Vice-Chancellor may report the matter to the Police and may also inform the President of the Students' Union. In exceptional cases, the Vice-Chancellor may suspend or exclude the student from the University, as the Vice-Chancellor thinks fit in all the circumstances. A review of any such decision will be undertaken within ten (**10**) working days.
- 8.5.3 The University recognises that any offence which is likely to attract a custodial sentence should be dealt with initially by the Courts. However, it should be noted that each case will be judged according to its individual circumstances.
- 8.5.4 In all cases, the University reserves the right to seek advice from its solicitors and/or to discuss with the Police whether charges should be brought.
- 8.5.5 Where a victim refuses to report to the Police an alleged serious offence, or one which is likely to attract a custodial sentence, only in circumstances which are of an exceptional nature and/or where the public interest must take precedence, will the Vice-Chancellor report such an alleged offence to the Police against the wishes of the victim.
- 8.5.6 Owing to the inherent risks and serious concerns for both the University and the students involved, the Vice-Chancellor (or nominee) may institute internal disciplinary proceedings in the event that the victim of an alleged serious criminal offence has refused to report the allegation to the Police.
- 8.5.7 It should be noted that all such cases (see 8.5.5 and 8.5.6) will be judged by the Vice-Chancellor in the light of individual circumstances. Where the Vice-Chancellor is satisfied that exceptional circumstances apply, they may resolve to deal with the matter internally through the Student Disciplinary Procedures set out in this document (UPR SA13) or via the procedures set out in UPR SA15¹.
- 8.5.8 Criminal offences by students - reporting
- i Where a student is charged with or convicted of a criminal offence, they ~~is~~ are required to report the matter formally and immediately to the Dean of Students.
 - ii Members of staff who become aware that a student has been charged with or convicted of a criminal offence should report such information immediately to the Dean of Students

- iii The Dean of Students is required to inform both the Secretary and Registrar and the Vice-Chancellor and when making such reports will provide advice to enable the seriousness of the alleged offence to be assessed and an appropriate course of action determined by the Vice-Chancellor. The Vice-Chancellor, at their absolute discretion, may suspend or exclude the student from the University (see section 11).

8.5.9 Criminal offences by students - general principles to be applied in the administration of discipline where a student has been charged with a criminal offence

In cases where a student has been charged with a criminal offence, the Vice-Chancellor will adhere to the following general principles:

- i they will be guided, where relevant, by the decision of the Court;
- ii in the event that the Police or the Crown Prosecution Service resolve not to proceed with a case, the University may nevertheless continue with internal disciplinary proceedings in relation to the matter where it has been confirmed that the decision by the Crown Prosecution Service or the Police not to proceed was based on some special factor other than the quality of the evidence.

8.6 Students who have withdrawn

Where a student against whom an allegation has been made, withdraws from the University prior to the matter being resolved under the provisions of University regulations, the University reserves the right, at its absolute discretion, to proceed with a Hearing and/or any other processes permitted by University regulations, including, but not necessarily limited to, reporting the outcome to the relevant Regulator, as defined in section 11.8, UPR SA15¹.

9 Student Disciplinary Procedure - Non-Academic Misconduct

9.1 Non-Academic Misconduct – notification of allegations

Allegations of Non-Academic Misconduct will be notified in writing to the Office of the Dean of Students.

9.2 Non-Academic Misconduct – Stage 1 – preliminary process

9.2.1 The Office of the Dean of Students will investigate the allegation by appointing an independent person to carry out an investigation.

9.2.2 Where there is evidence that:

- a an offence may have been committed in University accommodation and/or
- b an offence may have been committed in relation to services or premises managed by Library and Computing Services and/or
- c an offence of another type or in another area may have been committed and/or
- d the nature of the alleged offence is not serious and/or
- e it is a first offence,

the Office of the Dean of Students, at its absolute discretion, may seek to resolve the matter informally.

The Office of the Dean of Students:

- a has discretion to determine an appropriate informal process to be used in each case;
- b has discretion to impose a reasonable penalty which might include:
 - 1 a 'first warning' or
 - 2 where relevant, an appropriate Residential Accommodation sanction or penalty, up to and including, dismissal from University Accommodation;
 - 3 a requirement on the student to apologise and/or to give an undertaking as to their future behaviour, fines or work by the offender to make good damage caused.

9.2.3 Non-Academic Misconduct – Stage 2 - referral to the formal process

Where there is evidence that an offence may have been committed and that:

- a the nature of the offence is serious and/or
- b it is not a first offence and/or
- c the student is not prepared to accept the penalty or sanction imposed at the informal stage,

the Office of the Dean of Students will refer the matter together with a written report of the investigation conducted under the provisions of section 9.2 to the Student Procedures Co-ordinator for consideration by a Student Disciplinary Panel.

9.3 Non-Academic Misconduct - Stage 2 - formal process

9.3.1 The Student Procedures Co-ordinator will:

- a within five (**5**) working days or as soon as possible thereafter, issue a **Letter** (see Appendix VI, UPR SA13⁹) to the student and
- b within ten (**10**) working days or as soon as possible thereafter, convene a Student Disciplinary Panel to consider the matter (see Appendix II, UPR SA13¹¹).

(Note for guidance – Student Disciplinary Panel)

A Student Disciplinary Panel is an ad hoc panel convened on the authority of the Vice-Chancellor. Student Disciplinary Panels may be convened, as appropriate, to deal with matters under the provisions of UPR SA13 or UPR SA15¹.

Appendix II, UPR SA13¹⁵ gives full information about Student Disciplinary Panels, their operation under the provisions of UPR SA13, their governance, composition and powers, and the process for requesting a review of a Panel decision.)

¹¹ Appendix II, UPR SA13 'Student Disciplinary Panel and Review of a Student Disciplinary Panel Decision'

10 Student Disciplinary Procedure - Academic Misconduct

Academic misconduct processes are in accordance with the provisions of Appendix III, UPR AS14⁵. At Stage 3 of academic misconduct proceedings, the alleged academic misconduct is regarded as a serious disciplinary matter to be considered in a formal hearing by a Student Academic Misconduct Panel (SAMP).

(Note for guidance – Student Academic Misconduct Panel)

A Student Academic Misconduct Panel is an ad hoc panel convened on the authority of the Vice-Chancellor. Student Academic Misconduct Panels may be convened, as appropriate, to deal with matters under the provisions of UPR SA13 or UPR SA15¹.

Appendix III, UPR SA13¹² gives full information about Student Academic Misconduct Panels, their operation under the provisions of UPR SA13, their governance, composition and powers, and the process for requesting a review of a Panel decision.)

11 Suspension or Exclusion from The University by, or on the authority of, the Vice-Chancellor (generic process)

See Appendix IV, UPR SA13¹².

(Note for guidance – Suspension or Exclusion from the University by the Vice-Chancellor)

The process whereby the Vice-Chancellor exercises their power to Suspend or Exclude a student from the University may be invoked under the provisions of UPR SA13 or UPR SA15¹ or otherwise as the Vice-Chancellor thinks fit.

Appendix IV, UPR SA13¹⁶ gives full information about the process and about how a request may be made for the review of a decision by a Review Committee of the Board of Governors.)

12 Office of the Independent Adjudicator

Having exhausted the University internal procedures and subject to the provisions of legislation, the student has the right to request the Office of the Independent Adjudicator to review their case.

13 Legal Redress

Nothing in this document is intended to exclude or limit the student's right to bring legal proceedings.

¹² Appendix IV, UPR SA13 'Suspension or Exclusion from the University by the Vice-Chancellor'

14 Monitoring

- 14.1 The University will monitor the operation of these policies and procedures and will publish non-confidential data.
- 14.2 The Vice-Chancellor will submit an Annual Report to the Academic Board and to the Board of Governors on the operation of the University's student disciplinary procedures. The information in the Annual Report will be anonymised.

15 Standard forms and correspondence

- 15.1 The Secretary and Registrar will devise and issue standard forms and correspondence to be used in conjunction with UPR SA13 (see Appendix VI, UPR SA13⁹).
- 15.2 Associate Deans of School (Academic Quality Assurance) and/or the Dean of Students will ensure that only the current standard forms and letters approved by the Secretary and Registrar from time-to-time are used (see Appendix VI, UPR SA13⁹).

(Note for guidance)

Schools are required to use the current versions of the forms and standard letters approved by the Secretary and Registrar and are not permitted to use forms and letters created locally. Where a change to an existing form or letter, or an additional form or letter is thought necessary, a request should be made in the first instance to the centralised Academic Misconduct team.)

Signed:

Date: **1 August 2022**

Sharon Harrison-Barker
Secretary and Registrar

Alternative format

If you need this document in an alternative format, please email us at governanceservices@herts.ac.uk or telephone us on +44 (0)1707 28 6006.