

## SUSPENSION OR EXCLUSION FROM THE UNIVERSITY BY THE VICE-CHANCELLOR

### SUMMARY OF PRINCIPAL CHANGES

#### General changes

*Amendments to version 06.0 are restricted to Appendix I only*

- This document contains generic information concerning Suspension and Exclusion from the University by the Vice-Chancellor and the limited circumstances in which a decision of the Vice-Chancellor might be considered by a Review Committee of the Board of Governors.
- This is a generic University process which may be invoked under the provisions of UPR SA13<sup>1</sup> or UPR SA15<sup>2</sup> and in other circumstances as the Vice-Chancellor thinks fit.
- The text in this document (Appendix IV, UPR SA13) is identical to the text in Appendix IV, UPR SA15<sup>3</sup>, save and except that cross-references may have been revised, as necessary.

*(Amendments to version 06.0, UPR SA13 are shown in italics.)*

#### “1        **SUSPENSION OR EXCLUSION FROM THE UNIVERSITY BY, OR ON THE AUTHORITY OF, THE VICE-CHANCELLOR**

**(Note for guidance:**

The term ‘**Letter**’ is defined in section 3.1.14, UPR SA15<sup>2</sup>/section 3.6, UPR SA13<sup>1</sup> and means the Letter approved by the Secretary and Registrar for use at a specific point in this process.

**Letters** must be sent by Recorded Mail and to the email address the student has provided to the University for all correspondence.)

- 1.1        The Vice-Chancellor is in all cases responsible for all matters of student discipline. In addition to his or her power to exclude students from the University on disciplinary grounds, the Vice-Chancellor is also empowered to suspend students from the University, on disciplinary grounds, for periods determined solely at his or her discretion. Without prejudice to the generality of the foregoing, in those cases involving an alleged criminal offence, and/or where an individual has been dealing with an illegal substance, and/or in possession of a Weapon (as defined in University regulations) and/or has used an instrument or item with the intention of causing damage or harm or to cause damage or harm, the Vice-Chancellor may suspend or exclude the student from the University as the Vice-Chancellor thinks fit in all of the circumstances.
- 1.2        The Vice-Chancellor, in his sole discretion, may elect to meet in person with the student prior to determining whether to impose a suspension or exclusion, but is not bound to do so.
- 1.3        **Although these procedures provide for a review on limited grounds, in all circumstances, a decision by the Vice-Chancellor to suspend or exclude a student from the University is final.**

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<sup>1</sup> UPR SA13 ‘Student Discipline’  
<sup>2</sup> UPR SA15 ‘Student Fitness to Practise’  
<sup>3</sup> Appendix IV, UPR SA15 ‘Suspension or Exclusion from the University by the Vice-Chancellor’

## 1.4 Suspension

- 1.4.1 The student concerned will be informed in writing by means of a **Letter** (Appendix VI, SA13<sup>4</sup> refers) of the Vice-Chancellor's decision to impose a suspension.
- 1.4.2 The Vice-Chancellor may, at his or her sole discretion, lift a suspension temporarily to enable a student to take any assessments.
- 1.4.3 In any case of a suspension, the Vice-Chancellor shall stipulate the period of the suspension. The **Letter** will notify the student concerned that he or she must make a written request to the Vice-Chancellor, via the Dean of Students, to have a suspension lifted temporarily so that the student may take an assessment.
- 1.4.5 Where a student submits an assessment or attends an examination (or similar) without first having his or her suspension lifted temporarily by the Vice-Chancellor, the student will be considered not to have submitted or attended and the work will not be considered.
- 1.4.6 Any suspension imposed will be reviewed by the Vice-Chancellor at regular intervals.
- 1.4.7 The Vice-Chancellor will, in all cases, notify the President of the Students' Union, the Academic Board and the Board of Governors, by means of an anonymised report, when he or she has exercised his or her power to suspend.
- 1.4.8 The Vice-Chancellor will inform the Chairman of the relevant Programme Board of Examiners that the student has been suspended *from the University* and that he or she (the student) has been informed that a request must be made by the student to the Vice-Chancellor to have the suspension lifted temporarily so that the student may take an assessment.
- 1.4.9 Within ten (**10**) working days of its imposition, the student may, on limited grounds, request a review by a Review Committee of the Board of Governors of the decision of the Vice-Chancellor to suspend him or her from the University, by means of the procedure set out in section 2 of this document.

## 1.5 Exclusion

- 1.5.1 The student concerned will be informed in writing by means of a **Letter** (Appendix VI, UPR SA13<sup>4</sup>, refers) of the Vice-Chancellor's decision to exclude him or her from the University.
- 1.5.2 The **Letter** will advise the student that the University considers that fourteen (**14**) calendar days' notice has been given of the termination of any agreement/licence for the provision by the University to the student of residential accommodation.
- 1.5.3 The Vice-Chancellor will, in all cases, notify the President of the Students' Union, the Academic Board and the Board of Governors, when he or she has exercised his or her power to exclude. The information in this report will be anonymised.
- 1.5.4 Within ten (**10**) working days of its imposition, the student may, on limited grounds, request a review by a Review Committee of the Board of Governors of the decision of the Vice-Chancellor to exclude him or her from the University, by means of the procedure set out in section 2 of this document.

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<sup>4</sup> UPR SA13, Appendix VI 'Approved Letters and Forms'

## 2 SUSPENSION OR EXCLUSION – REVIEW BY THE BOARD OF GOVERNORS

2.1 A review by a Review Committee of the Board of Governors of a suspension or exclusion imposed by the Vice-Chancellor will be allowed in the following limited circumstances:

- i where new and relevant information not already brought forward at an earlier stage becomes available provided the new and relevant information could not have legitimately been available and brought forward at the earlier stage and will be conclusive of an issue under review or

**(Note for guidance:**

For the avoidance of doubt, only new information, specifically relevant to the grounds on which the request is being made will be accepted.)

- ii where the student reasonably believes that there is a prima facie case of procedural irregularity or appearance of bias or actual bias.

### 2.2 Secretary and Registrar

The Secretary and Registrar (or nominee) will determine if one or both grounds for a review have been satisfied. The decision of the Secretary and Registrar (or nominee) is final.

### 2.3 Making a request

2.3.1 Provided one or more of the grounds stipulated in section 2.1 of this document are satisfied, a **'Request for a Review by the Board of Governors'** in the required format (Appendix VI, UPR SA13<sup>4</sup>, refers) must be received by the Head of Governance Services within ten **(10)** working days of the date on which the Vice-Chancellor's decision was communicated to the student in writing (this date is the date of the **Letter** - section 1.4 i and 1.5 i of this document refer - and not the date of its receipt by the student).

2.3.2 The Head of Governance Services will, as soon as reasonably possible thereafter:

- i acknowledge receipt of the request in writing, by means of a **Letter** (Appendix VI, UPR SA13<sup>4</sup>, refers);
- ii make the necessary arrangements for a Hearing (the date of the Review Committee meeting will be sufficiently far ahead to ensure that as far as reasonably possible witnesses can be traced and informed of the requirement to attend);
- iii issue a **Review Hearing Letter** (Appendix VI, UPR SA13<sup>4</sup>, refers) by recorded mail and to the email address the student has provided to the University for all correspondence;
- iv unless the Secretary and Registrar has delegated this responsibility to the Office of the Dean of Students, will make detailed arrangements with witnesses.

### 2.3.3 Review Committee of the Board of Governors – governance, composition and operation

- i The Board of Governors has established an ad hoc Review Committee composed of three **(3)** Governors who may be Independent Members or External Co-opted Members. The members of the Review Committee will elect a Chairman from amongst their own number.
- ii The quorum shall be two **(2)**.

- iii No person directly involved with the case shall be a member of the Review Committee.

**Case Officer:** the Chairman of the Panel that made the recommendation to the Vice-Chancellor for suspension or exclusion or the Vice-Chancellor

**(Specialist Adviser**

Where a matter dealt with under the provision of UPR SA15<sup>2</sup> is referred for consideration by a Review Committee of the Board of Governors, a Specialist Adviser, who has had no previous involvement in the case, shall be in attendance to provide expert advice to the Review Committee. The Specialist Adviser need not be a member of University staff.)

## 2.4 Review Committee of the Board of Governors - procedures

### 2.4.1 Function and powers of the Review Committee

- i The function of the Review Committee is to examine information which has not already been brought forward at earlier stages and to consider any new information that may be relevant to the case and to decide whether in the circumstances presented there is clear evidence upon which the matter should be referred back to the Vice-Chancellor. The Review Committee does not act as an appeal body, nor is it conducting a re-Hearing of the evidence, and the Review Committee has no authority to overturn the decision of the Vice-Chancellor.
- ii The Committee may refer a matter back to the Vice-Chancellor for further consideration and final decision where the Committee is convinced that there is clear evidence that this is warranted and may recommend that the Vice-Chancellor increases the sanction or penalty imposed at the earlier stage.

**(Note for guidance:**

The Vice-Chancellor has discretion to modify his or her decision to suspend or exclude the student from the University such that a less severe penalty or sanction is imposed. Under the powers granted to him or her by the Articles of Government (UPR GV01<sup>5</sup>, refers), the Vice-Chancellor also has the power to impose a more severe sanction or penalty and may determine that it is appropriate to exclude a student who is under suspension.)

### 2.4.2 Review Committee Hearing

- i The Hearing by the Committee will be conducted in accordance with the rules set out in Appendix V, UPR SA13<sup>6</sup>.
- ii The Case Officer will normally be the Chairman of the Panel that made the recommendation to the Vice-Chancellor for suspension or exclusion and he or she will act as the Respondent;
- iii The Committee may question the student, any witnesses who have been called and the Respondent.
- iv The student and the Respondent may be invited to make any additional comments.

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<sup>5</sup> UPR GV01 'Articles of Government'  
<sup>6</sup> UPR SA13, Appendix V 'Conduct of Panels and Hearings'

- v The student shall have the right to attend the Hearing, to call witnesses, to challenge the decision of the Vice-Chancellor and to be accompanied by a Student's Adviser.
- vi A narrative (non-verbatim) record will be made of the Hearing by a Clerk appointed by the Secretary and Registrar.
- vii The detailed deliberations of the Review Committee are confidential.
- viii Where possible, the Review Committee will advise the student of its decision immediately after the Hearing or will indicate to the student when he or she might expect a decision but is not bound to do so.
- ix The decision of the Review Committee shall be final.
- x The decision of the Review Committee shall be confirmed in writing by the Secretary and Registrar to the student within five (5) working days of the Hearing or as soon as possible thereafter.
- xi Where appropriate, the **Letter** (Appendix VI, UPR SA13<sup>4</sup>, refers) will be accompanied by a **Completion of Procedures Letter** (Appendix VI, UPR SA13<sup>4</sup>, refers) which may be used in relation to any future dealings with the Office of the Independent Adjudicator.
- xii Where a matter has been referred to the Vice-Chancellor for further consideration under the provisions of section 2.4.1, ii of this document, and for the avoidance of doubt, the **Letter** will include the following additional statements:

“No further review by the Board will be allowed in the case and the student will not, therefore, be permitted a further review by the Board against any final decision taken by the Vice-Chancellor as a result of any re-consideration of the matter.

The suspension or exclusion remains in place unless the Vice-Chancellor decides to rescind it or to vary the sanction.”
- xiii A copy of the **Letter** will be provided to the Dean of Students who will be responsible for instigating any consequent action, including, as appropriate, providing copies of the **Letter** to other relevant members of staff.”

Mrs S C Grant  
Secretary and Registrar  
Signed: 14 March 2018