



City, University of London

Senate Regulation 13 Student Discipline

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Equality and Diversity Statement

We are committed to promoting equality, diversity and inclusion in all our activities, processes, and culture, under the Public Sector Equality duty and the Equality Act 2010. This includes promoting equality and diversity for all, irrespective of any protected characteristic, working pattern, family circumstance, socio-economic background, political belief or other irrelevant distinction.

We will operate this regulation in accordance with our equality duty under the Equality Act 2010 and our duty of care. Members of staff taking action under this regulation will actively consider any equality and diversity issues which may arise. Where relevant, they may seek advice from specialist student services including in the areas of health and/or disability. We may, where we consider it necessary and appropriate, take disciplinary action irrespective of the causes of any suspected misconduct. Disciplinary proceedings may be postponed, suspended or discontinued where we consider that there is evidence to demonstrate that you are for medical reasons unfit to participate in disciplinary proceedings.

We are committed to championing equality. This includes where applicable to this regulation. We will ensure that in the coordination and make up of decision-making panels we strive to fulfil our commitments to racial equality, gender balance, and actively consider representation of other protected groups.

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Introduction

1. This regulation explains what action we will take in cases where a student's behaviour or conduct is inappropriate or disruptive. We use the term 'misconduct' to describe this behaviour.
2. We define **general (non-academic) misconduct** as improper interference, in the broadest sense, with our proper functioning or activities, including improper interference with our students, our staff, or members of the public.
3. We will normally consider a student's actions as general (non-academic) misconduct, defined in point 2, under this regulation if
 - a. they represent a potential or actual threat to our students, staff or members of the public;
 - b. they relate to how we are able to provide a safe study, living and working environment;
 - c. they represent a potential or actual threat to our safety, security, good order, or our reputation.
4. We define **academic misconduct** in the Academic Integrity & Misconduct Policy as any action that produces an improper advantage for you in relation to your assessment(s) or deliberately and unnecessarily disadvantages other students. It can be committed intentionally or accidentally.
5. Instances of alleged academic misconduct by taught students will initially be considered in accordance with Senate Regulation 19 (Assessment Regulations) and the Academic Integrity and Misconduct Policy and Guidance. Instances of alleged academic misconduct by research degree students will initially be considered in accordance with Senate Regulation 23 (Masters Degrees by Research, Senate Regulation 24 (Doctoral Programmes) and the Research Ethics Framework. More serious cases of academic misconduct may be referred for consideration under Stage 2 of this regulation as set out in *Stage 2 Consideration*.

These documents can be found on our [Student Policies and Regulations webpage](#).

6. The regulation sets out:
 - a. our expectations for student conduct and the support we offer to students;
 - b. the process for reporting cases of misconduct and how we will respond;
 - c. any temporary precautionary action we may need to take to ensure the safety of all members of the City community as set out in *Temporary Precautionary Action* below;
 - d. the steps we will take to investigate and resolve allegations of general (non-academic) misconduct by students;
 - e. the steps we will take to resolve more serious cases of proven academic misconduct by students which have been referred to this regulation.
7. For an overview of the process, please refer to Appendix 3.
8. The regulation also covers some special circumstances, as detailed in their own sections below:
 - a. Activity which may constitute a criminal offence, and notification of police investigation and/or legal proceedings against a student taking place;
 - b. Criminal convictions;
 - c. Fitness to Practise Policy: Programmes regulated by Professional Statutory and Regulatory Bodies (PSRBs).
9. In this regulation, 'you' and 'your' means a student registered for a programme taught by City, University of London, or a former student or an applicant. 'We', 'us' and 'our' means the University or any of its staff, depending on context.
10. In this regulation, the 'reporting party' means the person/people informing us about a possible

case of misconduct; the 'responding party' means the person/people responding to the allegations, that is, the person/people about whom the allegations have been made.

Key Principles

11. City, University of London is committed to protecting the health, safety and wellbeing of all students and stakeholders. City is an educational institution that aims to provide a supportive, engaging and inclusive learning environment for students, conducive to education, research and a positive student experience.
12. In meeting these aims, we recognise that we may need to take action if someone's behaviour or conduct interferes with this environment in any way. This regulation sets out the steps we will take in instances of alleged student misconduct.

Expectations for Student Conduct and Student Support

13. All members of the City community should behave in a way that represents the culture, values and standards of an educational institution whose students enter business, practice and the professions.
14. On registering, students agree to abide by the [University Terms and Conditions](#). In agreeing to these Terms and Conditions, you agree to behave responsibly and maintain standards of good conduct at all times in accordance with our [Student Charter](#), [Codes of Conduct](#) and all our [Regulations and Policies](#).
15. We aim to ensure that all students are supported during their time at University and can meet these expectations. We provide support via a number of services. Details can be found on the [Student Hub](#).
16. On occasion, students may behave in a way that contradicts these expectations. Some examples of misconduct are set out in Appendix 4.

Reporting Possible Student Misconduct

17. If any member of the City community witnesses or experiences something that may meet the definition of misconduct, they are encouraged to report it.
18. Cases of possible academic misconduct can be reported as set out in the Academic Integrity and Misconduct Policy and Guidance.
19. Cases of possible general (non-academic) misconduct can be reported as set out in this section.
20. You are encouraged to tell us about any possible misconduct by speaking confidentially to a member of staff or submitting the details via our [Report + Support](#) service. Any member of the community may also use this service to report or disclose other matters which are not covered by this regulation, but where they would like further support, as detailed on the [Report + Support section of the Student Hub](#).
21. When you tell us about possible misconduct, we will talk to you about what has happened and what support we can offer. We provide support to students via a number of services, and details can be found on the [Student Hub](#).
22. If you have experienced the misconduct, we will also discuss how you can report it formally for us to investigate if you have not already done so. If your allegations are about other student(s), as defined in the scope of this regulation, we may be able to take action under this

regulation, as set out below. If your allegations are about other members of the City community, alternative policies will determine the next steps, including the staff Disciplinary Procedure and staff Probation Procedure. These documents can be found on the [Staff Hub Polices and Guides webpage](#).

23. If you have not experienced the alleged misconduct directly, but have witnessed or become aware of it, we will not usually be able to investigate under this regulation unless the allegations are supported by the person who has experienced the alleged misconduct.
24. In some cases, for example where there may be a risk to members of the City community, we may need to take action under this regulation even when the person experiencing, witnessing or reporting the alleged misconduct does not wish to pursue formal action themselves.
25. We will not normally investigate anonymous allegations of general (non-academic) misconduct against a student. However, an allegation may be investigated if supported by sufficient evidence to justify further consideration of the matter.
26. If we take action under this regulation about a case of possible student misconduct that you have reported, we may invite you to provide more information in writing or at a meeting, and to share with us any evidence, so that we can clarify the allegations and understand the case. We will then follow the steps outlined in *Procedure*. You will be the reporting party in the matter. You will be provided with a named contact in your School who can support you, and who will aim to keep you informed at each stage of the process.

Scope

27. This regulation may be used if the student:
 - a. is registered with us, whether they are actively studying or have suspended or interrupted their study, are dormant or are excluded;
 - b. is a former student, and the concerns relate to alleged academic misconduct during an assessment for their award, or potential criminal conduct;
 - c. has accepted an offer of a place with us.
28. This regulation may be used in relation to conduct which has occurred:
 - a. on our premises, or the premises of organisations with which we work to deliver your programme or services which support your study;
 - b. in spaces near our and our partners' premises;
 - c. when engaged in activities related to your studies with us but which take place elsewhere, e.g. when studying or researching elsewhere including during fieldwork, in employment or on a placement;
 - d. online or in a virtual space, such as a virtual learning environment we use, a social media group relating to a University activity, and in online/text messages.
29. Students who are studying on a course which we validate, or offer in partnership with another organisation, should refer to their student handbook to check the extent to which these regulations apply. The Validated Institution is responsible for student discipline, but appeals against the outcome of a disciplinary procedure may, in certain circumstances, be managed under this regulation. This regulation also deals with more serious academic misconduct at a Validated Institution. Please refer to *Consideration of Cases of Alleged Misconduct by Students Following a Programme of Study Validated by City* for more detail.
30. This regulation may not be used if at any point it becomes clear that the alleged misconduct relates to a student's disability, health condition or learning difference. In such an instance, and where appropriate, the matter may be referred for consideration under Senate Regulation 10 (Support for Study). A copy of Regulation 10 can be found on our [Student Policies and Regulations webpage](#).

31. Alleged breaches of University Codes of Conduct or other University policies may be referred to this regulation. The following should be read alongside this regulation:
- a. [Library Services Code of Conduct](#)
 - b. [Information Services User Regulations](#)
 - c. Student Sexual Misconduct Policy
 - d. Student Bullying & Harassment Policy
 - e. [Regulations governing behaviour in the Student's Union](#)
 - f. [Research Ethics Framework](#)

The Student Sexual Misconduct Policy and the Student Bullying & Harassment Policy are available on our [Student Policies and Regulations webpage](#).

Procedure

32. This section outlines the procedure if we receive an allegation that your behaviour or actions may represent misconduct. One or more officers ('case handlers') will retain oversight of the case. Further detail is provided in the sections below.
33. The standard of proof applied in operating this procedure is the **balance of probabilities**. It is not sufficient for the decision-maker to simply believe that something is likely to have happened. A matter will only be substantiated where the decision-maker finds evidence that it is more likely than not that the alleged incident took place. The standard of proof used in this procedure is different from the standard of proof applied in a criminal case, where decision-makers must be satisfied so that they are sure that the alleged incident took place.
34. Our process for handling general (non-academic) misconduct by students consists of an initial investigation under this regulation, and then three stages under this regulation. Our process for handling academic misconduct by students consists of an initial investigation and the steps set out in the documents referred to in point 5, and then two stages under this regulation.
35. We will also consider whether the alleged misconduct is considered to represent a potential immediate, serious and significant threat to your safety, the safety of any other members of the City community and/or the safety of our premises. If so, where we consider it necessary and appropriate, we may recommend **temporary precautionary action**, as set out in *Temporary Precautionary Action* below.
36. **The initial investigation** for cases of general (non-academic) misconduct aims to enable an investigating officer to establish what has happened and to gather evidence and supporting documentation where appropriate. The outcome of the investigation will determine whether the matter should be resolved at Stage 1 or Stage 2 of the process. There will not be an initial investigation under this regulation in cases of academic misconduct which have been referred from an Academic Misconduct Panel, but you should see the documents referred to in point 5 for details of the investigation stage which will take place.
37. **Stage 1** allows proven but less serious cases of general (non-academic) misconduct to be resolved quickly, and can result in a range of sanctions. Cases of academic misconduct which have been referred from an Academic Misconduct Panel will not be resolved at Stage 1 of this regulation.
38. **Stage 2** will consider more serious cases of misconduct, including those cases where you do not accept the allegations or sanctions at Stage 1, and cases of academic misconduct that have not been resolved at the earlier stages of the academic misconduct process. There will be a panel meeting. Evidence will be presented and both parties have a right to present their case. For proven misconduct, the panel will decide on an appropriate sanction, which can include suspension or expulsion.
39. **Stage 3 is the appeal stage**. This is not a re-hearing of the case, but provides an opportunity to check that the process so far has operated properly, fairly and proportionately.

40. The [Office of the Independent Adjudicator for Higher Education \(OIA\)](#) provides an independent final stage.
41. We will aim to conclude disciplinary proceedings within 90 days. The case handler at each stage will establish appropriate timescales based on the nature and complexity of the case and the progress of any parallel proceedings. We will tell you these timescales and keep you informed of any changes.

Temporary Precautionary Action

42. Where your conduct is considered to represent a potential immediate, serious and significant threat to your safety, the safety of other members of the City community and/or the safety of our premises, the investigating officer or case handler at any stage of the process may recommend temporary precautionary action.
43. In some cases, temporary precautionary action may be recommended during or after the initial investigation. In some cases, we may need to take temporary precautionary action before an initial investigation, but we will offer you an opportunity to respond to the allegation as soon as possible.
44. We consider conduct defined as 'major' in Appendix 4 to be examples of conduct which could represent such a threat.
45. Temporary precautionary action may include but is not limited to:
 - a. partial or full exclusion from activities or spaces;
 - b. temporary full or partial suspension;
 - c. issuing a no-contact agreement between you and the reporting party and/or other affected parties.
46. The President (or nominee) will be asked to decide whether to approve the recommended temporary precautionary action, subject to a risk assessment conducted by a relevant department or service (for example Safeguarding).
47. Where we take such action, we will inform you, and give you reasons. We will advise you that such action is a precautionary measure and does not constitute a judgement on the case, or a sanction.
48. Where we take such action, your case will then be overseen by someone in Academic Services. It will be considered via an initial investigation and then at Stage 2; we will not attempt to resolve the matter at Stage 1.
49. Where we take such action, you have the right to appeal the decision via email to ace@city.ac.uk within 10 working days of the decision being communicated to you. For the avoidance of doubt, any action that has been taken will remain in place while the appeal is being investigated.
50. You may appeal the decision by stating that the action was disproportionate on one or both of the following grounds:
 - a. That there is new material evidence that, for demonstrable, valid and over-riding reasons you could not submit previously;
 - b. That there were defects in the conduct of the disciplinary investigation such as to render the decision unsound.
51. The Academic Registrar (or nominee) will investigate your appeal and respond to you in writing within 10 working days from submission of your appeal. The outcome of the appeal could be to amend or revoke the temporary precautionary action that was applied, or to make

no recommendation for change.

Initial Investigation Stage (General Misconduct)

52. If we receive a report of alleged misconduct against you, your School will be informed.
53. An officer will be nominated to oversee your case (a 'case handler'). In most instances, your School will nominate a case handler from within the School. In some instances, including where temporary precautionary action is taken, the Academic Registrar will nominate a case handler from Academic Services, either generally or in relation to a specific case.
54. The case handler will first consider whether the alleged behaviour constitutes misconduct or whether it may be better considered under a different regulation or process.
55. If the concern is determined to be suitable for consideration under this regulation, the case handler will nominate an officer to investigate your case (an 'investigating officer'). It will usually be appropriate for the investigating officer to be a different member of staff from the case handler. The investigating officer may be from your School or from the service area where the misconduct is alleged to have taken place, or may be an alternative officer with relevant expertise and experience.
56. If your alleged misconduct may breach standards required by professional, statutory or regulatory bodies (PSRBs), the case handler will consider whether it is necessary and appropriate to inform the PSRB of the matter, if misconduct is admitted or proved, or whether any other actions should be taken in the meantime.
57. The case handler will also consider whether there are any special circumstances which might warrant additional consideration as outlined in the following sections: *Activity Which May Constitute a Criminal Offence, and Notification of Police Investigation and/or Legal Proceedings Against a Student Taking Place; Criminal Convictions; Fitness to Practise (Train) Policy: Programmes regulated by Professional Statutory and Regulatory Bodies (PSRBs).*
58. The case handler will ensure that the reporting party is informed that an investigation is underway. The reporting party will continue to be supported by the named contact in their School.
59. At the same time, the case handler will contact you in writing to:
 - a. inform you of the alleged misconduct, and that the matter will be considered under Regulation 13 (Student Discipline);
 - b. provide you with details of the alleged misconduct, and specifically how the misconduct is defined as per the definitions and examples in the *Introduction* and Appendix 4;
 - c. provide you with details of the investigating officer;
 - d. provide you with copies of any evidence relied on during the course of the investigation
 - e. inform you where information regarding the Student Charter, Codes of Conduct, relevant Regulations and Policies may be found;
 - f. provide you with a named contact in your School who can support you and keep you informed during the process. This person will not be the case handler or the investigating officer. You will also be informed of support and advice available to you via, but not limited to, our [Student Support Services](#) and the [Student's Union](#).
60. The investigating officer will contact you to:
 - a. invite you to submit an initial response verbally or in writing;
 - b. invite you, if you accept the allegation of misconduct, to present any mitigating factors which may be taken into account when considering what actions may be taken;
 - c. invite you to meet them, where considered appropriate and practical.
61. Where the allegations are about more than one student, each student will be contacted individually but it will usually be appropriate to invite all students to one meeting so that the

matter can be investigated as a whole. Each student should additionally be given an opportunity to present any sensitive information privately.

62. The investigating officer will continue to investigate the alleged misconduct to ascertain the facts. In doing this, they may
- a. invite the reporting party or any witnesses to provide other information or evidence verbally or in writing (note that any statements provided by the reporting party or witnesses will not usually be anonymised unless any party is deemed to be at risk);
 - b. ask any third parties to provide additional information verbally or in writing;
 - c. take advice from specialist student services;
 - d. invite you to respond to any new information gathered during the course of the investigation, and to present your own information or evidence.
- They will keep a record of written and verbal correspondence, meetings, evidence used and any other relevant documentation.
63. The investigating officer will also consider whether there are, if you accept the allegation of misconduct, any mitigating factors (e.g. acknowledgment of the misconduct, or the willingness to put things right) or whether there are any aggravating factors (e.g. an instance of repeated misconduct, or misconduct related to a protected characteristic) which should be taken into account. The investigating officer will also consider any other relevant factors such as the context of the alleged misconduct or the circumstances of all parties at the time.
64. We usually aim to conclude the investigation stage in three weeks.
65. The investigating officer will present their findings and recommendations to the case handler. The case handler will confirm whether the matter is considered substantiated or unsubstantiated.
66. The burden of proof lies with the University. The standard of proof applied is the balance of probabilities, as defined in point 33.
67. Where the matter is unsubstantiated, the allegations are not upheld and no further action is taken.
68. Where the matter is substantiated, the case handler will decide whether the matter could be resolved at Stage 1 or should be referred to Stage 2, as set out in the sections below.
69. You will be informed in writing, with reasons, of the outcome of the investigation and any next steps as set out in the sections below. Your named contact will remain available to support you.
70. The reporting party and any others affected by the alleged misconduct will also be informed of the outcome of the investigation and any next steps. Their named contact will remain available to support them.
71. If the matter is to be referred to Stage 2, the investigating officer is required to summarise the investigation in the relevant sections of the Stage 2 referral form which should
- a. provide the details of the alleged misconduct, and specifically how the misconduct is defined as per the definitions and examples in the *Introduction* and Appendix 4;
 - b. provide a summary of the initial investigation including what steps were taken to establish the facts and how the decision was reached that the matter was substantiated;
 - c. outline why the actions available under Stage 1 are not sufficient to respond to the matter;
 - d. state what the preferred outcome is at Stage 2.

The Stage 2 referral form can be found in Appendix 5.

Stage 1 Resolution

72. The case handler may recommend that the matter is resolved at Stage 1 if the misconduct is not considered to represent potential serious or repeated misconduct.
73. The case handler will confirm this recommendation and will invite you to present any mitigating factors. They will also consider any factors highlighted by the investigator as per point 0.
74. The case handler will confirm an appropriate remedy or course of action, usually with specified actions and deadlines. Remedies or courses of action could include, but are not limited to:
 - a. asking you to send a letter of apology for your misconduct;
 - b. asking you to seek support from a relevant support service;
 - c. asking you to attend training or another development session ;
 - d. issuing you with a written warning.
75. Where the allegations are about more than one student, a decision will be made on the appropriate remedy or course of action on an individual basis, taking into account individual circumstances.
76. Where you accept this remedy or course of action, the matter is considered resolved and no further action is taken. Where you do not accept this remedy or course of action, the matter will be referred to Stage 2, as below.
77. The reporting party and any others affected by the alleged misconduct will also be informed of the outcome of the investigation and the sanction applied, where it affects them.

Stage 2 Referral

78. The case handler may refer a matter of general (non-academic) misconduct to Stage 2 if the case is considered to represent potential serious or repeated misconduct, including where temporary precautionary action has been taken, or if it cannot be resolved at Stage 1 because
 - a. you do not engage with the initial investigation process; or
 - b. you dispute the allegation; or
 - c. you reject the remedy or course of action recommended by the case handler at point 76, or you accept it but do not comply.
79. The case handler should ensure that the Stage 2 referral form in Appendix 5 is completed in full and send a copy to Academic Services (where they are not a member of staff in Academic Services) along with all relevant supporting documentation, including:
 - a. a copy of the Report + Support form;
 - b. copies of correspondence sent at the initial investigation stage, including where you were informed of the allegations against you;
 - c. any written response to the allegation;
 - d. notes from any meetings that were held;
 - e. any evidence collated during the course of the investigation.
80. A case of academic misconduct that has not been resolved at the School level in accordance with the steps set out in the documents referred to in point 5 will automatically be referred to Stage 2.
81. Where a case of academic misconduct is referred to Stage 2, the School is required to provide Academic Services with:
 - a. details of the alleged academic misconduct, and specifically how the misconduct is defined in terms of the Academic Integrity and Misconduct Policy and Guidance;
 - b. a copy of the Academic Misconduct Panel findings and outcome;
 - c. copies of correspondence sent at the initial investigation stage, including where you were

- informed of the allegations against you;
- d. any written response to the allegation;
- e. notes from any meetings that were held, including the Academic Misconduct Panel itself;
- f. any other supporting documentation collated during the course of the investigation.

Stage 2 Consideration

82. The Academic Registrar will appoint a member of staff to act as the new case handler for the Stage 2 consideration, either generally or in relation to a specific case. In most instances, the case handler is likely to be a member of staff from Academic Services. If you have been subject to temporary precautionary action, as outlined in *Temporary Precautionary Action*, the Academic Registrar (or nominee) will already have appointed a case handler and the matter will automatically have been referred to Stage 2.
83. The case handler will carry out an initial scrutiny of the case, and may undertake additional investigations where necessary, to ensure that:
 - a. actions available under the initial investigation stage and Stage 1 have been exhausted;
 - b. all relevant documentation is collated, as per points 79 and 81;
 - c. you have been appropriately informed of the referral.
84. Where the case does not satisfy the above requirements, the case handler has the option of referring the matter to a previous stage to allow any specific actions to be undertaken. You will be notified in writing of this decision.
85. Where the case satisfies the above requirements, the case handler will contact you in writing to:
 - a. confirm that the referral to Stage 2 has been accepted;
 - b. provide you with a copy of all the documentation that has been collated (points 79 and 81);
 - c. confirm the next steps and likely timescales.
86. The case handler will proceed to schedule a Disciplinary Panel meeting.
87. The role of a panel in a case of academic misconduct is to hear from all parties and make a decision on an appropriate sanction. The role of a panel in a case of general (non-academic) misconduct is to decide whether the allegations can be upheld or not, and to agree on an appropriate sanction where necessary.
88. We usually aim to hold the panel meeting within three weeks of the referral to Stage 2. You will be notified in writing of the arrangements for the panel meeting. Panel meetings are usually scheduled for 90 minutes and may be held in person or online.
89. Where the allegations are about more than one student, each student will be contacted individually but it will usually be appropriate to schedule one panel meeting with all responding students invited to attend, so that the matter can be considered as a whole. Each student should additionally be given an opportunity to present any sensitive information to the panel privately.
90. The Disciplinary Panel will consist of three people:
 - a. a Chair taken from a list of nominees approved by Senate;
 - b. an additional member of staff taken from a list of nominees approved by Senate;
 - c. a Students' Union officer (or nominee also from the Students' Union). If, following a reasonable search, no Students' Union officer or member of staff can be found, a third member of staff taken from a list of nominees approved by Senate will be appointed.
91. Members of staff on the Senate-approved list will have received adequate, up-to-date training.

92. You will be invited to provide a written submission or any additional evidence for the panel's consideration if you wish, although it is expected that all relevant information should have been collated at the initial investigation stage.
93. You will be given a deadline for the submission of any new documentation, which is usually a week before the panel meeting takes place. Any submissions received after this deadline, including at the panel meeting itself, will be accepted only at the Chair's discretion.
94. All documentation (as per points 79 and 81 and any additional statements or evidence as per point 92) will be circulated to the panel in advance of the panel meeting.
95. Where the allegations are about more than one student, it will usually be appropriate for all documentation to be shared with every responding student in advance, unless there is sensitive information which is shared with the panel privately.
96. You will be invited in advance and in writing to attend the panel meeting and may choose to be accompanied by one other person (or more than one person at the Chair's discretion). Normally the person accompanying you would not be a legal representative.
97. Under very exceptional circumstances, the University may allow a solicitor or barrister to attend in their role as a legal professional. Such exceptions will be considered on a case-by-case basis by the Academic Registrar (or nominee), using the following criteria:
 - a. The seriousness of the allegation;
 - b. Complexities in the evidence likely to be presented;
 - c. The capacity of the individual to understand the case against them;
 - d. Likely procedural challenges;
 - e. The need for fairness in the cross-examination.
98. You may request witnesses that witnesses attend the panel meeting. The reporting party may also request that witnesses (including themselves) attend the panel meeting. The Chair will be required to approve such requests.
99. The panel may invite witnesses, consultants, experts or similar to attend to assist the panel in its considerations, but these people will not have a role in the panel itself and will not make any decisions.
100. In the case of general misconduct, the investigating officer (or nominee) will be invited to attend the panel meeting. In the case of academic misconduct, the Chair of the Academic Misconduct Panel (AMP) (or nominee) will be invited to attend the panel meeting. This person will present their findings and answer any questions. They will not have a role in the panel itself and will not make any decisions.
101. A secretary will attend the panel meeting to take minutes but will not have a role in the panel itself and will not make any decisions. With the agreement of everyone who is present at the panel meeting, the meeting may be recorded.
102. If you choose not to attend or fail to attend without submitting in writing valid reasons for a postponement, the panel may proceed in your absence.
103. At the panel meeting, the panel will invite the investigating officer or Chair of the AMP to make a statement. The panel may invite the reporting party or other witnesses, where appropriate, to make a statement. The panel will invite you to make a statement responding to the allegations. The panel may also ask questions of any party. Before the panel considers its decision, the investigating officer or Chair of the AMP will be invited to make a summary statement, and then you will be invited to summarise your response to the allegations that have been made. In the case of academic misconduct, where the misconduct has already been proven, or if you accept the allegations of general (non-academic) misconduct, you will be invited to present any mitigating factors. A template agenda for the meeting can be found in Appendix 6.

104. You are expected to speak to the panel directly, and to respond by yourself to any questions that are put to you by the panel or via the panel. You may only have another person speak on your behalf during the panel meeting with the Chair's agreement.
105. The panel will ask you and other parties (apart from the secretary) to leave the meeting while it consider its decision.
106. In a case of general (non-academic) misconduct, the panel will reach a decision on whether the allegations can be upheld or are unsubstantiated. The burden of proof lies with the University. The standard of proof applied is the balance of probabilities, as defined in point 33.
107. Where the panel finds the allegations unsubstantiated, the case will be dismissed and no further action will be taken.
108. Where the panel upholds the allegations, you will be invited to present any mitigating factors. Where practical, the panel may ask you to return to the meeting on that day, or the panel may contact you separately to arrange to receive this information.

Stage 2 Sanctions and Outcome

109. The sanctions available in a case of academic misconduct are:
 - a. Any of the sanctions listed in Senate Regulation 19 (Assessment Regulations) for taught programmes
 - b. A fail (0%) for the assessment component or module with the right to remaining resit(s) removed
 - c. Any of the sanctions listed in Regulation 19 combined with the ability to reduce or rescind previously gained marks
 - d. Any of the sanctions listed in Senate Regulation 23 (Masters Degrees by Research) or Senate Regulation 24 (Doctoral Programmes)
 - e. Any of the sanctions listed in Regulation 23 combined with the ability to reduce or rescind previously gained marks if appropriate
 - f. Any of the sanctions listed in Regulation 24 combined with the ability to reduce or rescind previously gained marks if appropriate
 - g. Reduced degree classification or award level
 - h. Exclusion. This can include selective restriction of:
 - i. attendance at or access to City
 - ii. exercise of functions or duties of offices or committees of City
 - iii. contact with named person(s)
 - iv. privileges associated with City, for example those associated with the Library
 - i. Suspension, either total or qualified (e.g. providing permission to attend for the purpose of an assessment)
 - j. Expulsion from City
 - k. Retrospective withdrawal of any City awards

Senate Regulations can be found our [Student Policies and Regulations webpage](#).

110. The sanctions available in a case of general (non-academic) misconduct are:
 - a. Written warning
 - b. Appropriate compensatory action
 - c. Fine
 - d. Any sanctions listed in the appropriate Code of Conduct
 - e. Exclusion. This can include selective restriction of:
 - i. attendance at or access to City
 - ii. exercise of functions or duties of offices or committees of City
 - iii. contact with named person(s)
 - iv. privileges associated with City, for example those associated with the Library

- f. Suspension, either total or qualified (e.g. providing permission to attend for the purpose of an assessment)
 - g. Expulsion from City
 - h. Retrospective withdrawal of any City awards
 - i. Withdrawal of an offer, where complaint relates to an applicant who has not yet completed registration
111. Sanctions can be combined as appropriate and reasonable. The panel may also consider the period of time for which a sanction will remain effective, if relevant, and whether a review of a sanction should be undertaken at any point.
112. Where a sanction of suspension or exclusion is applied, the panel will specify what the arrangements will be for the duration of this sanction, including what your registration and fee status is, and who you may contact for any University-related matters. Consideration should be given to any visa-related issues (for international students). The panel will also confirm what the arrangements will be for the lifting of your exclusion or your return to studies following suspension.
113. Where the allegations are about more than one student, a decision will be made on the appropriate sanction on an individual basis, taking into account individual circumstances.
114. The outcome of the Disciplinary Panel, with reasons, will be communicated to you and your School in writing, normally within 10 working days of the meeting. You will be informed of your right of appeal.
115. Where you are on a programme that is overseen by a professional body, we may, where we consider it necessary and appropriate:
- a. report the disciplinary finding to the relevant professional body;
 - b. consider a disciplinary finding that is on file when providing a reference for you, e.g. in relation to your fitness to practise a profession.
116. Where you are engaged in activities outside City's immediate premises as part of your programme, we may, where we consider it necessary and appropriate, notify other parties related to those activities of the disciplinary finding.
117. The reporting party and any others affected by the alleged misconduct will also be informed of the outcome of the panel and of any sanctions which affect them.

Stage 3 Appeals

118. You may appeal against the outcome of the Stage 2 consideration of your disciplinary case on one or more of the following grounds:
- a. That there were defects in the conduct of the disciplinary process such as to render the decision unsound;
 - b. That there is new material evidence that, for demonstrable, valid and over-riding reasons you could not submit previously;
 - c. That the sanction applied at the Stage 2 was disproportionate in the circumstances.
119. An appeal is not a re-hearing of the case. Dissatisfaction with the outcome of the Stage 2 consideration alone is not a ground for appeal.
120. You may wish to consult the [Students' Union Advice Service](#) for support if you wish to appeal.
121. An appeal, with appropriate evidence, must be submitted via email to ace@city.ac.uk within 15 working days of the written confirmation of the Stage 2 decision.
122. Your appeal submission and all supporting documentation will be shared with the Chair of the

Stage 2 Disciplinary Panel. They will be invited to provide a written submission or any additional evidence for consideration if they wish.

123. You will be invited to respond in writing to their submission. On receipt of this submission, your appeal will be considered complete.
124. The appeal and any other submissions will then be considered by the Academic Registrar (or nominee).
125. The Academic Registrar (or nominee) will consider the case and make a decision. The burden of proof lies with you. The standard of proof applied is the balance of probabilities, as defined in point 33.
126. Options available to the Academic Registrar (or nominee) are:
 - a. To reject the appeal and ratify the sanction applied following Stage 2 consideration;
 - b. To uphold the appeal and amend the sanction applied following Stage 2 consideration;
 - c. To uphold the appeal and revoke the sanction applied following Stage 2 consideration;
 - d. To uphold the appeal and refer the case back to the Stage 2 officer for reconsideration at a fresh Disciplinary Panel (that is, a panel meeting where the panel members have had no prior involvement in the matter).
127. The outcome of the appeal will be provided to you in writing, normally within 10 working days of receipt of your completed submission.
128. Where the original allegations were about more than one student, one or more students may appeal. Where not all students appeal, and it is decided that there was a defect in the original decision, consideration should be given to whether the options set out in point 126 should be applied to all students or only to those who have appealed. Where an appeal is upheld because of circumstances that are relevant only to the student(s) who have appealed, the options will be applicable only to those students.

The Office of the Independent Adjudicator (OIA)

129. Following the appeal stage, you may request a Completion of Procedures (CoP) letter confirming that all stages of this regulation at the University have been concluded.
130. If you remain dissatisfied with the final decision made under Regulation 13 (Student Discipline), you may be able to take a complaint to the Office of the Independent Adjudicator (OIA) for Higher Education.
131. Information and eligibility rules are available online at www.oiahe.org.uk.

Activity Which May Constitute a Criminal Offence, and Notification of Police Investigation and/or Legal Proceedings Against a Student Taking Place

132. Where your alleged misconduct may, if proven, constitute a criminal offence, or where the alleged misconduct is already subject to police investigation or legal proceedings, the case must be referred to the President (or nominee).
133. The President (or nominee) will consider the allegation(s) and may consult those affected by the alleged misconduct. They will determine whether the offence:
 - a. is considered to threaten our reputation; and/or
 - b. to suggest that our staff, students or graduates may be at potential risk.
134. If it is considered that either or both of these circumstances is present, temporary

precautionary action may be taken immediately, in line with *Temporary Precautionary Action*.

135. We will support the person who is alleged to have experienced the misconduct to report the matter to the police if they wish to do so. We will not usually report a matter to the police contrary to their wishes.
136. In some cases, for example where there may be a risk to members of the City community, and where we consider it necessary and appropriate, we may report any conduct which may be in breach of the law to the police. The President (or nominee) will decide what constitutes a potential breach of the law and whether it should be reported to the police.
137. This does not prevent any person from reporting any matter to the police if they wish to do so.
138. Where the matter has been reported to the police, by us or by another party, no further action will be taken under this regulation until we have received confirmation that the criminal investigation and any legal proceedings have been concluded.
139. You will be advised that interruption of studies is an available option whilst undergoing any police investigation or legal proceedings. You may wish to refer to the Interruption of Studies and Withdrawal Policy and the Interruption of Studies guidance, both of which are available on our [Student Policies and Regulations webpage](#).
140. Once you have been prosecuted or a decision has been taken not to prosecute, the President (or nominee) will decide whether further action should be taken under this regulation.
141. If the decision has been taken not to proceed to a criminal trial or you are acquitted at trial, we may still conduct further investigations and/or instigate disciplinary proceedings in respect of outstanding matters of concern to us.

Criminal Convictions

142. This section does not apply in relation to an admissions application by an individual: this is considered under the admissions policy on Students with a Criminal Conviction, a copy of which can be found on our [Legal Documents and Policies webpage](#).
143. If, during the course of your registration, we become aware of a criminal conviction (unspent during any time of registration with us, which may constitute misconduct under this regulation, we may take action under this regulation.
144. You must declare a relevant criminal conviction as soon as reasonably possible after conviction. It is your responsibility to inform us and to take all necessary steps to communicate with us. If we believe that you have purposely withheld information, or acted dishonestly or deceitfully with regard to disclosing such information, we may take action under this regulation, whether or not the conviction/offence is considered under this regulation.
145. For programmes that are regulated by Professional, Statutory and Regulatory Bodies (PSRBs), you must additionally follow and adhere to the School-level policies with regard to declaring offences and convictions as required.
146. We reserve the right to verify information you provide regarding the outcome of criminal proceedings with the relevant public authorities.
147. Where a conviction or offence has occurred outside Britain and may be spent under the associated national law, it is not automatically considered a spent conviction under the Rehabilitation of Offenders Act 1974 (the Act) as applied to England and Wales. If you are convicted outside England and Wales, we will determine whether the conviction is spent according to the Act by regarding the conviction in the same way as the corresponding sentence or nearest equivalent under the Act as applied to England and Wales. We may apply this regulation to a criminal conviction that takes place outside England and Wales whether or

not the conduct on which that conviction is based amounts to a criminal offence in England and Wales.

148. A conviction in a criminal court may be taken as conclusive evidence that the offence has occurred. In such a case, no further investigation will be required by us unless there are other misconduct allegations not pursued by the police or courts.
149. The aim of any action we take under this regulation is therefore to:
- a. establish whether the offence of which you have been convicted, or conduct related to it, constitutes misconduct as defined within this regulation;
 - b. consider the impact and effect of the conviction;
 - c. decide on the sanction(s) (if any) to be applied.
150. Where the decision to pursue disciplinary action under this regulation is taken, we will inform you with reasons whether we will initially consider the matter at Stage 1 or Stage 2 of this process.
151. We are not bound by the outcome of any criminal prosecution although we may, in our discretion, take any penalty imposed by a criminal court into consideration in determining any outcome to be imposed under this procedure.
152. Where a custodial sentence is imposed and is shorter than twelve months, we will suspend your student status immediately, and resume action under this regulation when the sentence has been served. We will write to you to inform you of this and the steps that you will need to take after release.
153. Where a custodial sentence is imposed and is twelve months or more, we will withdraw you as a student immediately. We will write to you to inform you of this. You may be eligible to reapply for a course at City after the sentence has been served, subject to our usual admissions criteria. You may wish to refer to the admissions policy on Students with a Criminal Conviction for further details.
154. In addition to the actions outlined in this section, the President (or nominee) may take temporary precautionary action immediately in line with *Temporary Precautionary Action* above.

Fitness to Practise (Train) Policy: Programmes regulated by Professional Statutory and Regulatory Bodies (PSRBs)

155. For programmes regulated by Professional Statutory and Regulatory Bodies (PSRBs) the University is required to have a Fitness to Practise (Train) policy in place to manage fitness to practise (train). A copy of this can be found on the [Student Polices and Regulations webpage](#) under Student Support.
156. The Policy covers awards, progression and registration and applies to programmes leading to professional qualification and/or eligibility to apply to a professional register which requires students to undertake periods of experience in practice settings. The University, in conjunction with the professional and regulatory bodies, has a duty to ensure the student is fit to practise during and up to the point of registration/awarding of qualification or academic credits.
157. Fitness to practise (train) is monitored and assessed throughout a student's time on the programme and, if there are concerns including allegations of misconduct, lack of competence and poor health, these will be investigated and addressed by the School. The main purpose in doing this is to safeguard the health and wellbeing of the public, and to adhere to the standards set out by regulatory bodies.
158. Concerns related to a student's conduct or health are addressed through the University's Fitness to Practise (Train) policy. Initial concerns raised are addressed through supportive

action plan as part of the Cause for Concerns process, which is embedded in the Fitness to Practise (Train) policy.

159. Ongoing or serious concerns are referred to the Fitness to Practise (Train) Panel.
160. The Fitness to Practise Panel operates in accordance with the Fitness to Practise (Train) policy. Decisions made by the Fitness to Practise (Train) Panel are presented to the Assessment Board for ratification – the Panel has the power to make a recommendation to the Assessment Board that the student is not fit to practise and therefore should be withdrawn from the programme.
161. The student has the right to appeal the decision of the Assessment Board through Senate Regulation 20 (Student Academic Appeals for Taught Programmes) and Senate Regulation 21 (Student Academic Appeals for Research Programmes).
162. In addition to the actions outlined in this section, where we consider it necessary and appropriate, the President (or nominee) may take temporary precautionary action immediately in line with *Temporary Precautionary Action* above.

Consideration of Cases of Alleged Misconduct by Students Following a Programme of Study Validated by City

163. City, University of London validates programmes offered at other institutions as leading to awards of City, University of London. City has overarching responsibility for the quality and standards of the academic programmes offered by these Validated Institutions. A student on a validated programme may also make use of various City services. In addition, Validated Institutions follow City's Assessment Regulations referred to in point 5, including the procedures to be followed in cases of alleged academic misconduct.
164. If you are studying on a programme which we validate then under these regulations:
 - a. You may appeal against the final decision of a Validated Institution Disciplinary Procedure if the misconduct relates to the programme of study leading to an award made in the City's name;
 - b. You may appeal against the final decision of a Validated Institution Disciplinary Procedure if the misconduct relates to an activity that has taken place on City premises;
 - c. If you are alleged to have committed academic misconduct, the case may be considered under this regulation in certain circumstances;
 - d. If you are sanctioned for a disciplinary matter that is not concerned with conduct relating to the programme of study leading to an award made in City's name or to an activity that has taken place on City premises, you are not entitled to appeal to City against the final decision of a Validated Institution Disciplinary Procedure.

Alleged Academic Misconduct (Validated Institutions)

165. Where you are alleged to have committed academic misconduct, the case will in the first instance be considered under the Validated Institution's policies and procedures. These policies and procedures will be established in accordance with City's Assessment Regulations referred to in point 5.
166. Where the Validated Institution considers that the case is serious enough to warrant a sanction greater than those it is able to recommend, it may ask that your case be dealt with under Stage 2 of this regulation. The panel may recommend a sanction it considers appropriate for consideration by the Disciplinary Panel. Sanctions the Validated Institution may recommend include any of those listed in point 182 below.
167. Where a case is referred by a Validated Institution to City, a Disciplinary Panel will be

convened. Meetings may be held in person or online.

168. The role of the panel is to hear from all parties and make a decision on an appropriate sanction.
169. The panel will comprise the Dean of Validation or their nominee as Chair, and two further members of staff from the Validated Institution. Appropriate consideration will be given to prevent conflicts of interest in panel members.
170. Where the allegations are about more than one student, each student will be contacted individually but it will usually be appropriate to schedule one panel meeting with all responding students invited to attend, so that the matter can be considered as a whole. Each student should additionally be given an opportunity to present any sensitive information to the panel privately.
171. You will be invited to provide a written submission or any additional evidence for the panel's consideration if you wish.
172. You will be given a deadline for the submission of any new documentation, which is usually a week before the panel meeting takes place. Any submissions received after this deadline, including at the panel meeting itself, will be accepted only at the Chair's discretion.
173. All documentation will be circulated to the panel in advance of the panel meeting.
174. Where the allegations are about more than one student, it will usually be appropriate for all documentation to be shared with every responding student in advance, unless there is sensitive information which is shared with the panel privately.
175. You will be invited in advance and in writing to attend the panel meeting and may choose to be accompanied by one other person (or more than one person at the Chair's discretion). Normally the person accompanying you would not be a legal representative.
176. Under very exceptional circumstances, the University may allow a solicitor or barrister to attend in their role as a legal professional. Such exceptions will be considered on a case-by-case basis by the Academic Registrar (or nominee), using the following criteria:
 - a. The seriousness of the allegation;
 - b. Complexities in the evidence likely to be presented;
 - c. The capacity of the individual to understand the case against them;
 - d. Likely procedural challenges;
 - e. The need for fairness in the cross-examination.
177. The panel may invite other member(s) of staff from the Validated Institution to attend the panel to present the academic misconduct, as well as any other witnesses, consultants, experts or similar to assist the panel in its considerations. These people will not have a role in the panel itself and will not make any decisions.
178. A secretary will attend the panel meeting to take minutes but will not have a role in the panel itself and will not make any decisions.
179. If you choose not to attend or fail to attend without submitting in writing valid reasons for a postponement, the panel may proceed in your absence.
180. At the panel meeting, the panel may invite a member of staff from the Validated Institution, where appropriate, to make a statement presenting the academic misconduct. The panel will invite you to make a statement responding to the allegations. The panel may also ask questions of any party. Before the panel considers its decision, you will be invited to summarise your response to the allegations that have been made and to present any mitigating factors. A template agenda for the meeting can be found in Appendix 6 .

181. You are expected to speak to the panel directly, and to respond by yourself to any questions that are put to you by the panel or via the panel. You may only have another person speak on your behalf during the panel meeting with the Chair's agreement.
182. The panel will reach a decision on what sanction (if any) to apply. The options available are:
- a. Any of the sanctions listed in the Assessment Regulations
 - b. A fail (0%) for the assessment component or module with the right to remaining resit(s) removed
 - c. Any of the sanctions listed in the Assessment Regulations combined with the ability to reduce or rescind previously gained marks
 - d. Reduced degree classification or award level
 - e. Exclusion. This can include selective restriction of:
 - i. attendance at or access to City and/or Validated Institution
 - ii. exercise of functions or duties of offices or committees of City and/or Validated Institution;
 - iii. contact with named person(s)
 - iv. privileges associated with City and/or Validated Institution, for example those associated with the Library
 - f. Suspension, either total or qualified (e.g. providing permission to attend for the purpose of an assessment)
 - g. Expulsion
 - h. Retrospective withdrawal of City awards
183. Sanctions can be combined as appropriate and reasonable. The panel may also consider the period of time for which a sanction will remain effective, if relevant, and whether a review of a sanction should be undertaken at any point.
184. Where a sanction of suspension or exclusion is applied, the panel will specify what the arrangements will be for the duration of this sanction, including what your registration and fee status is, and who you may contact for any University-related matters or Institution-related matters. Consideration should be given to any visa-related issues (for international students). The panel will also confirm what the arrangements will be for the lifting of your exclusion or your return to studies following suspension.
185. Where the allegations are about more than one student, a decision will be made on the appropriate sanction on an individual basis, taking into account individual circumstances.
186. The outcome of the Disciplinary Panel, with reasons, will be communicated to you and your Institution in writing, normally within 10 working days of the meeting. You will be informed of your right of appeal.
187. Where you are on a programme that is overseen by a professional body:
- a. We may need to report the disciplinary finding to the relevant professional body;
 - b. We may consider a disciplinary finding that is on file when providing a reference for you, e.g. in relation to your fitness to practice a profession.
188. The Validated Institution will also be informed of the outcome of the panel and the sanction (if any) that is to be applied.
189. You may appeal against the decision of the Disciplinary Panel in accordance with the appeals procedure set out below.

Appeals Against the Final Decision of a Disciplinary Procedure (Validated Institutions)

190. You may appeal against the final decision of the Validated Institution Disciplinary Procedure if:

- a. The misconduct related to:
 - i. the programme of study leading to an award made in the City's name; and/or
 - ii. an activity that has taken place on City premises;

and if
 - b. the appeal is made on one or more of the following grounds:
 - i. That there were defects in the conduct of the previous disciplinary investigation such as to render the decision unsound;
 - ii. That there is additional significant and relevant evidence that, for demonstrable, valid and over-riding reasons, could not be submitted previously;
 - iii. That the sanction applied by the Validated Institution was disproportionate in the circumstances.
191. You may appeal the decision of a City Disciplinary Panel convened to consider a case of academic misconduct, on one or more of the following grounds:
- a. That there were defects in the conduct of the previous disciplinary investigation such as to render the decision unsound;
 - b. That there is additional significant and relevant evidence that, for demonstrable, valid and over-riding reasons, could not be submitted previously;
 - c. That the sanction applied by the panel was disproportionate in the circumstances.
192. An appeal is not a re-hearing of the case. Dissatisfaction with the outcome of the Validated Institution Disciplinary Procedure or the City Disciplinary Panel alone is not a ground for appeal.
193. You may wish to consult [City's Students' Union Advice Service](#), or an alternative students' union body, for support if you wish to appeal.
194. An appeal, with appropriate evidence, must be submitted via email to ace@city.ac.uk within 15 working days of the written confirmation of the Validated Institution Disciplinary Procedure decision or the City Disciplinary Panel.
195. Your appeal submission and all supporting documentation will be shared with the person responsible for the Validated Institution Disciplinary Procedure decision or the Chair of the City Disciplinary Panel (or nominee) Chair of the Stage 2 Disciplinary Panel. They will be invited to provide a written submission or any additional evidence for the appeal panel's consideration if they wish.
196. You will be invited to respond in writing to their submission. On receipt of this submission, your appeal will be considered complete.
197. The appeal and any other submissions will then be considered by the Academic Registrar (or nominee).
198. The Academic Registrar will consider the case and make a decision. The burden of proof lies with you. The standard of proof applied in operating this procedure is the balance of probabilities, as defined in point 33.
199. Options available to the Academic Registrar are:
- a. to ratify the sanction applied through the Validated Institution Disciplinary Procedure or by the Disciplinary Panel;
 - b. to amend the sanction applied through the Validated Institution Disciplinary Procedure or by the Disciplinary Panel;
 - c. to revoke the sanction applied through the Validated Institution Disciplinary Procedure or by the Disciplinary Panel;
 - d. to refer the case back to the Validated Institution or the Disciplinary Panel with commentary.

200. The outcome of the appeal will be provided to you in writing, normally within 10 working days of receipt of your completed submission.
201. Where the original allegations were about more than one student, one or more students may appeal. Where not all students appeal, and it is decided that there was a defect in the original decision, consideration should be given to whether the options set out in point 199 should be applied to all students or only to those who have appealed. Where an appeal is upheld because of circumstances that are relevant only to the student(s) who have appealed, the options will be applicable only to those students.

The Office of the Independent Adjudicator (Validated Institutions)

202. Following the appeal stage, you may request a Completion of Procedures (CoP) letter confirming that all stages of this regulation at the University have been concluded.
203. If you remain dissatisfied with the final decision made under Senate Regulation 13 (Student Discipline), you may be able to take a complaint to the Office of the Independent Adjudicator (OIA) for Higher Education.
204. Information and eligibility rules are available online at www.oiahe.org.uk.

Appendix 1: Data Protection, Confidentiality and Conflicts of Interest

205. This process will be managed and operated in accordance with our duties under the Data Protection Act 1998 and the General Data Protection Regulations (GDPR) which came into effect on the 25th May 2018, and with due consideration of student confidentiality. City's [Privacy Notice for Students](#) is available online.
206. We acknowledge the challenges of reporting possible misconduct and the sensitivity of the information that may be disclosed. We encourage all forms of reporting and will do all we can to keep details confidential, in line with our duties outlined above.
207. We will seek reporting or witnessing parties' informed consent before disclosing sensitive information. We will respect a student's right to choose not to provide consent for sensitive information to be disclosed, but will ensure that the party is made aware of the implications of non-disclosure.
208. Confidentiality will be maintained throughout the process as far as is possible, except for in circumstances where there is considered to be a significant risk of harm to one or more individuals if sensitive information were not appropriately shared. If a member of staff feels that there is significant risk of harm, a risk assessment will be made. Agreement of relevant parties will be gained where possible.
209. Information will only be disclosed to third parties in accordance with the terms agreed with the student. Confidentiality will be balanced with due respect to Professional, Statutory and Regulatory Body (PSRB) requirements, any potential impact on the University's duty of care to PSRBs and a student's potential ability to practise. The University may at times be required to provide information relating to a report or investigation to the police as part of a police investigation or criminal proceedings, and staff or students at the University may also be required to provide evidence as a witness in these proceedings. To enable this, staff should keep accurate and appropriate records in relation to investigations and should ensure the security of any records kept.
210. When providing the reporting party with a resolution to their report, the University is bound by the requirements of the General Data Protection Regulation (GDPR) and its duty of care to all students and staff. The University will not share the full details of the outcome of an investigation with the reporting party. The University does, however, acknowledge the need for the reporting party to feel that their report has been heard and appropriately dealt with, and City will inform the reporting party when a resolution has been reached regarding their report. Further details of the outcome may be provided where specific actions are required of the reporting party.
211. Staff members involved in this process are encouraged to seek further information from the [Data Protection pages of the Staff Hub](#).
212. We seek to avoid any possible conflict of interest throughout this process. Any party involved in the process who is concerned about a possible conflict of interest should disclose it immediately and seek advice from Academic Services where necessary.
213. Potential conflicts of interest might include where the nominated case handler or investigating officer has had significant involvement with one or more parties in a different context (e.g. teaching, support etc), where those individuals have been involved with the administration or decision at an earlier stage of the process or where any party has a particular interest in or connection with the allegations themselves.
214. At the panel stage, potential conflicts of interest are minimised by using staff panel members from outside the responding student's School. Nonetheless, there exists the potential for

conflicts of interest for staff or Students' Union panel member for example, because parties have interacted in the past in connection with extra-curricular activity, cross-department teaching, other positions held by the individuals etc.

Appendix 2: Reporting & Monitoring

215. The School will provide an annual report on disciplinary cases considered at the local-level to the Board of Studies. This will detail the number of cases as well as the outcome and will highlight any potential areas for enhancement or lessons learned. We will record and collate data on activity undertaken in accordance with Senate Regulation 13 and report on an annual basis to Senate.

Appendix 3: Overview of Process

The following pages give an overview of the process for general (non-academic) misconduct.

Disclosure of possible misconduct

Reporting student is advised on available support.

Reporting student is informed of options for investigation under a relevant procedure.

If the reporting student has experienced the misconduct and the allegations are about another student, the matter may be considered under Regulation 13 (Student Discipline).

Reporting student is provided with a named contact in their School to support them and keep them informed throughout the process.

Reporting student is asked to provide further detail (where needed) and to confirm allegations in writing.

Initial consideration of the case (by member of staff receiving the report and/or the School). *Does the alleged misconduct represent a potential immediate, serious and significant threat to the safety of any members of the City community and/or the safety of our premises?*

If temporary precautionary action may be required, Safeguarding carries out a risk assessment and the recommended actions are considered by President.

Reporting student advised of any actions that affect them.

Responding student informed of temporary precautionary action and right of appeal, along with the information and support below.

Initial investigation under Regulation 13 (Student Discipline)

Case handler is appointed for consideration of the matter.

Case handler considers the case to determine next steps. *Does the alleged conduct breach standards required by professional, statutory or regulatory bodies, or are there any other particular circumstances, e.g. is legal or police action underway, or might the alleged misconduct constitute a criminal offence?*

Assuming no concerns that would warrant particular consideration, the process continues as below.

Reporting student is informed that an investigation is underway and encouraged to stay in touch with their named contact.

Responding student is informed of allegations against them and is advised on available support.

Responding student is provided with a named contact in their School to support them and keep them informed during the process.

Investigating officer is appointed.

Investigating officer attempts to establish facts and ascertain whether the matter is substantiated.

Responding student is invited to submit evidence and a response to the allegations

Reporting student, witnesses or third parties are asked for further information and evidence if needed

Investigator considers mitigating or aggravating factors, as well as the context of the alleged misconduct

Aim to conclude initial investigation within three weeks.

Investigating officer presents findings and recommendations to case handler.

Case handler confirms whether case is substantiated or not

Resolution

Where allegations are **not substantiated**, no further action will be taken

Where the matter is **substantiated**, the case handler invites the responding student to submit mitigating factors.

Outcome confirmed to responding student.

Case handler decides how best to resolve the matter.

Case closed.

Resolve at Stage 1 for less serious matters.

Reporting student is notified of outcome.

Outcome and sanction(s) confirmed to responding student.

Referral to Stage 2 for more serious matters, including where temporary precautionary action was taken, or where the responding student disputes the allegations.

Responding student accepts outcome and sanctions.

Responding student rejects or does not comply with outcome and/or sanctions.

Case closed.

Referral to Stage 2 for further consideration.

Reporting student is notified of outcome and any sanctions that affect them.

Reporting student is notified of referral to Stage 2.

Reporting student is notified of referral to Stage 2.

Reporting student may not appeal the outcome but may be signposted to ongoing support and other relevant procedures such as the complaints process.

Resolve at Stage 2

Case handler is appointed for consideration of the matter and then proceeds to schedule Disciplinary Panel meeting.

Disciplinary Panel meeting within 28 days of completed investigation report

Responding student is invited to attend the meeting (can bring supporting person).
Panel may ask questions and will invite them to respond to the allegations.

Reporting student is a witness in the case. They are not obliged to participate but
are invited to attend the meeting (can bring supporting person or join remotely).

Outcome within 10 working days of Disciplinary Panel meeting.

Outcome and sanction(s) (where applied) confirmed to responding student.

Responding student accepts outcome
and sanctions (where applied).

Responding student appeals the outcome decision within 15 working days, subject
to specific grounds, and as outlined in Regulation 13.

Appeal is considered and a decision is reached.

Case closed.

Appeal outcome confirmed to
responding student.

Completion of University Procedures.
Responding student may take case
to the OIA if they remain dissatisfied.

An outcome summary (and details of
any sanctions that apply to them) is
shared with the reporting student.

Reporting student is provided with a
summary of the outcome and details
of any sanctions that affect them.

Reporting student may not appeal the outcome but may be signposted to ongoing
support and other relevant procedures such as the complaints process.

Appendix 4: Examples of Non-Academic Misconduct

Some examples of non-academic misconduct are provided below. This list is non-exhaustive; any behaviour that constitutes misconduct as defined in this Regulation may be dealt with under this Regulation.

Examples of what may constitute major misconduct and minor misconduct are also provided below but, again, this is not definitive. Minor instances of misconduct are likely to result in a lesser sanction, such as a written warning, fine or appropriate compensatory action, whereas major instances of misconduct are likely to result in a greater sanction such as exclusion, suspension, expulsion, withdrawal of awards or withdrawals of offers. The officer or panel responsible for agreeing the sanction will consider each case individually, taking into account, for example, mitigating and aggravating factors, the intent to harm and the impact of the misconduct.

Disciplinary offence	Severity	Examples of behaviour (non-exhaustive)
<p>Abusive behaviour, bullying or harassment</p> <p>Abusive behaviour may involve using violent, indecent, disorderly, threatening or offensive behaviour or language in person or online.</p> <p>Bullying and harassment are defined within the Bullying & Harassment Policy and other examples of behaviour are provided there.</p>	Major	Threats to hurt another person
		Behaviour relating to an individual's sex, sexual orientation, religion or belief, race, pregnancy/maternity, marriage/civil partnership, gender reassignment, disability or age
		Acting in an intimidating or hostile manner
		Sharing or displaying offensive material
		Physical misconduct such as punching, kicking, biting, slapping or pulling hair
	Minor	Use of inappropriate language
		Repeatedly contacting another person (by phone, email, text or on social networking sites) against the wishes of the other person
		Excluding an individual, withholding information or dismissing their views or opinions
		Mocking, belittling or insulting comments, gestures or expressions
		Physical misconduct such as pushing or shoving

<p>Sexual misconduct</p> <p>Sexual misconduct is defined within the Sexual Misconduct Policy and other examples of behaviour are provided there.</p>	<p>Major</p>	<p>Sexual intercourse or engaging in a sexual act without consent</p> <p>Attempting to engage in sexual intercourse or engaging in a sexual act without consent</p> <p>Filming, photographing or sharing private sexual materials of another person without consent</p> <p>Kissing without consent</p> <p>Touching inappropriately through clothes without consent</p> <p>Inappropriately showing sexual organs to another person</p> <p>Repeatedly following another person without good reason</p> <p>Relationship abuse such as a incidents of controlling, coercive, threatening behaviour, violence or abuse between those who are, or have been, intimate partners</p> <p>Making unwanted remarks of a sexual nature</p>
<p>Damage to property, unauthorised taking of property or misuse of property</p> <p>Including the property and premises of the University and of other members of our community and of other organisations involved in the delivery or support of your programme of study, or in the provision of services relating to your registration with us</p>	<p>Major/minor, depending on circumstances</p>	<p>Causing damage to property</p> <p>Misuse or unauthorised use of property, including computer or internet misuse</p> <p>Unauthorised entry onto or unauthorised use of University premises</p> <p>Taking property belonging to another without permission</p>
<p>Operational obstruction</p> <p>Obstruction of the activities of the University (including academic, administrative, sporting and social), or those of other organisations involved in the delivery or support of your programme of study, or of the</p>	<p>Major/minor, depending on circumstances</p>	<p>Relying on falsified, forged or fraudulent documentation or claims in an application to City, in a claim for extenuating circumstances or in any other aspect of study. Note that misconduct which gains or may have gained an academic advantage may also be considered academic misconduct.</p>

<p>provision of services relating to your registration with us</p> <p>Obstruction of the functions, duties or activities of any of our students, members of staff or authorised visitors, or of those of students, staff or visitors of other organisations involved in the delivery or support of your programme of study, or in the provision of services relating to your registration with us</p> <p>Committing fraud, deceit, deception or dishonesty in relation to us or to our staff or in connection with holding any office with us or in relation to being our student. That is, any acts/omissions/statements intended to deceive the University.</p>		Disruption of or improper interference with the activities of the University or of the functions, duties or activities of members of the community.
		Conduct constituting unsuitability for the profession, where your course of study is linked to a particular profession
		Failure to comply with a penalty previously imposed under these Regulations
		Failure to comply with a code of conduct or equivalent (e.g. Library Code of Conduct, Information Services User Regulations, regulations governing behaviour in the Students' Union), and/or with other policies and regulations as set out in our Terms and Conditions of Study.
<p>Causing a health or safety concern</p> <p>Act/omission that did cause or could have caused harm/injury or impaired safety on University premises or during University activities</p>	<p>Major</p>	Disabling fire extinguishers
		Possessing or supplying controlled drugs
	<p>Minor</p>	Smoking cigarettes in non-designated areas
		Obstructing access to a building or room.
<p>Reputational damage</p>	<p>Major/minor, depending on circumstances</p>	Behaviour which has caused damage or could have caused damage to the reputation of the University, e.g. disruptive behaviour in the community.
<p>Criminal offences</p> <p>Conduct constituting a criminal offence, where that conduct</p> <ul style="list-style-type: none"> • took place on our premises or online, and/or • affected or concerned other members of our community, and/or • damages our reputation, and/or • itself constitutes misconduct within the terms of these regulations and/or • is an offence of dishonesty, where you hold a responsible office with us. 	<p>Major</p>	Any criminal offence

Appendix 5: Template Referral of Non-Academic Misconduct to Stage 2

To be completed by the case handler and investigating officer to refer a student to a Stage 2 of the disciplinary process set out in Regulation 13 (Student Discipline).

Where the case handler is not already a member of the Student Experience (Casework) team, please email the completed form to the team at ace@city.ac.uk.

Please note that the student will be provided with a copy of this form.

Consideration of case at Stage 2 (to be completed by case handler)	
Student name	
Student number	
Programme	
School	
Current status	<i>e.g. current Stage 2, dormant resitting due to progress to Stage 3</i>
Any other relevant information	<i>e.g. previous disciplinary matters, PSRB considerations</i>
Reason for consideration at Stage 2	<p><i>Please choose one of the below:</i></p> <p><input type="checkbox"/> Potential serious or repeated misconduct, including where temporary precautionary action has been taken (please provide further details below)</p> <p><input type="checkbox"/> Student has not engaged with initial investigation process</p> <p><input type="checkbox"/> Student disputes the allegation</p> <p><input type="checkbox"/> Student rejects or does not comply with the recommended course of action</p> <p><input type="checkbox"/> Referral from Regulation 10 (Support for Study)</p>
Date of referral	
Referral made by	<i>Name and role of case handler</i>
Investigation report (to be completed by investigating officer)	
Details of alleged misconduct	<i>Please provide the details of the alleged misconduct, e.g. what the incident is, when and where it took place, other impacted parties.</i>
Definition of misconduct	<i>Please outline specifically how the misconduct is defined as per the definitions and examples in the Introduction and Appendix 4.</i>
Summary of initial investigation	<p><i>Please provide a summary of the initial investigation including what steps were taken to establish the facts and how the decision was reached that the matter could be substantiated.</i></p> <p><i>Where relevant, please outline why the actions available at Stage 1 are not sufficient to respond to the matter.</i></p>

Preferred outcome at Stage 2	<i>Please provide the preferred outcome at Stage 2, referring to the available sanctions in point 110. Please note any mitigating or aggravating factors where relevant.</i>
Any other information for consideration by the Disciplinary Panel	
Investigation conducted by	<i>Name and role of investigating officer</i>
Please include all relevant documentation that you wish to submit for consideration	<p><i>This should include</i></p> <ol style="list-style-type: none"> <i>a. a copy of the Report + Support form (where applicable);</i> <i>b. copies of correspondence sent at the initial investigation stage, including where the student was informed of the allegations against them;</i> <i>c. any written response to the allegation;</i> <i>d. notes from any meetings that were held;</i> <i>e. any evidence collated during the course of the investigation.</i>

Appendix 6: Template Agenda for Disciplinary Panel

Academic Services and the Chair of the panel should use this agenda to structure the Disciplinary Panel meeting. The secretary can replace the text in the second column with notes from the meeting to produce minutes.

Attendees	<p>Panel</p> <ul style="list-style-type: none"> • Chair • Panel Member • Students' Union officer <p>In attendance</p> <ul style="list-style-type: none"> • Student • Secretary • Investigating Officer or Chair of Academic Misconduct Panel (AMP), or nominee • Other people invited to support or assist in the meeting, including witnesses, may be invited for specific parts of the meeting only
	<p>Before the hearing begins, the secretary will ask the student:</p> <ul style="list-style-type: none"> • to show their ID card to verify their identity <p>And for online hearings:</p> <ul style="list-style-type: none"> • to confirm that they have adequate IT facilities to participate in this hearing • to confirm they are in a private space, conducive to their participation in this hearing • to confirm that only pre-approved attendees (if any) are present
Introductions	<p>The Chair invites all present to introduce themselves and their role.</p> <p>The Chair confirms that all attendees have received copies of documentation circulated in advance for consideration in this meeting.</p> <p>New information or documentation presented on the day of the meeting may only be considered by agreement of both the Chair and the student. It is reasonable that all parties have the opportunity to consider the contents or nature of the new information, and present a response where necessary. Where the new information is felt to be material to the decision that is being made, the Chair may agree to postpone the meeting or to continue with the meeting but reconvene later as well.</p>
Purpose of the meeting	<p>The Chair notes the purpose of the meeting:</p> <p><i>The role of a panel in a case of academic misconduct is to hear from all parties and make a decision on an appropriate sanction. The role of a panel in a case of general (non-academic) misconduct is to decide whether the allegations can be upheld or are unsubstantiated, and to agree on an appropriate sanction where necessary.</i></p> <p>The Chair confirms that the meeting will be carried out in accordance with Regulation 13 (Student Discipline) and with due consideration for the University's duty under the Equality Act (2010).</p>
Student's initial response to allegations	<p>Where the student's response to general misconduct allegations is unknown or unclear, the Chair invites the student to state whether they refute or accepts the complaint against them.</p>

Presentation of alleged misconduct	<p>The Chair invites the investigating officer or the Chair of the AMP is to present the allegations of misconduct and their findings from the initial investigation or AMP.</p> <p>The Chair may ask any questions of this party.</p>
Witness statements to support alleged misconduct	<p>Where appropriate, and a reporting party or witnesses are available to support the presentation of the alleged misconduct, the Chair invites them to join the meeting and asks them to present a statement summarising their account.</p> <p>The Chair may ask any questions of this party.</p> <p>This party leaves the meeting.</p>
Student's statement	<p>The Chair invites the student to make a statement in response to the allegations.</p> <p>The student may be supported by their chosen companion in presenting their statement, but should usually speak for themselves.</p> <p>The Chair may ask any questions of the student.</p>
Witness statements to support responding student	<p>Where appropriate, and a reporting party or witnesses are available to support the responding student's account, the Chair invites them to join the meeting and asks them to present a statement summarising their account.</p> <p>The Chair may ask any questions of this party.</p> <p>This party leaves the meeting.</p>
Further discussion or questions	<p>The Chair may ask any further questions of any party.</p>
Summary of alleged misconduct	<p>The Chair invites the investigating officer or the Chair of the AMP to make a summary statement.</p>
Student's summary and mitigating factors	<p>The Chair invites the student to make any final summary comments. In the case of academic misconduct, where the allegations have already been proven, or in the case of non-academic misconduct where the student accepts the allegations, the Chair invites them to present any mitigating factors.</p>
Next steps	<p>The student is told about the next steps.</p> <p>Where practical, the student may be invited to return to the meeting to present mitigating factors where relevant, and to receive the outcome.</p> <p>Otherwise the panel should arrange an alternative method for the student to present mitigating factors where relevant, and the outcome will be communicated to the student within 10 working days.</p>
Attendees are asked to leave the meeting. The secretary and the members of the panel remain.	
Decision and outcome	<p>The panel discusses the information presented to them, and reaches a decision on the next steps. The panel should consider the outcomes available to them as below.</p>

<p>A summary of this discussion and a rationale for the decision (including why lesser sanctions were not appropriate, when relevant) will be recorded and shared with the student.</p> <p>The panel may wish to reconvene after a short break to consider what it has heard and reach a decision. In exceptional circumstances, where the requires information that is not yet available, the panel may conclude that it will postpone its decision.</p>	
<p>Available outcomes</p>	
<p>In the case of academic misconduct, where the misconduct has been proven by the AMP, the panel is required to agree a sanction.</p>	<p>As set out below.</p>
<p>In the case of non-academic misconduct, where the student has accepted the allegations, the panel is required to agree a sanction.</p>	<p>As set out below.</p>
<p>In the case of non-academic misconduct, where the student has not accepted the allegations, the panel is required to decide whether to uphold the allegations.</p> <p>The burden of proof lies with the University and the standard of proof is the balance of probabilities. It is not sufficient for the panel to simply believe that something is likely to have happened. A matter will only be substantiated where the panel finds evidence that it is more likely than not that the alleged incident took place. The standard of proof used in this procedure is different from the standard of proof applied in a criminal case, where decision-makers must be satisfied so that they are sure that the alleged incident took place.</p>	<p>Allegations are not upheld: case is dismissed and no further action is required.</p> <p>Allegations are upheld and the panel considers suitable sanctions, subject to hearing any mitigating factors from the student. Sanctions are set out below.</p> <p>Where practical, the student is invited to return to the meeting to receive the outcome and present any mitigating factors. The student leaves and the panel agrees a sanction as set out below. Where impractical, the panel makes arrangements to receive any mitigating factors separately and will reconvene to agree the sanction.</p>
<p>Available sanctions</p>	
<p>The sanctions available in a case of academic misconduct are:</p> <ol style="list-style-type: none"> a. Any of the sanctions listed in Senate Regulation 19 (Assessment Regulations) for taught programmes. b. A fail (0%) for the assessment component or module with the right to remaining resit(s) removed c. Any of the sanctions listed in Regulation 19 combined with the ability to reduce or rescind previously gained marks d. Any of the sanctions listed in Senate Regulation 23 (Masters Degrees by Research) or Senate Regulation 24 (Doctoral Programmes) e. Any of the sanctions listed in Regulation 23 combined with the ability to reduce or rescind previously gained marks if appropriate 	

	<ul style="list-style-type: none"> f. Any of the sanctions listed in Regulation 24 combined with the ability to reduce or rescind previously gained marks if appropriate g. Reduced degree classification or award level h. Exclusion. This can include selective restriction of: <ul style="list-style-type: none"> i. attendance at or access to City ii. exercise of functions or duties of offices or committees of City iii. contact with named person(s) iv. privileges associated with City, for example those associated with the Library i. Suspension, either total or qualified (e.g. providing permission to attend for the purpose of an assessment) j. Expulsion from City k. Retrospective withdrawal of any City awards <p>Copies of Senate Regulations are available on our Student Policies and Regulations webpage.</p>
	<p>The sanctions available in a case of general (non-academic) misconduct are:</p> <ul style="list-style-type: none"> a. Written warning b. Appropriate compensatory action c. Fine d. Any sanctions listed in the appropriate Code of Conduct e. Exclusion. This can include selective restriction of: <ul style="list-style-type: none"> v. attendance at or access to City vi. exercise of functions or duties of offices or committees of City vii. contact with named person(s) viii. privileges associated with City, for example those associated with the Library f. Suspension, either total or qualified (e.g. providing permission to attend for the purpose of an assessment) g. Expulsion from City h. Retrospective withdrawal of any City awards i. Withdrawal of an offer, where complaint relates to an applicant who has not yet completed registration <p>Sanctions can be combined as appropriate and reasonable. The panel may also consider the period of time for which a sanction will remain effective, if relevant, and whether a review of a sanction should be undertaken at any point.</p> <p style="text-align: center;">Guidance for the panel when deciding on a sanction</p>
	<p>When considering sanctions, the panel should consider the least severe sanction to begin with, and work through the list up to the most severe, in order reach an appropriate conclusion.</p> <p>The panel will need to consider any potential impact on the student in relation to maximum registration periods, fees (and any fee refunds), student loans, bursaries, grants, visa-related issues, accommodation and entry into a profession. The members should refer the student to appropriate support services (within City or externally) for guidance and advice in relation to any potential impact. The panel should specifically consider whether an imposed sanction would have a disproportionate effect on the</p>

	<p>student because of these or any other circumstances, including a student's age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.</p> <p>Where a sanction of suspension or exclusion is applied, the panel will need to specify what the arrangements will be for the duration of this sanction (i.e. registration and fee status, who the student may contact for University-related matters etc). The panel will also need to confirm the arrangements for lifting the exclusion or the student's return to studies.</p>
The meeting concludes.	

Appendix 7: Definitions, roles and responsibilities

Reporting party

The reporting party is the person/people telling us about a case of possible misconduct. We know how difficult it can be to see or experience possible misconduct, and then to tell us about it, and we will do all we can to support this party.

Some instances of possible misconduct may be suitable for informal resolution. We will talk to the reporting party about this, and may refer them to someone who can help with this step, such as a Personal Tutor, Course Director, School Welfare Officer or Bullying and Harassment Advisor.

For example, if you believe that you have experienced harassment from another student and you feel safe and able to do so, we would encourage you to discuss this with the other student directly. You may want to explain what impact their alleged behaviour has had on you and ask them not to repeat the behaviour in future.

We will also discuss their options for formal reporting and investigation if attempts at informal resolution have not been successful, or would not be appropriate. **Formal reporting** enables us to investigate and then take action which may include an apology from one party to another or an agreement not to contact each other.

If someone reports misconduct that does not directly involve another person, we would usually be able to investigate the claims. We would still look for evidence to verify the claims but would take into account what we had been told.

For example, you may wish to tell us about damage to University property, or a post on social media.

However, if someone reports misconduct that directly involves another person, we will consider whether they have experienced the misconduct themselves or seen it happening to someone else. This is because we will not usually investigate claims unless they are supported by the person experiencing the misconduct.

For example, if you reported that you were physically assaulted on campus, we would investigate the claims; but if you told us that you saw someone else being physically assaulted on campus, we would not usually investigate the claims unless that person was happy for us to do so.

Initially, we will think about whether we need to take action to ensure that everyone is safe.

In the example above, if you told us that you had been physically assaulted on campus by another student, we may decide to implement a no-contact agreement to prevent you and the other student from contacting each other. If you usually share classes, we may make arrangements to teach you separately.

If we decide to take action under this regulation, the reporting party acts as a **witness** in the case, even if they experienced the misconduct themselves. This is because the University will consider the case and take disciplinary action where necessary, taking into account what we have heard. One student would not have direct involvement in another student's disciplinary case.

You can read more about what it means to be a witness in another student's disciplinary case below.

However, we realise that if someone has reported and experienced the misconduct themselves, they will need reassurance that we have heard and are dealing with their report. The reporting party will be provided with a named contact in their School who can direct them to relevant support services and keep them informed during the process. Although we cannot share all the details of another student's disciplinary case, we will let them know the outcome and any sanctions (i.e. penalties) that affect them.

When a decision is made about whether to uphold an allegation, the decision-makers will need to find

evidence that the alleged incident is more likely than not to have happened. This standard of proof is called the **balance of probabilities**. This is a lower standard of proof than that of a criminal case, where decision-makers must be satisfied so that they are sure that the alleged incident took place. However, the decision-makers will still need evidence to support their findings.

A witness in the case cannot appeal the outcome even if they disagree with it. However, they may be eligible to submit a complaint about the process if they think that we have not handled it correctly.

Witness

A witness is someone who can provide an account of the possible misconduct for the University to consider.

A witness may be the reporting party, as above. Initially, this party would be contacted and asked if they would be willing to meet us, give us more information in writing, and/or provide any evidence. This will help us to understand the case and clarify the allegations that are being made, so that we can ask the student facing the allegations to respond to them.

We know that it might be difficult to meet us and talk about what you have seen or experienced. We will be friendly, considerate and non-judgemental. We want to hear from witnesses and will make sure that they are supported to tell us what has happened. For example, a witness may wish to bring another person along to the meeting to support them.

Alternatively, a witness may not be the reporting party but someone else.

For example, a student might tell us about someone shouting aggressively at them in a seminar room. If you were also in the class and saw the behaviour, your name might be provided as a possible witness.

This person would also be contacted and asked if they would be willing to meet us, give us more information in writing, and/or provide any evidence. This may assist with our initial investigation and allow us to establish the facts of the matter, i.e. whether the allegations can be upheld.

Any evidence, along with records of meetings and/or written statements would be used in the disciplinary procedure. We would not usually anonymise these documents unless there is a risk to another party. This is because it is important that the documents are seen in full by everyone who is involved and that the context for the documents is known. This allows decision-makers to assess the weight and reliability of the documentation, and the student facing the allegations to respond to it.

If you are asked to be a witness and you are not sure whether you are comfortable doing so, please let us know. We can talk about your options and make sure that you are supported. We also ask you to respect anyone else involved in the process and consider their right to privacy.

Once we have gathered enough information in our initial investigation, we will decide on the next steps. We may need to hold a Disciplinary Panel meeting.

The person who has experienced the misconduct would usually be invited to attend the panel meeting to share their witness account with the panel. The panel may ask other witnesses to attend, to assist in their decision-making. A witness will not be present at the whole meeting and will not make any decisions.

We realise how difficult it may be for a witness to attend the panel meeting, especially if they have experienced the misconduct themselves.

For example, if you tell us that you have been sexually assaulted by another student, we know that you may not be able to share a room with the other student.

We will make every effort to ensure that witnesses can attend in a way that suits them, for example

with another person to support them, or remotely by video call.

We also know how hard it might be for witnesses to tell another set of people what has happened to them. However, we encourage witnesses to attend so that the panel can meet them, hear from them and ask any questions they might have. Witnesses will continue to be supported during the whole process.

Before the panel, witnesses may wish to spend some time preparing what they might say. Although the panel will have access to the investigation documents and will be familiar with the facts of the case, they may want to use the opportunity to tell the panel concisely and in their own words what happened and how it has impacted them. The responding student will be present and will hear what witnesses have to say, but the two do not have to see each other or interact.

Responding party

The responding party is the person/people about whom the allegations of misconduct have been made. The responding party will be told about the allegations and asked to respond to them.

For example, if a student tells us that you have been smoking inside a lecture room and were verbally abusive to the lecturer when asked to stop, you will be the responding student.

If we have determined that we need to take any action to keep anyone safe, we will do so and notify all parties.

We ask the responding party to respect anyone else involved in the process and to consider their wish for privacy.

We realise that it can be a difficult time for students facing allegations of misconduct, and we will make sure that they are supported throughout the process. They will be provided with a named contact in their School who can direct them to sources of support and keep them informed. The Students' Union also has an advice service and can talk to them about what to expect during the process. Someone from the Students' Union can attend disciplinary meetings with them if they would like.

We will ensure that they understand the allegations made against them and have a copy of any evidence or documentation we are using. We will ensure that they understand the disciplinary process and where to find relevant information and advice. We will ensure that they know who is investigating their case.

If you are contacted because allegations of misconduct have been made against you, we will do the following:

The case handler will contact you first with this information.

The investigating officer will then contact you to ask for your response. You may be able to send information by email or we may invite you for a meeting.

Either way, you should tell us what has happened in your own words. We will be professional and non-judgmental. We want to hear from you. We may ask you some questions to clarify what has happened and why.

We know that it may be difficult to talk about what happened, and that you may feel uneasy. We will make sure that you feel as comfortable as possible if you meet us, so you can bring someone with you if you like.

If you admit the misconduct, you can tell us how you feel about it and what you might do to put things right. You can also tell us about any mitigating factors – this means that you can tell us if there is a specific reason that you acted in a certain way. You can send us any evidence or other information

that is relevant.

If you do not admit the misconduct, you should try to explain what happened from your perspective. You might want to tell us if you think someone has misunderstood your actions, or if your actions impacted someone in a way that you did not anticipate. You can tell us about anything else that might be relevant. You should try to send us evidence or other information to support what you are saying.

For example, you may wish to show evidence that you were attending a lecture at the time that the alleged misconduct is said to have happened elsewhere.

The investigating officer will consider what they have seen and heard from the reporting party and anyone else. They will think about any mitigating factors that may have been presented, as well as the context and impact of the alleged misconduct. They will summarise what they have found out and their recommendations and share this information with the case handler. We usually try to conclude the investigation in three weeks.

The case handler will review what the investigating officer has found out. They will decide whether the allegations can be upheld or not. They will tell the reporting party what they have decided and why.

If the allegations are not upheld, no further action will be taken.

To find the matter substantiated (i.e. to uphold the allegations), they need to find evidence that it is more likely than not that the alleged incident took place. They cannot simply believe that something is likely to have happened. This standard of proof is called the **balance of probabilities**.

They will tell the responding party that they find the matter substantiated and ask them for any mitigating factors – this means that they can tell us if there is a specific reason that they acted in a certain way. They can send us any evidence or other information that is relevant.

Once they have considered this, they will decide on the next steps.

Most cases of misconduct can be resolved at Stage 1. This means that the case handler thinks the matter can be resolved without the need for a Disciplinary Panel. They will tell the responding party what sanction they have applied and you can accept this. If you accept it and comply with it, the case will be closed.

For example, you may be given a written warning or asked to apologise to someone.

Some cases of misconduct will need to be referred to Stage 2 for a Disciplinary Panel to consider.

Some matters are likely to be deemed serious enough that they will need to be considered by a Disciplinary Panel even if the responding party admits them. A Disciplinary Panel will also be convened if the responding party does not accept the decision made at Stage 1 or does not comply with the sanction.

Using the example above, the matter may be referred to Stage 2 if the case handler finds that the allegation can be upheld but you still deny that you were smoking in a lecture room. It may also be referred to Stage 2 if you admit that the incident happened but refuse to apologise to the lecturer.

What should I expect if allegations about me are referred to a Stage 2 panel?

If the matter is referred to Stage 2, you will be notified and asked for your availability so that you can attend the panel meeting. We aim to hold the panel within three weeks of the referral.

You will be provided with all the relevant documents that will be considered by a panel. You will be invited to submit a statement responding to the allegations for the panel's consideration.

You may want to use this opportunity to provide a concise summary of what happened from your perspective including any key points that you would like to highlight from the investigation, and why

you did not accept the outcome at Stage 1 where relevant. You do not need to reiterate everything that you have already explained during the investigation. The panel will have access to all the documents used during the investigation.

If you have new information or evidence that you would like the panel to consider, you may submit it but it is expected that you will have given the investigating officer as much information as you can. We usually need your statement and any final documents at least a week before the panel meeting.

You may also request that witnesses attend the meeting and should notify us if this is the case.

Before the panel, you should familiarise yourself with the regulation and the documents. You may wish to prepare a short statement to deliver verbally on the day, or can read out the statement you have submitted in advance. As before, you do not need to give full details of the case but may wish to highlight what happened from your perspective to give the panel a chance to hear from you directly.

You should seek support if you need it and let us know as soon as you can if anything may prevent you from attending.

You are strongly encouraged to attend and we will make efforts to accommodate your attendance where practical. We know that it is daunting to attend a panel meeting but you can bring someone with you for support if you would like. The panel will want to hear from you so they can consider the case in full and ask you any questions they may have. They will be professional and non-judgmental.

The meeting may take place in person or online and usually lasts for around 90 minutes.

At the meeting, you will be introduced to the panel (two members of staff from outside your School and a Students' Union officer) and any other attendees, which will usually include the secretary and the investigating officer.

You'll be asked to confirm whether you accept or refute the allegations, and then you'll hear the investigating officer present their findings to the panel. Any other parties may join the meeting give their account too, such as the student who reported the alleged misconduct or any witnesses. Other people who join the meeting like this will leave again after they have presented their account and been asked any questions by the panel.

We realise that it may be difficult to hear from some of these people but will do everything we can to make everyone as comfortable as possible. For example, where the alleged misconduct took place between you and another student, we may invite them to join the meeting remotely and face the panel only, so that you do not see or interact with each other.

Everyone will need to be courteous and professional during the meeting. Usually only the panel will ask questions – it will not be appropriate for you or any other party to speak directly to each other.

Once the panel has heard from everyone and asked any questions, the investigating officer will be asked to give a summary statement, and finally you will be asked to give a summary statement too.

If you accept the allegations, or allegations of academic misconduct have already been proven, you will be invited to tell the panel about any mitigating factors. As explained above, this is your opportunity to tell the panel if there is a specific reason that you acted in a certain way. This will assist them when deciding on the severity of a sanction.

If you do not accept the allegations, the panel will ask you to leave the meeting while they reach a decision. The panel will decide whether to uphold the allegations in the same way that an investigating officer would: they need to find evidence that it is more likely than not that the alleged incident took place. They cannot simply believe that something is likely to have happened. This standard of proof is called the **balance of probabilities**. This is a lower standard of proof than that of a criminal case, where decision-makers must be satisfied so that they are sure that the alleged incident took place.

If they do not uphold the allegations, you will be informed (usually in writing) within ten

working days.

If they uphold the allegations and it is practical to do so, they may invite you back into the meeting to tell you that they find the matter substantiated and ask you for any mitigating factors. As explained above, this is your opportunity to tell the panel if there is a specific reason that you acted in a certain way. This will assist them when deciding on the severity of a sanction. If you are not invited back to the meeting, the panel will arrange to hear from you another time.

Once the panel has heard any mitigating factors that you may have, they will agree an appropriate sanction. **You will be informed (usually in writing) of the outcome and agreed sanctions within ten working days.**

Whether or not the allegations are upheld, the secretary will make sure that you are provided with a copy of the notes from the meeting, and **a rationale for the decision so you can understand what was agreed and why.**

You can continue to speak to your named contact in your School for support, and should ask if anything about the decision is unclear.

You will also be told about your right to appeal the decision if you have grounds to do so.

Case handler

A case handler is the person assigned to oversee the case. They will usually be in the responding student's School initially, unless the matter is considered serious enough that it cannot be resolved at Stage 1. In this case, the case handler will be someone from Academic Services.

The case handler is responsible for administrative processes, such as ensuring that all parties are kept informed during the process, that accurate records of the case are kept and that decisions are made in line with this regulation and consistently across their department.

The case handler will work closely with the investigating officer. When the case handler receives the investigating officer's findings, they will make a decision about whether the matter can be substantiated. They must find evidence that the alleged misconduct is more likely than not to have happened; they cannot simply believe that it is likely to have done. This standard of proof is called the **balance of probabilities**. This is a lower standard of proof than that of a criminal case, where decision-makers must be satisfied so that they are sure that the alleged incident took place.

The case handler will decide what the next steps should be. The case handler is able to resolve matters at Stage 1, by applying a sanction to less serious but still proven cases of misconduct. Where a matter cannot be resolved at Stage 1, the case handler may refer the matter to Stage 2, and a new case handler from Academic Services will be appointed.

Where the matter is already known to warrant Stage 2 consideration, the case handler will already be a member of Academic Services.

The case handler will ensure that the referral to Stage 2 has been properly made, that all parties have been kept informed and that all relevant documentation is collated. The case handler (or their nominee) will schedule a Disciplinary Panel meeting and act as secretary to the meeting.

The case handler will be responsible for communicating the outcome at all stages of the process to the responding student and to other parties as needed.

Investigating officer

The investigating officer is member of staff (separate to the case handler) who will conduct the initial investigation. This person may be from the responding student's School, from the service area where

the alleged misconduct is said to have taken place or a different member of staff assigned to the case because of relevant expertise or experience.

In all cases, the investigating officer will investigate the case impartially. They are responsible for trying to establish what has happened. They may need to consult other parties including witnesses or University departments who may be able to assist (e.g. the Security team). They will need to present their findings based on evidence. They should make a recommendation to the case handler about whether there is evidence to support that the incident is more likely or not to have taken place.

What should I expect if a matter that I have investigated is referred to a Stage 2 panel?

You will be invited to the panel hearing to represent the School and to present the case. You will be supplied with a copy of the panel documentation in advance and it is expected that you, the panel members and the student will all have read through this and will be familiar with the case.

The panel members include two independent members of staff from outside the responding student's School (who have been approved by Senate and received training on sitting on panels) and a Students' Union Officer. A member of staff from Academic Services will act as Secretary. This person will also be able to advise on regulations.

In the interests of natural justice and transparency, the student is provided with the same documentation as the panel and is invited to attend. If they attend, they will be present throughout. The panel may also have invited other parties such as witnesses (which may include the student who reported and/or experienced the misconduct).

On the day, all communications should be through the panel – it is not usually appropriate for other people attending the meeting to speak directly to each other. You will be asked to make a statement to the panel, but you are not expected to verbally repeat the facts of the case or your investigation report. You may wish to add any useful context or detail, however, as well as explain the rationale for the referral to the disciplinary procedure and summarise what actions were taken prior to the referral. It would be appropriate to highlight the main points the School would like the panel to consider. You may wish to outline any relevant procedures or practices (especially those which may be programme- or School-specific). The panel may ask you questions about the case to assist with their consideration. The panel will also hear from the responding student and anyone else who has been invited to attend. They may ask questions of any party.

Before the panel deliberates and reaches a decision, you will be invited to give a short summary statement. This allows you to highlight any key points again and also to address anything that you have heard in the meeting. The responding student will also be asked to give a summary statement, and then everyone apart from the panel members and the secretary will leave the meeting.

Remember that the panel members take an objective position. Do not assume that they will favour either the Programme/Validated Institution/School or the student's position, or that colleagues on the panel will have a detailed understanding of processes in your School.

Generally, information you give to the panel must be based upon verifiable facts, and you should avoid drawing inferences where these cannot be supported. This does not mean you cannot express a view, but if you do so, it must be one you can reasonably justify, or that you are particularly qualified to make, eg. an academic judgement.

After the panel, you will receive a copy of the outcome and the notes from the meeting.

Disciplinary Panel members

A Disciplinary Panel will be convened if the matter cannot be resolved at Stage 1. The panel will consist of three people – two members of staff from a list approved annually by Senate, who have received up-to-date training (one of these will chair the meeting) and a Students' Union officer or nominee.

The panel will be supported by a secretary from Academic Services who will supply relevant documentation, organise the meeting, take minutes and is able to advise on regulatory matters if needed.

The secretary will arrange a short pre-meeting before the panel hearing itself. This allows the panel members to meet each other if they have not already done so, and to ensure that everyone has the papers and is happy to proceed.

The panel's role is to consider the case and reach a decision about the next steps (whether allegations can be upheld and what, if any, sanction should be applied).

To assist with this, they will receive documents and evidence collected during the investigation stage in advance, along with a statement from the responding student summarising their position and copies of any relevant regulations or policies. The investigating officer and the responding student will also receive copies of these papers.

At the panel meeting, the panel will hear from the investigating officer, the responding student and any witnesses. They will be able to ask questions of any party. The Chair should lead the meeting using the agenda and inviting people to make submissions at the appropriate time. Note that it is not usually appropriate for other people at the meeting to speak directly to one another or to cross-examine each other. Instead, questions should be directed through the panel.

The panel should be mindful of the impact on all parties of attending a panel meeting. Where possible, short breaks should be allowed. The panel themselves may require a short break to consider what they have heard before reconvening to ask any further questions.

Once the panel has heard from all parties and is satisfied that they have sufficient information, everyone apart from the panel members and the secretary will leave the meeting for the panel to deliberate.

In a case of academic misconduct, the misconduct will already have been proven by an Academic Misconduct Panel in the School. In some cases of general (non-academic) misconduct, the student may admit the allegations. In other cases, the panel will need to agree, on the **balance of probabilities**, whether the allegations can be upheld. This means that they will need to find evidence that it is more likely than not that the incident took place. They cannot simply believe that it is likely to have happened. However, note that this is a lower standard of proof than that of a criminal case, where decision-makers must be satisfied so that they are sure that the alleged incident took place.

When the misconduct is admitted or proven, the panel will also need to agree a sanction. In these cases, the panel should ask the student to present any mitigating factors which may assist when deciding on an appropriate sanction. A list of available sanctions is provided in this regulation. When considering sanctions, the panel should consider the least severe sanction to begin with, and work through the list up to the most severe, in order reach an appropriate conclusion.

The panel will need to consider any potential impact on the student in relation to maximum registration periods, fees (and any fee refunds), student loans, bursaries, grants, visa-related issues, accommodation and entry into a profession. The members should refer the student to appropriate support services (within City or externally) for guidance and advice in relation to any potential impact. The panel should specifically consider whether an imposed sanction would have a disproportionate effect on the student because of these or any other circumstances, including a student's age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

Where a sanction of suspension or exclusion is applied, the panel will need to specify what the arrangements will be for the duration of this sanction (i.e. registration and fee status, who the student may contact for University-related matters etc). The panel will also need to confirm the arrangements for lifting the exclusion or the student's return to studies.

The panel may find that it requires a short break after hearing from all parties before reaching a decision. This is not usually a problem, although note that the student should be informed of the outcome as soon as practically possible and within ten working days.

After the meeting, the panel members will be asked to agree the minutes and the outcome letter, to ensure that an accurate record of proceedings was kept. The minutes and outcome will be shared with the responding student and the investigating officer. The reporting student (where appropriate) will be provided with a summary of the outcome and details of any sanctions that apply to them but they will not receive full details of another student's disciplinary hearing.

If you have been asked to sit on a panel and have any questions or concerns, please contact the Student Experience (Casework) team on ace@city.ac.uk.