

Student Discipline Procedure

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Student Discipline Procedure (the “SDP”)

Scope

1. Being a student of the University of Dundee (the “**University**”) confers many rights and privileges. All students have a right to study in a safe environment, where their rights are respected. This must always be balanced with students’ independence and freedom.
2. All students of the University are subject to the disciplinary jurisdiction of the Senate in respect of their conduct both on and off University property. The authority of the Senate in disciplinary matters shall normally be exercised by the Principal, acting on its behalf. In addition, full disciplinary powers are also permanently delegated by the Principal to the Authorised Officers.
3. This SDP applies to former students of the University (under University Charter 3(g) “...the University shall after due enquiry deem to be good cause, to deprive any person of any degree, diploma, certificate or other academic award granted to him by the University.”).

Unless stated otherwise, the SDP may also apply to international students who may be training on a University degree programme at an overseas institution.

4. Where a student’s conduct is deemed to interfere with the rights of others, or falls short of the standard of behaviour expected from students, disciplinary proceedings may commence. Unacceptable conduct may be dealt with under this procedure even if it occurs outside University premises (including electronically or on social media) where the conduct is connected to the University community or the University’s reputation.
5. The aim of this SDP is to ensure there is a process for dealing with disciplinary issues in a clear, fair, reasonable and timely manner.
6. When considering a student’s conduct, the University understands that disabilities or health conditions may affect a student’s behaviour. Where unacceptable conduct arises due to disability or health conditions, the University will take reports or evidence of this into account when investigating under this SDP. The University may offer support to assist students going through this SDP (see paragraph 16).
7. Disciplinary proceedings may involve considering matters such as:
 - The requirements of the law
 - The protection of national security
 - Public safety
 - The prevention of disorder or crime
 - The protection of health or morals
 - The protection of the rights and freedoms of others
 - Upholding the University’s Values (Working Together, Making a Difference, Integrity, Valuing People and Excellence)
 - Upholding the University’s reputation.
8. The University is committed to diversity in its committee membership and to allowing reasonable adjustments for disability as per applicable law and regulations. These will be taken

into consideration as required and where reasonably practicable in the application of the SDP in practice.

9. The SDP is the procedure adopted by the University in relation to Student Discipline as set out in Ordinance 40. Any reference to Ordinance 40 in other processes, policies or procedures within the University will be deemed to be referencing this SDP.

Processes for considering student conduct under the SDP

10. The University has split this SDP into two processes for considering a student's conduct under the SDP:
 - A Express Process (EP) (see page 4 for full details)
 - B Serious Cases Process (SCP) (see page 4 for full details)
11. The decision as to which process will be used for each case will be determined by an Authorised Officer, who will be nominated on behalf of the Principal.

Authorised Officers

12. Authorised Officers are delegated on behalf of the Principal and include (but are not limited to):
 - Vice-Principals;
 - University Secretary;
 - Director of Academic & Corporate Governance;
 - Director of Legal;
 - Director of Institute of Sport & Exercise;
 - Director of Library and Learning Centre;
 - Director of Student Services;
 - Director of UoDIT;
 - Deans;
 - School Managers;
 - Head of Campus Security;
 - Residences Officer;
 - Fire Safety Officer (in relation to misconduct in breach of fire safety regulations in University residencies and University buildings); and
 - Complaints Investigators (for Investigation Stage only);
 - such other University person designated by the Principal as an Authorised Officer from time to time in writing.
13. Each Authorised Officer is authorised to appoint nominees as appropriate to carry out the duties of an Authorised Officer.

Timescales within the SDP

14. All reasonable efforts will be made to comply with timescales listed at each stage of the SDP. In exceptional circumstances, these timescales may need to be extended. In such cases the Authorised Officer shall contact the student to inform them of the reasons for the delay and to give an indication of the possible timescale.
15. Throughout the SDP the term "working days" refers to the days that the University is open for business during a calendar year excluding weekends.

What support is available to students going through the SDP?

16. Advice and support for students will be available from the following University support services:

- Enquiry Centre;
- Health Service;
- Disability Services;
- Occupational Health Services;
- Counselling Service;
- School Office and/or
- DUSA.

Students can also seek independent legal advice at their own expense.

Immediate Suspension

17. The University has a duty of care to its staff and students. Where conduct is deemed to be of a nature to put the student or other members of the University community at risk, the Principal (or their nominee), under Statute 5(4), may immediately suspend the student from all or part of their studies. This action will only be taken in urgent situations where the need to suspend is necessary. Examples of situations which may require immediate suspension include (but are not limited to):

- (1) A student who is the subject of a police investigation;
- (2) A student against whom an allegation of serious criminal conduct has been made;
- (3) A student who poses a risk of harm to themselves or other members of the University community; or
- (4) A student who is the subject of a Serious Cases Process (SCP).

18. If a student is suspended, the Principal (or their nominee) shall send such notice of suspension in writing in the form of a letter and delivered via pdf attachment in an e-mail and followed optionally with a hard copy delivered by first class, recorded delivery to the student, setting out the reasons for this decision and any conditions, if appropriate. Examples of conditions may include, but are not limited to:

- (1) Allowing the student to attend classroom teaching only for the duration of that teaching;
- (2) Restrictions on participating in University activities;
- (3) Having no contact with named individuals;
- (4) Restrictions on accessing the University campus or parts of it; or
- (5) Restrictions on accessing sports facilities.

19. Any student suspended under this section has the right to make written or oral representations to the Principal (or their nominee) within 7 working days of receiving notice of their suspension.

20. Any suspension will be kept under periodic review, generally at least every month or at different intervals by mutual agreement, for any material change in circumstances. The student has the opportunity to submit written information to support their return to University, but no hearing or personal submissions will be made. The outcome of each review will be recorded and intimated to the student.

21. After review, any decision to permit the student to return to the University, will be sent by the Principal (or their nominee) in writing (via recorded delivery). This written confirmation will include any conditions attached to the students return and details of support available to the student.
22. Immediate suspension is not a penalty under the SDP. It is used to protect members of the University community and/or the reputation of the University.

Emergency Cases

23. If circumstances arise which, in the view of an Authorised Officer, requires urgent action to be taken, the Authorised Officer may proceed to apply disciplinary action immediately. Any of the penalties set out in appendix 2 may be applied in such circumstances.
24. The Authorised Officer will then review the decision within 48 hours and may amend their initial decision. The student remains entitled to appeal the decision as set out above.

The SDP Processes

A Express Process (EP)

25. The EP is reserved for minor conduct issues, for instance, issues relating to accommodation, minor damage to property or anti-social behaviour not directed at other individuals.
26. An individual Authorised Officer has full discretion to deal with a minor conduct issue at the time of the incident or within a reasonable time thereafter, and this does not require a formal procedure.
27. Penalties using the EP are likely to include an 'on-the-spot' fine or an informal verbal warning. This will not form part of a student's disciplinary record.
28. Students subject to persistent conduct issues under the EP may be referred to the SCP.

B Serious Cases Process (SCP)

29. In the first instance it is expected Schools would attempt to resolve the conduct issue informally. If the issue could not be resolved informally or the conduct is deemed to be of a more serious nature, then the SCP should be followed. Examples of serious cases may include: bullying, harassment, assault, potential criminal behaviour, or anything deemed by any of the Authorised Officers to be appropriate to be dealt with under the SCP.
30. The SCP follows a 4 stage process:
 1. Stage 1 - Reporting an issue of conduct
 2. Stage 2 - Investigation
 3. Stage 3 - Hearing
 4. Stage 4 - Appeal

Stage 1 - Reporting an issue of conduct

31. All University staff and students are responsible for reporting issues of conduct by a student where they have evidence or have witnessed the incident. Examples of conduct issues are detailed further at appendix 1.

32. Any such issues should be reported either in person to the Enquiry Centre, Campus Green or by email to: enquiry@dundee.ac.uk with the heading "Conduct" in the email subject line.
33. Any such issue should be raised with the University as soon as problems arise to enable prompt investigation and swift resolution. The time limit is six months to raise an issue with the University from when the complainant first became aware of the problem. If there are special circumstances for requesting consideration of a matter beyond this time, the University has discretion in the way that the time limit is applied and may extend the time limit to up to twelve months if this is appropriate.

Stage 2 - Investigation

34. Once a report is received at stage 1, an Authorised Officer (who does not have a conflict of interest) will review the report and consider whether the alleged conduct could constitute a disciplinary offence (appendix 1).
35. If the Authorised Officer determines that this could potentially constitute a disciplinary offence, the investigation will commence promptly, and be completed usually within 20 working days. The University may extend this period where necessary, particularly during exam periods or holidays.
36. The investigation may include the following:
 - Interviewing the student concerned
 - Interviewing any other witnesses / obtaining written statements from the witnesses
 - Obtaining and reviewing documentary evidence, such as emails, letters and social media activity.
37. Should the student decide not to attend an interview after due notification, the investigation may proceed in their absence. In exceptional circumstances, attendance can be arranged by telephone or electronic means (such as Skype) on acceptance of the Authorised Officer.
38. Following the investigation, the Authorised Officer will determine whether or not a formal hearing is required.

Stage 3 - Hearing

39. Once a decision has been made that a formal hearing is required, the Authorised Officer will arrange for a hearing to be set up and will write to inform the student of the date of the hearing.
40. The student will be given the opportunity to submit any further evidence or supporting documentation in advance of the hearing (and no later than 10 working days before the date of the hearing).
41. The student concerned will also be informed of their rights in respect of the hearing including:
 - To attend the hearing
 - To be heard
 - To make representations
 - To present a defence
 - To be accompanied, assisted or represented at the hearing by any person
42. The Authorised Officer may request the support of another Authorised Officer to assist with the hearing.

43. The Authorised Officer will ensure that the student, and any other Authorised Officer, receive copies of all hearing papers a minimum of 10 working days before the hearing.
44. Should the student decide not to attend after due notification, the hearing may proceed in their absence. In exceptional circumstances, attendance can be arranged by telephone or electronic means (such as Skype) on acceptance of the Authorised Officer.
45. The Authorised Officer may adjourn or postpone the hearing at any time, and may seek legal advice.
46. After considering the evidence presented, the Authorised Officer must decide whether the facts alleged have been proven (using the civil standard of proof “on the balance of probabilities”).
47. If the facts have been proven or the student has admitted the conduct, the Authorised Officer will proceed to consider the level of penalty required. The penalties that may be imposed are set out at appendix 2.
48. In considering an appropriate penalty, the Authorised Officer will take into account the degree of insight shown by the student and any aggravating and mitigating circumstances.
49. The outcome, reasons for the decision, the duration of any penalty, the right of appeal, and any plans for a future formal review of the conduct will be set out in writing in the form of a letter and delivered via pdf attachment in an e-mail and followed optionally with a hard copy delivered by first class, recorded delivery post to the student by the Authorised Officer normally within 10 working days.
50. If the case is deemed to be more serious than expected, the Authorised Officer may refer the case to the Principal.
51. Any student who is issued with a penalty will have the right of appeal. The student will have 7 working days from the date they receive the decision from the Authorised Officer to submit an appeal to the Authorised Officer. The grounds under which an appeal can be heard are noted in paragraph 53.

Stage 4 - Appeal

52. If a student is dissatisfied with the decision at stage 3 of the SCP, they have the right of appeal. The student will have 7 working days from the date they receive the outcome to write to the Authorised Officer, stating the following:
 - The nature of the appeal (i.e. appeal against the decision or the penalty, or both)
 - The grounds of the appeal
- 52A. The student must also send a copy of the notice of appeal to the Secretary of the University.
53. The decision of the stage 3 hearing may be appealed strictly on the following grounds only:
 - (1) The student has acquired new information which could not reasonably have been made available to the Authorised Officer at the time of the stage 3 hearing and which had it been submitted, would have been likely to have influenced the decision.
 - (2) The decision is flawed because of serious procedural irregularities in the proceedings before the stage 3 hearing.
 - (3) Allegations of prejudice or bias on the part of the Authorised Officer.
 - (4) The decision of the stage 3 hearing was wrong, the Authorised Officer having erred in either fact or in law or both including (but not confined to) the giving of insufficient weight or

drawing incorrect conclusions from the evidence before them, making a finding not supported by the evidence before them and imposing an excessive penalty in light of the findings made in fact.

54. The University Secretary (or their nominee) will consider whether the notice satisfies one of the four grounds for appeal. If not, the University Secretary (or their nominee) will notify the student within 5 working days, and the appeal shall not proceed.
 55. If the University Secretary (or their nominee) considers the appeal satisfies one of these grounds, then the University Secretary (or their nominee) will send the student a written invitation to attend an appeal hearing.
 56. The procedure for the appeal hearing shall be as indicated in appendix 3, taking into account the information contained in the student's notice for appeal.
 57. The student may be accompanied to the appeals hearing by a representative, e.g. typically a trade union, DUSA or other professional representative and shall give prior notice to the Authorised Officer if this is the case.
 58. The appeal hearing shall be heard by a panel, comprising at least three members. The members shall be Authorised Officers, with one member acting as the Chair. Any Authorised Officer who has been closely involved in giving support to the student, has been involved previously in the case or those who considered the student's case at stage 3, shall not be eligible to sit on the panel.
 59. The Authorised Officer that originally dealt with the case may be called to attend the hearing.
 60. If there is a split decision within the panel, the Chair shall have the casting vote.
 61. The panel will decide on the evidence presented whether or not to uphold the appeal in whole or in part on the relevant grounds of appeal (see paragraph 53).
 62. Following the decision to uphold the appeal, the following options may be applied by the panel as appropriate:
 - Quash the stage 3 hearing findings;
 - Impose alternative penalties, which may be more severe (in line with appendix 2);
- This list is not limited and the panel has the freedom to make appropriate judgements on a case by case basis subject to applicable law, regulations and professional standards.
63. The outcome, reasons for the decision, the duration of any penalty, and any plans for a future formal review of the conduct will be set out in writing in the form of a letter and delivered via pdf attachment in an e-mail and followed optionally with a hard copy delivered by first class, recorded delivery post to the student by the Chair normally within 10 working days with a copy to the University Secretary.
 64. The panel's decision is final with no further right of appeal.

Record keeping

65. The University complies with the General Data Protection Regulation. Information regarding the SDP shall only be disclosed for the purposes of dealing with the alleged issue of conduct and/or implementing recommendations. In this respect, the University has the right to disclose such information to relevant members of University staff or any victim of the conduct.

66. Personal data shall not be shared without the student's consent, unless the University has a statutory obligation to do so.

Internal reporting

67. Outcomes from the SCP will be reported to the Senate of the University.

APPENDIX 1 - ISSUES OF CONDUCT

68. A student shall be guilty of issues of conduct through:
- (1) failure to comply with any statute, ordinance, regulation, rule or instruction of the University, or any disciplinary bye-law of the Students' Association;
 - (2) improper interference with the functioning or activities of the University, or those who work or study in the University;
 - (3) action which otherwise harms the interests of the University and members of its community or brings the University into disrepute.
69. The following are examples of conduct issues (this list is not exhaustive):
- .1 Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere;
 - .2 Obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of the University or any authorised visitor to the University;
 - .3 Violent, indecent, disorderly, threatening or offensive behaviour or language whilst on or off University premises or engaged in University-related activity including gender based violence and hate crime;
 - .4 Fraud, theft, deceit, deception or dishonesty in relation to the University or its staff or in connection with holding any office in the University or being a student of the University;
 - .5 Action likely to cause injury or impair the safety or health of any person, on or off University premises;
 - .6 Bullying, harassment or intimidation by any means of any student, member of staff or other employee of the University or any authorised visitor to the University on the grounds of any of the protected characteristics;
 - .7 Examination offences or offences under the Regulations governing Plagiarism and Academic Dishonesty;
 - .8 Damage to, or defacement of, University property or the property of other members of the University community caused intentionally or recklessly, and misappropriation of such property;
 - .9 Misuse or unauthorised use of University premises or items of property, including computer misuse;
 - .10 Conduct which constitutes a criminal offence, where that conduct:
 - (1) Takes place on University premises;
 - (2) Affects or concerns other member of the University community;
 - (3) Damages the good name of the University;
 - (4) Constitutes issues of conduct within the terms of the SDP;
 - (5) Is an offence of dishonesty, where the student holds an office of responsibility within the University;
 - .11 Behaviour which may bring the University into disrepute;

- .12 Failure to disclose name and other relevant details to an officer or employee of the University in circumstances when it reasonable or necessary to require that information to be given;
 - .13 Failure to comply with a previously imposed penalty;
 - .14 Contravention of a penalty imposed;
 - .15 Research misconduct of any description;
 - .16 Raising unfounded or unsubstantiated complaints, appeals or disciplinary matters;
 - .17 Infringements of the University parking regulations;
 - .18 Non-payment of tuition fees (under Ordinance 41);
 - .19 Any misconduct or criminal convictions prior to admission at the University, which were not previously reported to the University and which:
 - (1) could raise questions about the student's fitness to practise in a professional field;
 - (2) may risk harm or injury to members of the University community;
 - (3) may damage the good name of the University.
70. Contravention of any of the above can occur through activity off or on campus or through online activity.
71. The University also has separate policies, procedures and regulations which may be used in connection with the SDP. They include (but are not limited to):
- Code of Practice on Academic Misconduct
 - Recruitment and Admissions Policy
 - Code of Conduct for Use of Computing Facilities
 - Dignity at Work & Study
 - Conduct of Examinations
 - Fitness to Practise
 - Library Regulations
 - Misconduct in Research
 - Code of Conduct in Residences Accommodation
 - Student Terms and Conditions
 - Sports Union Code of Conduct
72. A finding of guilt or acquittal in a court of law does not preclude University proceedings in respect of the same incident, provided that in the case of an acquittal no such proceedings shall be taken on specific allegations already considered and rejected in court.
73. If the alleged incident is not serious, the SDP may continue. If the action is considered serious, no action will be taken by the University unless the matter has been reported to the police.
74. If a student is sentenced by a criminal court, the court's penalty will be taken into account when determining the penalty made under the SDP.

APPENDIX 2 – PENALTIES

75. Disciplinary penalties will be proportionate to the issue of conduct involved.
76. Penalties can be temporary or permanent, and may include:
- (1) Expulsion, exclusion or suspension from:
 - The University as a whole;
 - An academic or other course;
 - The use of IT facilities;
 - The use of sports facilities;
 - Any University club or society
 - Any privileges;
 - Part of the University's precinct or premises;
 - Visiting or residing in, or preventing future application to, any University residencies, flats, halls or other University accommodation;
 - (2) A fine;
 - (3) A requirement to make good the cost of damage or reimburse losses;
 - (4) A reprimand;
 - (5) A University community service requirement;
 - (6) Perform a written task;
 - (7) Any other penalty of any type which is deemed appropriate in the circumstances.
77. These penalties shall apply whether or not the student has entered into a contract with the University for accommodation or anything else.

Deferred Penalties

78. The University may impose a deferred penalty on a student. In this situation, the penalty will not take effect immediately but will be held on the students' file for a recommended period of time. During this period, the student will continue to be monitored. If the student's conduct is called into question during the deferred period, the Authorised Officer will review the evidence presented and, if appropriate, will put the deferred penalty into immediate effect. If, following the review period, no further issues of conduct arise, the Authorised Officer will write to the student to inform them the deferred penalty will not be imposed.

APPENDIX 3

Hearing (Stage 3)

Procedure Note

79. The Authorised Officer will ensure that the student receives notification of the disciplinary hearing together with copies of all documents (including an inventory of documents), and that the student is aware of the procedure to be followed, a minimum of 10 working days before the hearing.
80. Should the student decide not to attend after due notification, the hearing may proceed in their absence. In exceptional circumstances, attendance can be arranged by telephone or electronic means (such as Skype) on acceptance of the Authorised Officer.
81. The Authorised Officer will explain the process and possible outcomes.
82. The Authorised Officer will invite the student (and/or accompanying representative or supporter) to make a statement.
83. The Authorised Officer will invite the student to answer questions following their statement.
84. Once the Authorised Officer is satisfied they have completed questioning and that the student has had a full opportunity to convey information, the hearing will end.
85. The Authorised Officer will consider the case in private.
86. The Authorised Officer will proceed to consider the level of penalty required if the facts have been proven (using the civil standard of proof “on the balance of probabilities”) or if the student has admitted the conduct.
87. **Balance of probabilities test** - if the evidence is such that the Authorised Officer decides “I think it is more likely than not” - the test is satisfied. Expressed as a percentage, if the Authorised Officer concludes that it is 51% likely that the issue of conduct has occurred, then the matter is decided.
88. The level of penalty to be applied will be determined by weighing up the degree of insight shown by the student against the issue of conduct which has occurred. Penalties will be considered in order of increasing severity to determine the minimum needed. See appendix 2 for examples of possible penalties.
89. The Authorised Officer will convey in writing in the form of a letter and delivered via pdf attachment in an e-mail and followed optionally with a hard copy delivered by first class, recorded delivery post (normally within 10 working days) this decision to the student and not at the time of the hearing. This will include the reasons for the decision, the duration of any penalty, any plans for a future formal review of the conduct and the option to appeal the decision.

APPENDIX 4

Appeals Hearing (Stage 4)

Procedure Note

90. The Chair will ensure that the student receives notification of the appeals hearing and will also ensure the student and members of the panel have received copies of all related documentation and are aware of the procedures to be followed a minimum of 10 working days before the appeals hearing.
91. Should the student decide not to attend after due notification, the appeals hearing may proceed in their absence. In exceptional circumstances, attendance can be arranged by telephone or electronic means (such as Skype) on acceptance of the Chair.
92. The Chair of the appeals hearing will introduce by name, and explain the role and function of, each member of the appeals hearing and any others present.
93. The Chair will explain the powers of the appeals hearing and invite the student, and/or any accompanying representative or supporter, to make an opening statement based on the relevant grounds of appeal.
94. The Chair will invite the student to answer questions from the members of the appeals hearing. However, they will make it clear that they are not required to answer questions after giving their statement.
95. The Chair will ask any other person(s) called to provide evidence to make a brief statement on the relevant grounds of appeal, and will then invite the members of the appeals hearing to ask further questions.
96. The student and the Authorised Officer of the stage 3 hearing, if present, will be given the opportunity to ask any questions in response to each other's statement and to make a final summary of their case.
97. All non-appeals hearing members will withdraw and will be asked to wait for a short time as indicated by the Chair.
98. The panel will discuss the case.
99. If any point requires further clarification the student, Authorised Officer of the stage 3 hearing or witnesses may be recalled. When the Chair decides, they will be asked to leave the meeting again.
101. If there is a split decision within the panel, the Chair will have the casting vote.
102. The panel will come to its decision based on the balance of probabilities.
103. **Balance of probabilities test** - if the evidence is such that the panel decides "we think it is more likely than not" - the test is satisfied. Expressed as a percentage, if the panel concludes that is it 51% likely that conduct issues have occurred then the matter is decided.
104. The outcome, reasons for the decision, the duration of any penalty, and any plans for a future formal review of the conduct will be set out in writing in the form of a letter and delivered via pdf attachment in an e-mail and followed optionally with a hard copy delivered by first class, recorded delivery post to the student by the Chair normally within 10 working days with a copy to the University Secretary. Possible outcomes are shown in paragraph 62.

Student Discipline Procedure - Flowchart

