15.1 Student Disciplinary Procedure

Introduction

1. Throughout this section of the Academic Quality Handbook the term ‘University’ refers to the Aberystwyth University. The terms ‘Pro Vice-Chancellor’ and ‘Academic Registrar’ may include designated members of staff acting on behalf of these staff.

2. This section of the AQH applies to all registered students at Aberystwyth University as defined in its Rules and Regulations. It does not apply to complaints about behaviour by staff (investigated under separate disciplinary procedures https://www.aber.ac.uk/en/hr/policy-and-procedure/disciplinary/), or services provided by the University (investigated under the Student Complaints procedure https://www.aber.ac.uk/en/academic-registry/handbook/complaints/).

3. The University reserves the right to investigate any allegations where a registered student is suspected of breaching discipline, even if the student has since withdrawn from the University on a temporary or permanent basis, or has graduated. The outcome would be taken into consideration when considering an application for future study.

4. The procedure applies to breach of discipline on and off campus, including breach of discipline on placements and other external activities.

5. The burden of proof in all cases shall rest on the University and the standard of proof will be on the balance of probabilities.

6. Legal representation will only be permitted in cases investigated by the Disciplinary Panel where the consequences for the student are potentially very serious.

Rules and Regulations

7. The Rules and Regulations of the University https://www.aber.ac.uk/en/academic-registry/handbook/regulations/student-rules-regs/ apply to all students and at all times, including vacation. They also incorporate the following policies of the University:
(i) Student Code on Dignity and Respect

(ii) Policy on Equal Opportunity

(iii) Health and Safety Policy

(iv) Code of Practice on the Freedom of Speech

Penalties

8. Penalties may be applied for breach of discipline following Category 1 and Category 2 investigations. Examples of penalties are provided in appendix 1, varying in severity in proportion to the nature of the breach of discipline. These examples are not exhaustive and the University may apply other penalties where there is a strong justification for doing so.

9. At any stage in the disciplinary procedure the University reserves the right to recover any damages from the student that the University has incurred as a result of action by the student concerned.

Reporting

10. Students, staff and members of the public may report a suspected breach of discipline to the University.

11. Reports of suspected breach of discipline should be sent to the University as soon as possible after they become known. The formal report form must be completed, and submitted to the relevant department (Category 1 investigation stage) or Academic Registry dscstaff@aber.ac.uk (Category 2 stage).

12. Students, staff or members of the public suffer no disadvantage or recrimination as the result of reporting suspected breach of discipline in good faith.

Independence

13. Staff members involved in investigations and decisions will have no prior involvement in the case. Responding students will be made aware of the identity of investigators and Panel
members, and may submit an objection to Academic Registry dscstaff@aber.ac.uk on grounds of conflict of interest. The objection will be considered by the Academic Registrar and students will have the opportunity to appeal the outcome.

**Temporary action**

14. Urgent or serious cases may be referred to the Pro Vice-Chancellor and temporary action taken. These include cases where a criminal investigation is on-going. The University may take action pending Category 2 investigation, to include the following:

   (i) Suspension for specific activities;

   (ii) Restricted access to university campus;

   (iii) Restricted contact with specific individuals.

15. Temporary action will not be used as a penalty and does not imply that there has been a breach of discipline. It is designed to safeguard staff, members of the public and students (including responding students under investigation for possible breach of discipline). Academic Registry will provide students with full details of the reasons for taking action.

16. Serious or urgent disciplinary matters may be referred to the Pro Vice-Chancellor and swift temporary action taken. These will include cases of a threat of serious harm to the student and/or others, a risk to mental health, or issues of a highly sensitive nature.

17. Responding students will have access to advice and representation from the Students’ Union during discussions about precautionary measures.

18. Where there are significant developments or representations, a review of the suspension or partial suspension will be arranged as soon as possible. Such a review will not involve a hearing or submissions made in person, but the student will be entitled to submit written representations.

**Criminal Offences**
19. Criminal behaviour may also be a breach of the University’s Rules and Regulations for students. Where a student is acquitted of a criminal offence, the University may still take action under its disciplinary procedure. Action may also need to be taken where a student has been convicted of a criminal offence, including cases of imprisonment.

20. If the police or courts are involved, the University will normally await the outcome of those proceedings before conducting an internal investigation, maintaining contact with the police and with the students involved during this period.

21. Temporary action may be required while a criminal investigation is underway, which may involve temporary suspension from the University.

22. Investigations fall into two categories:

   **Category 1 Investigation**

23. The following may conduct Category 1 investigations:

   (i) The Director of Information Services, (or nominee) in the case of an alleged breach of Information Services Regulations, including regulations relating to the use of computer facilities and general University facilities.

   (ii) The Head of an academic department in the case of minor breaches of Rules and Regulations relating to academic provision, including those relating to the use of departmental facilities.

   (iii) The Head of Commercial Services (or nominee), in the case of an alleged breach of Sports Regulations.

   (iv) The Director of Estates (or nominee), in the case of breach of license agreement.

   (v) Faculty Managers or other nominees of Faculty Pro Vice-Chancellors, in the case of minor breaches of Rule 2.19 Health and Safety, not relating to individual academic departments.

   (vi) In the case of an alleged breach of Regulation 3.7 (Regulations in Respect of the Students’ Union) the decision by the Academic Registrar or nominee on whether a breach of
discipline has occurred and whether a penalty should be imposed will be taken only after consultation with the President of the Students’ Union.

24. On receiving an allegation, the head of department or nominee will conduct a preliminary assessment, liaising with Academic Registry dscstaff@aber.ac.uk as appropriate. The head of department shall proceed to conduct an investigation, interviewing witnesses and considering documentary evidence. Students shall be made aware of allegations made against them throughout the process.

25. If the head of department or nominee is satisfied, on the balance of probabilities, that the allegation has been upheld and that the appropriate penalty can be imposed under Category 1, the student will be informed in writing by issuing the standard template letter. A copy of this letter must be provided to Academic Registry dscstaff@aber.ac.uk.

26. If the head of department or nominee determines that the severity of the allegation requires Category 2 investigation, Academic Registry should be consulted before submitting the allegation form and all relevant evidence to dscstaff@aber.ac.uk.

27. Penalties issued following Category 1 investigations are limited to those indicated in appendix 1.

28. The student shall also be informed of the right to appeal the decision by requesting a re-investigation under Category 2. This request must be made in writing to Academic Registry dscstaff@aber.ac.uk.

Category 2 Investigation

29. On receipt of a reporting form, the Academic Registry (Faculty Registrar, Student Discipline) shall review the report and the evidence, and conduct a preliminary assessment. This will include a risk assessment under the University’s duty of care to determine any conditions on the student’s continued registration pending the outcome of disciplinary procedures, and possible deferral of the investigation pending criminal investigation / legal proceedings.
30. The University will seek to resolve all Category 2 investigations within 90 calendar days of sending initial notification to the responding student. In case where investigations cannot be completed within this timeframe, the reporting person and responding student will receive regular communication (including delays as a result of university closure periods).

31. Following the preliminary assessment, an Investigative Officer will be appointed from a pool of trained academic staff. The University also retains the right to appoint an external Investigative Officer.

32. Where appropriate and with agreement from the reporting student, the Investigative Officer may seek early resolution in discussion based on the willing participation of all parties. At the end of the process, the Investigative Officer will submit a brief report to Academic Registry, which will be responsible for communicating the outcome in writing to all students involved.

33. Where early resolution is impossible or inappropriate, the Investigative Officer will invite the responding student to attend an initial meeting. This should be held at the earliest opportunity but the responding student must have at least 5 days’ notice in writing, and a copy of all relevant procedures and evidence relating to the case. The meeting will be an opportunity for the student to respond to the allegation, to ask any questions about the process, and to be reminded of the sources of advice and guidance. The student may be represented by the Students’ Union during the meeting, and may also be accompanied by other individuals with the permission of the Investigative Officer. A written note of the meeting (which will not be a full transcript) will be sent to the student.

34. The Investigative Officer may also invite the reporting person to a meeting. This will be an opportunity to explain the remit of the investigation and to clarify any matters of fact.

35. The Investigative Officer may interview further witnesses and gather documentary evidence. Notes will be kept of these conversations and will be made available to the responding student during the course of the investigation, along with any new documentary evidence. The Investigative Officer may also conduct further interviews with the responding student.
36. When all evidence has been gathered, the Investigative Officer will prepare an investigation report which will outline the process followed, the information gathered, the timeline of events relating to the case, and the conclusions.

**Action by Academic Registry**

37. On receiving the Investigative Officer’s report, the Academic Registrar or nominee will confirm one of the following:

(i) Issue a minor penalty;

(ii) Refer the case to the Student Disciplinary Panel;

(iii) That no further action is required;

(iv) That the case should be referred to another university procedure.

Academic Registry will check that procedures have been correctly followed, and will inform the student of the outcome and the penalty to be applied. The student will also be informed of the right to request a Final Review

**Disciplinary Panel**

38. The University shall establish a Standing Panel of twelve members to investigate suspected breaches of discipline. Each Faculty shall nominate four members of academic staff to serve on the Standing Panel. Student members shall be nominated by the Students’ Union.

39. The University Panel shall consist of 3 members selected from the Standing Panel, one of whom shall be designated as the Chair, and including 1 student member. No member of any University Panel shall be drawn from the student’s department(s).

40. Students will be informed of the date, place and time of Disciplinary Panel meetings, and invited to attend.
41. Documentary evidence shall be provided to students at least 5 days before the date of the meeting and also circulated to Panel members. Any further evidence made available on the date of the meeting may be presented to the Panel, but only with the express permission of the Chair.

42. Students may be represented by an advisor from the Students’ Union. Representation by other persons will be at the discretion of the Chair, and any requests for such representation should be made in writing to the Chair in advance of the panel meeting. Legal representation at the meeting will not normally be permitted.

43. Where a student, without good reason, fails to attend a panel meeting, the meeting may proceed in their absence.

**Functions of the Disciplinary Panel**

44. The function of the Disciplinary Panel will be:

(i) to consider the evidence submitted to it on the suspected breach of discipline;

(ii) to determine whether the allegation has been substantiated on the balance of probabilities;

(iii) to determine, in cases where the allegation has been substantiated, any penalty to be applied.

**Meetings of the Disciplinary Panel**

45. The Chair will present an outline of the case against the student, referring to the evidence which has been submitted for consideration. Panel members may ask questions of the student.

46. The student will have the right to hear all the evidence relating to the case before responding to the allegation, and to make a response in person to the Panel. Additional documentary evidence including evidence of special circumstances may not be presented to the panel on the day of the meeting without the express permission of the Chair.
47. When the presentation of the evidence and the student’s response are completed, all persons, other than members of the Panel, and the secretary if present, will withdraw.

48. If the panel is satisfied, on the balance of probabilities, that the allegation of has been substantiated, a written report will be submitted to the Academic Registry. The Academic Registry will check that procedures have been correctly followed, and will inform the student of the outcome, the penalty which will be applied, and also of the right to request a review.

49. If the panel is satisfied that there is no breach of discipline, a written report will be submitted to the Academic Registry. The Academic Registry will check that procedures have been correctly followed before informing the student of the outcome, and that no further action will be taken.

50. Whether or not the finding of the panel is that the case has been substantiated, the student may be informed orally of the outcome; but there will be no discussion of the decision with the student.

**Outcome letter and final review**

51. Clear reasons will be given for all decisions, including the penalties imposed, and the reasons why lesser penalties could not be imposed.

52. In cases where allegations have been presented by students, the University will seek to provide a resolution, including a remedy for the impact of the breach of discipline where appropriate. In doing so the University will also consider its duty of care towards the responding student and may decide not to release details of decisions and penalties.

**Mitigating Circumstances**

53. Mitigating Circumstances will not be considered in determining whether a student has breached discipline. They will however be taken into consideration at Category 1 and Category 2 stages in determining penalties. Mitigating circumstances may include personal
circumstances which affected the student’s judgment, but may also include expressed remorse or early admission of breach of discipline.

**Fitness to Practise**

54. Students on courses leading to a professional qualification or accreditation may be required to abide by standards of conduct set by external regulators. Allegations relating to the fitness to practise of such students may also be subject to investigation under the University’s Fitness to Practise Procedure (Chapter 16 of the Academic Quality Handbook).

**Student Representation and Support**

55. The University will make students aware of support services which are available internally and externally, both for students being accused of breach of discipline and those making allegations of breach of discipline.

**Appeals and Final Review**

56. Students who are dissatisfied with the outcome of the disciplinary investigation may request a review, to be investigated by a Pro Vice-Chancellor. The Final Review procedure can be found at https://www.aber.ac.uk/en/academic-registry/handbook/fr/.

**Records and Confidentiality**

57. Academic Registry will maintain anonymised records of disciplinary investigations to enable reflection and review of the procedure. These will include details of the categories of breach of discipline, penalties applied, and mitigating factors.

58. Academic Registry will maintain records of students who are excluded from the University under the disciplinary procedure, and will review such cases in the event of a further application to study at the University.

59. In order to allow students to defend themselves against allegations, it is not normally appropriate to keep the identity of witnesses secret during disciplinary investigations. It may
not be appropriate to rely on the evidence of witnesses who do not wish their identity to become known to the responding student.

Reconsidering the same allegation

60. Under some circumstances the University may reconsider the same allegation, taking account of the following:

(i) Whether new evidence is available which could not have been disclosed at an earlier stage, and with a good reason.

(ii) The length of time that has elapsed and the effect of this on the reliability of the evidence.

(iii) The impact on the responding student of undergoing a second investigation.

(iv) Whether leaving the matter unaddressed would impact on the University’s obligations under its own Rules and Regulations, or the external requirements of professional or regulatory bodies.

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Student Discipline Flowchart

**Category 1: academic or service department**

**Category 2: reporting person submits allegation form to Academic Registry**

Initial consideration by Academic Registry

Investigation and report by Investigative Officer

Academic Registry: minor penalty/referral to committee/no further action

Disciplinary Committee

Final Review

Responding student only

OIA

Student Complaints Procedure

Responding student; reporting person (if a student)
## Student Discipline: Some examples of Category 2 Penalties

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<th>Rule</th>
<th>Example</th>
<th>Possible penalties</th>
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| 2.3 Students must not bring the University into disrepute or incur any liability on behalf of the University. | Giving employers or others false information about academic qualifications awarded by the University | - Temporary or permanent exclusion  
- Removal of academic qualifications conferred by the University  
- Written warning  
- A written reflection  
- Apology to the employer or person who has received the false information |
| 2.9 Students must not behave in a violent, indecent, disorderly or threatening manner or engage in oral or written abuse towards other students, staff or other individuals. This includes communication via e-mail and social media and students should pay due regard to both the Student Code on Dignity and Respect and the University Guidance on the Use of Social Media. | Physical misconduct, sexual misconduct or abusive behaviour where the activity is brief, unplanned, and the level of physical or emotional harm to the victim is low and there have been no previous concerns.  

Serious physical misconduct, sexual misconduct or abusive behaviour. | - Formal warning  
- An apology, if wanted by the reporting person  
- A written reflection  
- Restrictions on access to facilities or campus  
- Permanent or temporary exclusion  
- An apology, if wanted by the reporting person |
| 2.19.1 Every student is under a legal obligation to take reasonable care of their own health and safety, and the safety of others who may be affected by their actions or inactions whilst studying at the University. | Not following health and safety instructions within a lab setting after being warned of the consequences | - Temporary or permanent restrictions or conditions on the right to use University labs  
- Apology to the staff member of department issuing the health and safety instructions |