



# STUDENT DISCIPLINARY

## PROCEDURES

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### Student Disciplinary Procedure

#### Introduction

1. This procedure sets out the ways in which the Union of Brunel Students will manage concerns about member behaviour and conduct.
2. Concerns about staff will be referred to the Unions staff grievance and disciplinary procedures.
3. All students enrolled at Brunel University are members of the Union of Brunel students and are required to conduct themselves in a manner that is responsible and respectful to other people, including fellow students, members of staff, visitors to the University, and members of the public.
4. The Union is committed to the fair and equal treatment of all individuals regardless of gender, age, disability, colour, race, ethnic or national origin, socio-economic group, sexual orientation, family responsibilities, religious or political beliefs.
5. At the point you are enrolled at the University, students agree to abide by all relevant University processes.
6. All members of the Union and University have a responsibility to support the maintenance of good order and a safe environment which is conducive to study, research, living and working. Members of staff are encouraged to address minor cases, such as general or low level anti-social behaviour, through early intervention, positively supporting students to develop their understanding of what constitutes acceptable behaviour before circumstances escalate towards disciplinary action.

7. Where appropriate, the Union reserves the right to refer a concern raised under this procedure for consideration either separately or simultaneously under any other relevant Union regulation or procedure at any time.
8. Where appropriate, the Union reserves the right to refer a concern raised under this procedure for consideration to the University Conduct Team, OSCCA for consideration under SR6. Dependent on the case, a referral may be made in place of the Union procedure or once a case has been considered under the union procedure.
9. In operating this procedure, the Union will remain mindful of its legal obligations including its duty of care and obligation to the [Education Act 194 Part 2](#), our obligations under the Equality Act 2010 (including to make reasonable adjustments for disabled students), and its obligations under the Data Protection Act 1998.
10. Brunel University have its own procedures for resolving breaches of its rules and regulations and the details of these procedures are available on the intranet [Senate Regulations | Brunel University London](#)

## 11. Precautionary Action

- 11.1 The Union may in appropriate cases make a decision to temporarily suspend and/or exclude a member for a defined period of time (which may be extended) from Union premises and/or activities. A temporary suspension and/or exclusion is precautionary. It is not a penalty and does not indicate that the Union has concluded that the student has breached its rules regarding student conduct.
- 11.2 In Union premises, the Union's Designated Premises officer can temporarily suspend and/or exclude a member for a defined period of time (which may be extended) from Union premises and/or activities with immediate effect. A temporary suspension and/or exclusion is precautionary.
- 11.3 If a student's conduct may be in breach of the law, the Union may, at its discretion refer the matter to the police and/or other suitable authorities. In addition, where a police or other external investigation or criminal proceedings have been or may be initiated in relation to an alleged act of misconduct, the Union may suspend its consideration of the matter under this or any other procedure (at any stage) until such investigation and/or proceedings have been concluded. The Union's consideration of a matter may be resumed at any stage should the Union deem it to be appropriate in the circumstances.
- 11.4 In operating this procedure, the Union will remain mindful of its legal obligations including its duty of care, its obligation under the Equality Act 2010 (including to make reasonable adjustments for disabled students), and its obligations under the Data Protection Act 1998.

## 12. Misconduct

Concerns that represent a potential or actual threat to the safety, security, good order, or reputation of the Union, its members or members of the public, or to the maintenance of a safe environment conducive to study, research, living and working will be considered as misconduct, this includes but is not limited to the following:

- A. Breaking the law.
- B. Threatening or engaging in violence, harassment, bullying or abuse, either physically, verbally or by way of the Internet or social media.

- C. Sexual misconduct.
- D. The possession, use or supply of drugs (including the misuse of prescription drugs or legal highs), or weapons.
- E. Anti-social behaviour, including but not limited to anti-social behaviour as a result of intoxication through alcohol or drugs.
- F. Damaging or misappropriating property.
- G. Theft.
- H. Inappropriate use of IT equipment, the Internet or social media, including breaches of the Brunel Acceptable Computer Use Policy.
- I. Preventing or interfering with lawful freedom of speech or belief.
- J. Bringing the Union into disrepute.
- K. Obstructing or interfering with a member of the Union.
- L. Obstructing or interfering with the good order, functioning or reputation of the Union.
- M. Failing to comply with the terms of a temporary suspension and/or exclusion from the Union.
- N. Failing to comply with a decision taken or penalty imposed under this procedure.
- O. Breach of Confidentiality.

## **General policy**

- 12.1 The standard of proof applied in operating this procedure is the balance of probabilities.
- 12.2 The Union may take action in respect of a student under this procedure notwithstanding the student's conviction or acquittal in criminal proceedings. The Union is not bound by the outcome of any criminal prosecution although the Union may use discretion and take any penalty imposed by a criminal court into consideration in determining any outcome to be imposed under this procedure.
- 12.3 Any student will be entitled to be accompanied at any stage by a Brunel student or Brunel staff member. Neither the Union nor the student will normally be permitted to be represented by a legal practitioner at meetings or hearings held under this procedure.

## **Reporting of concerns**

- 12.4 A concern that a student has committed misconduct should first be reported via the online form which can be found here.
- 12.5 The appropriate department head will determine whether the concern falls within the scope of this procedure, and may gather further information in order to do so:
  - Where the concern does fall within the scope of this procedure, they will appoint an Investigating Officer\* to investigate the concern.
  - Where the concern does not fall within the scope of this procedure, they may either dismiss the concern, or refer it for consideration under any other relevant Union or University regulation/procedure.

\*The Investigating Officer will be an appropriate department head.

## **13. Investigation**

- 13.1 The Investigating Officer will first write to the student(s) involved to notify them of the investigation and will normally:

- a) Inform the student of the nature of the concern that has been raised, the purpose of the investigation and will provide a copy of this procedure.
  - b) Inform the student that if they do not engage with the investigation, including attending any meetings when requested, the investigation may continue in the student's absence.
- 13.2 The investigation may include the gathering of written, oral and other information from relevant sources.
- 13.3 The Investigating Officer may request to meet with the student on one or more occasions during investigation and will normally:
- a) Inform the student of the purpose of any such meetings in advance.
  - b) Give the student at least 5 working days' notice of any such meetings.
  - c) Inform the student of their entitlement to be accompanied.
- 13.4 Notes will normally be kept of any meetings held with the student during the course of the investigation. A copy of such notes will be made available to the student.
- 13.5 Where appropriate, the Investigating Officer may invite the student to provide a written response to the concerns and to present any supporting information. The Investigating Officer will normally give the student 10 working days to do so.
- 13.6 At the conclusion of the investigation, the Investigating Officer will provide a report and copies of any relevant information to the Clerk to the HR and Compliance Manager. The report should be copied to the student.
- 13.7 The investigating officer will take one of the following actions:
- a) Dismiss the concern and take no further action.
  - b) Where it is considered to be less serious, apply a lesser penalty.
  - c) Where it is considered to be more serious, refer the concern to the University to consider under senate regulation 6.
  - e) Refer the concern for consideration under another Union procedure.
  - f) Where it is considered to be more serious, recommend a conduct hearing is convened.

## **14. Disciplinary Hearings**

- 14.1 A concern may be referred to a Disciplinary Panel Hearing by the investigating officer, the panel will consist of:
- A department head or member of SMT (Chair).
  - An elected FT/PT officer or an appropriate member from another committee.
  - A member of the Unions Complaints and Disciplinary Committee (3 members of SA but only 1 is required for each panel).

- 14.2 Where a concern involves multiple students, the investigating officer Board will determine whether each student's case should be heard at the same or at different panel hearings, and by the same or different panels.
- 14.3 The HR and Compliance Manager will normally contact the student at least 10 working days prior to the date of the Disciplinary Panel Hearing and set out in writing the following:
- The date, time and place of the hearing, and the name of the Panel members.
  - The student's right to be accompanied at the hearing by a Brunel student or Brunel staff member.
  - A copy of this procedure.
  - A statement setting out the Unions' case and the allegation of misconduct that is being made against the student.
  - A copy of the evidence and documentation in support of the allegation that will be submitted to the Panel.
  - The student's right to call witnesses to appear at the hearing.
- 14.4 The student will be invited to make a written submission in advance of the hearing in response to the Union's case and the allegation of non-academic misconduct. The student will be asked to provide this written submission to the investigating officer no later than five working days before the scheduled date of the hearing, together with details of any witnesses they are intending to call.
- 14.5 The investigating officer may submit additional information to the panel hearing chair. A copy of the information should normally also be provided to the student in advance.
- 14.6 Where a student chooses not to acknowledge the date of a hearing or provide a written submission in advance, the hearing may still proceed.
- 14.7 A student may request, at least 5 working days in advance of the date of the hearing, to the panel hearing chair that:
- A witness is allowed to attend the hearing and provide the purpose the witness will play. The Chair will determine whether the witness should be allowed to attend the hearing or not.
  - That the hearing is postponed and should provide a good reason for the request supported by evidence. The Chair will determine whether the hearing should be postponed or not.
- 14.8 If a student chooses not to attend a hearing having previously been given due notice of the date of the hearing, the hearing may proceed in the student's absence. The decision to proceed in the student's absence will be taken by the Chair.
- 14.9 The agenda for the hearing will normally be as follows:
- a) The Chair will run through the agenda and make introductions.
  - b) Declarations of interest.
  - c) The Investigating Officer will present the Union's case and the allegation of misconduct that is being made against the student and may call and question witnesses.

- d) The panel will ask the Investigating Officer any questions they have about the case or evidence presented.
  - e) The student will respond to the Union's case and the allegation of misconduct and supporting evidence and may call and question witnesses.
  - f) The panel will ask the student any questions they have about the case or evidence presented.
  - g) The Panel will retire to consider the case.
- 14.10 Once its consideration of the case is concluded, the Panel will normally take one or more of the following actions:
- a) Dismiss one or more of the allegations, either because the student has no case to answer or because the allegation has not been proven, and determine that no further action should be taken.
  - b) Determine that one or more of the allegations has been proven and that the student has committed misconduct.
  - c) Refer the case to the University for consideration under Senate Regulation 6.
- 14.11 Where it considers that the allegation has been proven, the Panel will determine which, if any, penalty as set out in Appendix A should be applied.
- 14.12 The ruling of the Chair relating to the outcome of a hearing will be final.
- 14.13 The HR and Compliance Manager will inform the student in writing, normally within 5 working days of the decision, of the outcome of the case and will set out the reasons for the Panel's decision.

## 15. Appeals

- 15.1 A student may request to appeal on one or more of the following grounds:
- a) That there has been a procedural irregularity.
  - b) That there was bias on the part of the decision-maker or decision-making body.
  - c) That the decision is unreasonable and/or that the penalty is disproportionate.
  - d) That there is new material evidence which the student can demonstrate was for good reason not previously available.
- 15.2 A request to appeal should be submitted in writing to the HR and Compliance Manager within 10 working days of the date the decision was made. In the request to appeal the student should specify the grounds they are appealing on.
- 15.3 If a request to appeal is received outside of the 10 working days timeframe and no evidence of a good reason for the delay is presented by the student, the HR and Compliance Manager will reject the appeal.
- 15.4 The CEO will consider the request to appeal and may refer to other available documentation where necessary.
- 15.5 The CEO will take one of the following actions:

- Determine that one or more of the grounds have been disclosed and consider the appeal.
  - Determine that none of the grounds have been disclosed and reject the appeal.
- 15.5 If the CEO considers that grounds have been disclosed, the appeal and a copy of the file from any earlier stages of this procedure will be referred to the CEO for further consideration.
- 15.6 The HR and Compliance Manager will invite the student to submit in writing, within 5 working days, their full appeal with evidence which the CEO will consider.
- 15.7 The student will be informed of the decision of the CEO in writing, normally within 10 working days of the date of receipt of the appeal.
- 15.8 The CEO will determine one or more of the following outcomes:
- Dismiss the appeal, either in whole or in part.
  - Uphold the appeal, either in whole or in part.
- 15.9 If an appeal is upheld, either in whole or in part, the CEO will take one or more of the following actions:
- a) Quash the decision of the Disciplinary Panel and determine that no further action should be taken against the student.
  - b) Apply a different penalty as set out in Appendix A.
  - c) Refer the case back to the original decision maker or decision-making body for further consideration.
  - d) Refer the case to a new Disciplinary Panel for fresh consideration.
  - e) Refer the concern for consideration under another Union or University regulation/procedure.
- 15.10 The HR and Compliance Manager will inform the student in writing, normally within 5 working days of the decision, of the outcome of the case and will set out the reasons for the CEO's decision. The decision of the CEO is final.
- 15.11 **The Charities Commission**
- When all internal procedures are complete you may then request an independent review of the case by the Charities Commission, further information can be found [here](#).

## APPENDIX A

### Sanctions

The Union can impose one or more of the following Disciplinary sanctions:

ACTION	ACTION TAKEN BY	Section
<b>Precautionary Action</b>		
The Union may in appropriate cases make a decision to temporarily suspend and/or exclude a student for a defined period of time (which may be extended) from Union premises and/or activities. A temporary suspension and/or exclusion is precautionary. It is not a penalty and does not indicate that the Union has concluded that the student has breached its rules regarding student conduct.	Investigating Officer Disciplinary hearing	11.1
<b>Less serious concerns</b>		
No action	Investigating Officer  Disciplinary hearing	13.7a  14.10a
A formal warning which will remain on file until the student has completed their studies.	Investigating Officer  Disciplinary hearing	13.7b  14.10b
Require the member to attend a relevant training programme.	Investigating Officer  Disciplinary hearing	13.7b  14.10b
Require the member to pay compensation for the damage or loss caused (up to the value of £300) and/or community service for specific period of time.	Investigating Officer  Disciplinary hearing	13.7b  14.10b
Require the student to apologise to the aggrieved party.	Investigating Officer  Disciplinary hearing	13.7b  14.10b



<b>Serious Concerns</b>		
Suspension from all or any specific activities and privileges in relation to membership of the Union for a specified period of time.	Disciplinary hearing	14.10b.
Refer the case to the University for consideration under senate regulation 6.	Investigating Officer	13.7c
	Disciplinary hearing	14.10c
Permanent exclusion from all or any specific activities and privileges in relation to membership of the Union.	Disciplinary hearing	14.10b
Recommendations for a vote of no confidence or censure	Disciplinary hearing	14.10b
Removal from elected post and/or removal of right to stand in Union elections.	Disciplinary hearing	14.10b

The Union can bring procedures against a complainant, if a complaint is deemed to be malicious.

## **APPENDIX B**

### **Temporary Suspension and Exclusion**

Circumstances can arise where it is necessary for the Union to take precautionary action in order to manage risk to the Union, the University, its members, and/or to the wider community. This Appendix sets out how this risk will be managed.

The Union may in appropriate cases use its powers to temporarily suspend and/or exclude a student for a defined period of time (which may be extended) or until a matter is considered under the relevant Union or University procedures.

Where a concern is raised relating to a student's conduct, whether on or off campus, which represents a potential or actual threat to the safety, security, health, wellbeing, good order, or reputation of the Union, the University, its members, an external organisation or members of the public, the investigating officer may decide to temporarily suspend and/or excluded the student.

Temporary suspension or exclusion may relate to any Union Activity (sports, clubs and societies), all union premises (locos/venue) and/or running in Union elections.

The HR and Compliance Manager will formally notify a student in writing that the student is being/has been temporarily suspended and/or excluded and will notify the student of any relevant conditions. A temporary suspension and/or exclusion will apply for a defined period of time (which may be extended).

### **Appealing a Temporary Suspension and Exclusion**

The student will have the opportunity to appeal to the Investigating Officer within 10 working days of the communication of the decision taken by the Vice-Chancellor's delegate to temporarily suspend and/or exclude a student.

An appeal to the Investigating Officer should be made on the following grounds:

- a) That there has been a procedural irregularity.
- b) That there was bias on the part of the decision-maker.
- c) That the decision is unreasonable and/or disproportionate.
- d) That there is new material evidence which the student can demonstrate was for good reason not previously available.

The Investigating Officer will consider the student's appeal and will:

- a) Maintain the terms of the temporary suspension and/or exclusion.
- b) Vary the terms of the temporary suspension and/or exclusion.
- c) End the temporary suspension and/or exclusion.

The HR and Compliance Manager will notify the student of the decision within 5 working days of receiving the appeal.