

Disciplinary Procedure for Students

Under this Procedure, the University has the power to discipline students and to suspend or expel any student for good cause.

Matters related to academic misconduct will not be dealt with under this Procedure.

Matters related to suitability for practice will be dealt with under the University's Academic and Qualifications Procedure: Suitability for Practice.

1 Students subject to this Procedure

1.1 The following are subject to this Procedure:

- Any student enrolled for an undergraduate or postgraduate programme of study offered by Glyndŵr University;
- Any student registered for a credit-bearing module at Glyndŵr University;
- Any student registered for a non-award-bearing programme or non-credit-bearing programme at Glyndŵr University
- Sabbatical Officers of the Student Guild. (However, in many cases, allegations of misconduct by a sabbatical officer are investigated through the disciplinary procedures of the Student Guild as an independent body).

This includes students studying at a franchise partner college/organisation or through an outreach arrangement. In some instances, due to the nature of the allegation, it may be deemed appropriate for a student to be dealt with under the disciplinary procedure of the collaborative partner but Glyndŵr University shall be kept fully informed of such proceedings and a student shall not be subject to disciplinary action for the same offence under more than one procedure.

1.2 The procedure shall apply regardless of any suspension of enrolment requested. Where a student withdraws in writing from the University and a disciplinary case is still in progress, the case shall be suspended and no further action taken through this Procedure. However should a student seek to re-enter the University, he/she cannot be formally admitted until his/her case has been fully considered through the procedure.

1.3 A student will be responsible for his/her own conduct and for the conduct of those they invite onto University premises. The University therefore shall have the right to take disciplinary action against a student for an act of misconduct committed by a person or persons, not students of the University, whom the student has invited onto University premises.

2 **Definition of misconduct**

An act will be regarded as misconduct if it constitutes improper interference with the functioning or activities of the University, or of those who work or study in the University; or any action which otherwise damages the University or its reputation.

In particular, the following shall constitute misconduct whether occurring on University premises or elsewhere:

- any conduct which constitutes a criminal offence;
- disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University;
- obstruction of, or improper interference with, the functions, duties or activities of any student or member of staff of the University, or any visitor to the University;
- violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language;
- sexual, racial or any other form of harassment of any student or member of staff of the University, or any visitor to the University;
- fraud, deceit, deception or dishonesty in relation to the University or its staff, students or visitors;
- theft, misappropriation or misuse of University property, or the property of the University's staff, students or visitors, including computer misuse;
- misuse or unauthorised use of University premises;
- damage to University property, or to the property of the University's staff, students or visitors, caused intentionally or recklessly;
- action likely to cause injury or impair safety on University premises;
- failure to respect the rights of others to freedom of belief and freedom of speech;
- breach of the provisions of any University code, policy, rule or regulation;
- failure to disclose personal details to a member of staff in circumstances in which it is reasonable to require that such information be given;
- failure to comply with a reasonable instruction relating to discipline, issued in accordance with this Procedure.

3 **Authorised persons**

The following members of staff are authorised to deal with matters of misconduct within their area of responsibility under the summary procedure (referred to hereafter as authorised persons):

Academic Leaders

University Librarian & Head of Student Services

Head of IT Services

Sports Centre Manager

Head of Commercial Services.

4 Allegation of misconduct

- 4.1 An allegation of misconduct should be made as appropriate to the relevant authorised person, depending upon the nature of the misconduct. An allegation of misconduct may also be made directly to the Academic Registrar.
- 4.2 An allegation of misconduct should be made promptly, in writing, and should include the following information: the identity of the person(s) against whom the allegation is made; the nature of the misconduct; the time and location; details of any witnesses; details of any action already taken. The nature of the misconduct should be specified clearly and factually.

5 Suspension

- 5.1 The relevant authorised person or the Academic Registrar may recommend to a Pro-Vice Chancellor that a student against whom an allegation of misconduct has been made should be suspended from the University for a period of up to 21 days, while the allegation is investigated. The Pro-Vice Chancellor shall decide whether the student shall be suspended and the period of suspension. Such suspension shall be agreed only in exceptional circumstances, to protect a member or members of the University community or the property of a member or members of the University community including harm to themselves.
- 5.2 Suspension shall be interpreted normally as exclusion from engaging with all University services and facilities. However, suspension may be subject to qualification, such as permission to take an examination. The terms of the suspension shall be notified in writing to the student. An order of suspension may include a requirement that the student shall have no contact with a named person or persons.
- 5.3 Where a student is engaged on a professional programme that includes professional practice, the student may in certain circumstances at the discretion of the Pro-Vice Chancellor be permitted to continue to attend lectures and engage in academic study but be suspended from engaging in professional practice.
- 5.4 In certain circumstances, suspension may include exclusion from residential accommodation owned or managed by the University, but this action can be taken only with due regard to appropriate legal process.
- 5.5 The student has the right to make representations, including oral representations, against a decision that he/she should be suspended to

the Academic Registrar, who shall refer the matter for consideration to a person nominated by the Vice Chancellor. The student has the right to be accompanied by a friend or member of staff or a representative of the Student Guild if making the representation in person.

- 5.6 Should the disciplinary procedure not be concluded by the end of a 21 day period of suspension, then the Pro-Vice Chancellor shall decide, in consultation either with the authorised person in a summary procedure or with the Chair of the Disciplinary Panel where a Panel has been convened, whether the suspension should be continued.

6 Proceeding of external agencies

- 6.1 Where misconduct is reported to the police or another external statutory agency (ESA), normally no action shall be taken until the outcome of any proceeding by the police, court or other external agency is known, other than that the student may be suspended under the terms of section 5.

- 6.2 Any period of suspension while external proceedings are underway shall be determined by a Pro-Vice Chancellor taking into account the likely period of time that the ESA may need to conclude its proceedings. As a guide, usually a Pro Vice-Chancellor shall determine that the period of suspension shall be the same as the period of time required by the ESA to conclude its proceedings and to inform the student of the outcome. The student will be requested to provide the University with evidence of the outcome, and the period of suspension will continue until this evidence is provided. While in such cases there shall be no requirement for the period of suspension to be formally reviewed unless the ESA requests such a review, a Pro Vice-Chancellor who approved the suspension shall make contact with the ESA to check the progress being made at least every two weeks.

- 6.3 Once the outcome of the proceedings of the ESA is known, the Academic Registrar, in consultation with the Academic Leader and, where appropriate, the authorised member of staff (University Librarian and Head of Student Services, Head of IT Services, the Sports Centre Manager or Head of Commercial Services), shall decide whether internal disciplinary action shall continue or be taken. In reaching a decision, they shall have regard to the decision of the ESA.

7 Summary Procedure

- 7.1 The members of staff specified in 3 are authorised to deal with matters of misconduct within their area of responsibility by the summary procedure, if it is considered that one or more of the following penalties would be appropriate:
- a formal oral warning;
 - a written warning;

- a final written warning where the student has received a previous warning, and notification of the disciplinary action to be taken if the student commits a further act of misconduct;
- a compensation payment up to but not exceeding the direct cost occasioned by the misconduct or £100, whichever is the lower;
- seizure and retention of items for a specified period provided that the sanction is reasonable and proportionate;
- a fine up to £100;
- suspension from the use of a service provided by the University or from the use of specified facilities.

7.2 The summary procedure shall not be followed:

- without the written agreement of the student. The full Disciplinary Procedure must be made available to the student. The authorised person shall specify a timescale for the student to decide whether to proceed with the summary procedure, which shall not normally exceed one day. Written agreement from the student may be obtained at the time of the interview. If the student does not agree that a summary disciplinary procedure may be followed, then the allegation of misconduct shall be referred to the Academic Registrar;
- where the outcome of the disciplinary procedure may be expulsion from University residences; suspension; or expulsion from the University;
- where the authorised person considers that it would not be appropriate to follow the summary procedure.

7.3 The following procedure shall apply when an allegation of misconduct is considered under the summary procedure:

The authorised person shall determine whether or not there is a case to answer;

The student shall be informed of their right not to be dealt with under the summary procedure;

The student shall receive a written summons to an interview, stating the allegation of misconduct and the charge under the Disciplinary Procedure;

The student shall be given adequate time, and no less than two days, to prepare to answer the allegation;

The student shall be informed of their right to be accompanied by a friend or member of staff or a representative of the Student Guild. In some circumstances it will be appropriate to allow a student to be accompanied by a carer and/or translator (e.g. for sign language);

There shall be a second member of staff, nominated by the Academic Registrar, present at the interview as a witness to proceedings;

The authorised member of staff shall consider written or oral evidence as he/she considers appropriate, including submissions from the student against whom the allegation has been made and from any other persons appropriate to the case;

The authorised member of staff shall find the student guilty only if satisfied on the balance of probabilities;
One or more of the penalties outlined in section 7.1 shall be imposed.

- 7.4 In determining the penalty, the authorised member of staff shall have regard to the outcome of any proceeding by an ESA and whether or not it would be appropriate for the University to impose an additional penalty.
- 7.5 Following the interview, the authorised member of staff shall produce a short report including the misconduct alleged, a brief summary of the evidence received, the grounds for the finding (guilty or not guilty) or finding the allegation not proven, the penalty imposed (if any), and the factors taken into account in deciding any penalty.
- 7.6 A copy of the report shall be sent to the student within five working days, and shall be sent also to the Academic Registrar for filing on the student's record.
- 7.7 Where the allegation of misconduct is found to be proven, the relevant professional and statutory body and/or the Independent Safeguarding Authority may be informed of the outcome of the summary procedure. Where discretion exists this will be a joint decision by the Academic Registrar and the Academic Leader or, in their absence, a Pro Vice-Chancellor.

8 Appeal Process following Summary Procedure

- 8.1 The student may appeal against a finding of guilt or the penalty imposed or both. The appeal shall be submitted in writing to the Academic Registrar within ten working days of the student being notified formally in writing of the outcome of the summary procedure. An appeal may be made on the following grounds:
 - matters which, for good reason, were not brought to the attention of the authorised person and which the student believes had a bearing on the matters under consideration;
 - matters of material irregularity in the summary procedure;
 - matters of mitigation which, for good reason, were not brought to the attention of the authorised person.
- 8.2 Should an appeal be submitted on grounds of new evidence that was not available for good reason during the summary procedure, the Academic Registrar may request that the authorised person reconsider the case.

- 8.3 Except where the case is referred back to the authorised person, the Academic Registrar shall convene a panel to consider the appeal. The Appeal Panel shall comprise:
An Academic Leader or a Pro Vice-Chancellor or a Director (Chair);
One other member of academic or operational staff deemed to be appropriate by the Academic Registrar;
The President of the Students' Guild or his/her nominee.

No member of the Appeal Panel shall have been involved previously with the case.

The Academic Registrar or his/her nominee shall attend to provide regulatory guidance, and the Academic Registrar shall appoint a Secretary to the Appeal Panel.

- 8.4 The student shall be entitled to be accompanied at the appeal hearing by an adviser, friend or representative who may be an enrolled student or member of staff of the University or sabbatical officer of the Students' Guild. This person may speak on behalf of the student provided that the student is present. If the person accompanying the student is authorised by the student to present the case on his/her behalf, then the Appeal Panel may stipulate that the student may speak only when called upon to give evidence by his/her representative.
- 8.5 Should the student elect to be accompanied by a professional body representative or a legally qualified person, then the student must inform the Academic Registrar in writing at least five working days before the hearing. Where the student elects to be accompanied by a person with legal qualifications, then the University has the right to have legal representation at the hearing. (Each party shall meet its own costs).
- 8.6 Should the student's chosen representative be unable to attend on the date set to hear the appeal, the Academic Registrar must be notified as soon as possible and not less than five working days before the hearing unless there are exceptional circumstances, so that an alternative date for the hearing can be set. However, the hearing shall not be postponed for this reason on more than one occasion.
- 8.7 Should the student be unable to attend on the date set to hear the appeal, the Secretary of the Panel should be advised at least 3 working days before the hearing of the reasons for non attendance. If the Chair of the Appeal Panel determines that there is good reason for his/her absence, he/she shall have discretion to call for the appeal hearing to be re-arranged. If the Chair of the Appeal Hearing determines that there is no good reason for non-attendance the hearing will proceed without the student's attendance.

- 8.8 There will be no entitlement to a rehearing of the case, which will be allowed only in exceptional circumstances.
- 8.9 The Appeal Panel may overturn a finding in the light of new evidence; or where it is considered that the original hearing was not conducted fairly; or where the finding of guilt is considered unreasonable in the light of the findings of fact.
- 8.10 The Appeal Panel may impose a lesser or greater penalty, having considered whether the original penalty was fair and reasonable in the light of all the circumstances of the case, and the student's means and general circumstances.

9 Disciplinary Procedure

- 9.1 Where it is not appropriate to deal with an allegation under the summary procedure, or it has been decided not to do so, the allegation of misconduct shall be referred to the Academic Registrar. An allegation of misconduct may be referred directly to the Academic Registrar.
- 9.2 The Academic Registrar shall arrange for a panel comprising the Academic Leader of the academic subject area in which the student is studying and a senior member of academic staff⁵³ not from the same academic subject area or a head of an operational department, and where appropriate the authorised member of staff, to determine:
- whether the allegation is not significant and should be dismissed;
 - whether the allegation is vexatious and should be dismissed;
 - whether the allegation should be referred to be dealt with through the summary procedure (if it has not been referred through that route);
 - whether the allegation should be referred for consideration under the Academic and Qualifications Procedure: Suitability for Practice;
 - whether there is a prima facie case to proceed with the formal disciplinary procedure.
- 9.3 Where it is decided to proceed with the formal disciplinary procedure, the Academic Registrar, in consultation with the Academic Leader of the academic subject area in which the student is studying, and where appropriate the authorised member of staff (University Librarian and Head of Student Services,, Head of IT Services, Sports Centre Manager or Head of Commercial Services), shall appoint a member of academic or operational staff (the Officer) to present the case against the student.

⁵³, Academic Leader, Director, member of the Professoriate

9.4 The Officer shall conduct an investigation of the allegation and shall endeavour to complete the investigation within 15 working days of his/her appointment as Officer. Where this timescale is not feasible the Officer shall notify the Academic Registrar who shall keep the student, and the individual who has made the allegation, informed of progress with the investigation.

9.5 The Investigation

9.5.1 The Officer appointed to present the case against the student shall seek to establish the facts associated with the allegations of misconduct promptly, before recollections fade. The Officer shall seek to interview, and if necessary, re-interview all persons whom he/she believes, on reasonable grounds, possess information relevant to the allegations of misconduct.

9.5.2 Wherever practicable, all prospective witnesses should be interviewed by the Officer in the presence of an independent person. The Officer will be responsible for taking detailed notes of the interview and transcribing those notes into a statement which the witness will have an opportunity to review before signing as an assurance that he/she is not being misrepresented in the transcript. Where a witness or the student who is the subject of the disciplinary case is unable for good cause to meet with the Officer, within a reasonable timescale, the witness or student can if he/she wishes, submit a written statement to the Officer who may refer to the statement in his/her report.

9.5.3 The Officer shall prepare a report outlining the evidence pertaining to the investigation, a copy of which shall be delivered to the Academic Registrar. The report shall include copies of witness statements (or in some circumstances an outline of witness evidence) and other documentary evidence which will be presented at the disciplinary hearing.

9.5.4 The Academic Registrar shall arrange for the report to be considered by the group of staff convened under 9.2, who, in the light of the report, shall determine:

- whether the allegation is not significant and should be dismissed;
- whether the allegation is vexatious and should be dismissed;
- whether the allegation should be referred to be dealt with through the summary procedure (if it has not been referred through that route);
- whether the allegation should be referred for consideration under the Academic and Qualifications Procedure: Suitability for Practice;
- whether there is a prima facie case to proceed with the formal disciplinary procedure.

9.6 Convening the Disciplinary Panel

9.6.1 Where it is decided to proceed with the formal disciplinary procedure, the Academic Registrar shall appoint a Secretary to the Disciplinary Panel, who shall be responsible for convening a Disciplinary Panel comprising:

- A Chair who is an Academic Leader (from an academic subject area other than that in which the student is studying) or a Pro Vice-Chancellor or a Director;
- One other member of academic or operational staff deemed to be appropriate by the Academic Registrar;
- The President of the Students' Guild or his/her nominee, who may be a member of the Student Guild Executive or an enrolled student of the University.

The Chair may elect either to appoint additional members to the Panel, to a maximum of five members in total, or to appoint specialist advisors to the Panel. One member of the Panel and the specialist advisors may be external to the University.

No member of the Panel shall have been involved previously with the case.

The Academic Registrar or his/her nominee shall attend to provide regulatory guidance.

9.6.2 The Academic Registrar or his/her nominee shall set out the case against the student in writing, demonstrating the misconduct in accordance with this Procedure. The case will be provided to the student as part of the documentation to be considered by the Panel.

9.6.3 If two or more students are accused of related offences, it is likely to be helpful to deal with their cases together, although the students should be given the opportunity to argue that the cases should be heard separately.

9.6.4 The Officer shall decide following consultation with the Academic Registrar or his/her nominee, which of the persons interviewed during the investigation will be required to attend the Disciplinary Hearing as witnesses to assist in presenting the evidence. He/she shall notify those witnesses accordingly, and inform the Secretary to the Panel.

9.6.5 The Academic Registrar will make arrangements, in liaison with the Secretary, to send the student and the Officer's witnesses notification of the date of the disciplinary hearing, providing 10 working days' notice.

9.6.6 The student shall be entitled to be accompanied at the disciplinary hearing by an adviser, friend or representative who may be an enrolled student or member of staff of the University or sabbatical officer of the

Students' Guild. In some circumstances it will be appropriate to allow a student or a witness (see 9.6.11) to be accompanied by a carer and/or translator (e.g. for sign language). The student or witness shall advise the secretary to the hearing if he/she has arranged to be accompanied so that arrangements can be made as appropriate.

- 9.6.7 Should the student elect to be accompanied by a professional body representative or a legally qualified person, then the student must inform the Academic Registrar in writing at least five working days before the hearing. Where the student elects to be accompanied by a person with legal qualifications, then the University has the right to have legal representation at the hearing. (Each party shall meet its own costs).
- 9.6.8 Should the student's chosen representative be unable to attend on the date set for the hearing, the Academic Registrar must be notified as soon as possible, and not less than five working days before the hearing unless there are exceptional circumstances, so that an alternative date for the hearing can be set. However, the hearing shall not be postponed for this reason on more than one occasion.
- 9.6.9 The student is required to attend the hearing on the date and at the time specified unless evidence of a good reason why he/she is unable to attend is provided to the Secretary of the Panel at least 3 working days before the hearing. The hearing shall go ahead without the student's attendance if the Chair of the Panel determines that there is no good reason to postpone it. However the Chair of the Panel shall have discretion to call for the disciplinary hearing to be re-arranged if, in his opinion, evidence of good cause has been provided.
- 9.6.10 The Secretary shall send all documentation to be considered by the Panel to the student at least seven working days before the hearing. The student shall be responsible for providing the documentation to his/her adviser, friend or representative.
- 9.6.11 The student shall be entitled to submit a statement for consideration by the Panel. This should be submitted to the Academic Registrar at least three working days before the hearing. Exceptionally, the Chair of the Panel may agree to accept a statement at a later stage.
- 9.6.12 The student shall notify the Academic Registrar at least five working days before the hearing if he/she wishes to call witnesses to attend the Panel. Where a student wishes to call witnesses, he/she shall list the names of the persons. The Chair of the Panel shall determine whether it would be relevant for the witnesses to attend. It shall be the responsibility of the student to notify his/her witnesses of the details of the hearing.

- 9.7 Should the student fail to attend the hearing without giving notice, or decline to attend a re-arranged hearing, then the hearing shall take place in the absence of the student. No representative shall be permitted to speak on behalf of the student in the student's absence.
- 9.8 In the event that a witness for either party is unable, for a good reason, to attend the disciplinary hearing, the Panel may, in exceptional circumstances, agree to consider the written evidence of that absent witness where the Panel is of the view that that is in the interests of natural justice. Before agreeing to do so, the Panel may need to adjourn to consider whether it should do so.
- 9.9 Exceptionally, the Chair of the Panel may agree that a witness may present evidence anonymously. In this instance, the witness will submit a written statement.

9.10 The Disciplinary Hearing

The disciplinary hearing will be conducted in accordance with the following procedure:

- 9.10.1 At the outset of the hearing, there shall be an introduction of all individuals present and a brief description of their role in the proceedings.
- 9.10.2 There shall be a description of the outline procedure for the hearing, including a clear statement of the purpose of the hearing, the possible outcomes and the means by which the outcome will be communicated to parties involved.
- 9.10.3 The student and his/her representative shall be present throughout the hearing until the Panel begins its deliberation.
- 9.10.4 The Officer shall present the case of the alleged misconduct to the Panel in the presence of the student and his/her representative, unless it has been agreed under the terms of 9.7 that the hearing should proceed in the absence of the student.
- 9.10.5 The person accompanying the student may speak on behalf of the student provided that the student is present. If the person accompanying the student is authorised by the student to present their case on their behalf, then the Panel may stipulate that the student may speak only when called upon to give evidence by his or her representative.

- 9.10.6 The student or his/her representative shall be given the opportunity to provide an account of the incident and any other information or explanation they wish the Panel to consider.
- 9.10.7 The Panel may invite the Officer to call witnesses, or the Panel may elect to undertake this responsibility itself.
- 9.10.8 The Panel members shall have the opportunity to ask questions of the Officer and of witnesses and of the student.
- 9.10.9 The student or his/her representative shall have the opportunity to ask questions of the Officer and of witnesses and of the Panel and to call his/her own witnesses. The Chair shall have the authority to require the student to withdraw any question that s/he considers to be irrelevant to the case.
- 9.10.10 The witnesses shall be present at the hearing normally only to present their own evidence and to answer questions. Witnesses normally will withdraw after giving evidence but may be re-called.
- 9.10.11 The student's personal tutor or counsellor, if invited and present may be requested to present a statement to the Panel.
- 9.10.12 The student or his/her representative shall be given the opportunity to respond to any of the information provided and to present a summary statement at the end of the proceedings.
- 9.10.13 The Panel shall have the discretion to adjourn the hearing for good reason, for example, to seek additional information or because of the unavailability of a witness due to illness. The student has a right to request an adjournment, providing their reason for the request; the Panel has the right to decline the request, without giving a reason.
- 9.10.14 The Officer, the student and his/her representative and the student's personal tutor or counsellor shall withdraw when the Panel begins its deliberation.
- 9.10.15 The Panel shall deliberate in private only calling the Officer and the student (and/or his/her representative) to clarify points of uncertainty on facts already given. If recall is necessary both parties are to return notwithstanding whether only one is required to clarify the point in question.
- 9.10.16 Any professional advisers appointed by the Panel (appointed in addition to members of the Panel) may be retained whilst the Panel deliberates in private but only to the extent that it may be necessary to call on them to provide further specialist advice requested by the

Panel, and shall withdraw before the Panel considers its decision.

9.11 The Finding

9.11.1 The Panel will find a student guilty of misconduct only if, on the evidence before it, it is satisfied beyond reasonable doubt of the student's guilt. Should the members of the Panel be unable to agree, then the decision shall be that of the majority of the members. In the event of a split decision the Chair of the Panel will have a casting vote.

9.11.2 The Panel may find that the student has not been guilty of misconduct.

9.11.3 One or more of the following penalties may be imposed:

- The student may be found guilty but no penalty imposed;
- A formal oral warning;
- A written warning;
- A final written warning where the student has received a previous warning or where the Panel considers the misconduct to merit a final written warning, and notification of the disciplinary action to be taken if the student commits a further act of misconduct;
- a compensation payment up to but not exceeding the direct cost occasioned by the misconduct or £500, whichever is the lower;
- Seizure and retention of items for a specified period provided that the sanction is reasonable and proportionate;
- A fine up to £500;
- Suspension from the use of a service provided by the University or from the use of specified facilities;
- Exclusion from the University for a fixed period of time, up to a maximum of twelve months;
- Expulsion from the University.

The Panel may recommend that the student shall be removed from residential accommodation owned or managed by the University, but this action can be taken only with due regard to appropriate legal process.

9.11.4 In determining the penalty, the Panel shall have regard to the outcome of any proceeding by an External Statutory Authority and whether or not it would be appropriate for the University to impose an additional penalty.

9.11.5 In exceptional circumstances, the decision as to disciplinary actions may be postponed until further information or advice is available.

Actions Necessary following the Finding

- 9.12 All the parties will be informed of the decision and the disciplinary actions to be taken. If the student is in receipt of a student loan or a bursary, the Student Loan Company or the body awarding the bursary will be informed where the penalty imposed is either exclusion for a fixed period or expulsion.
- 9.13 The decision will be confirmed in writing to the student within five working days. If a decision as to penalty is delayed, it will be confirmed in writing within a further 15 working days.
- 9.14 A report of the proceedings shall be made and retained on file. The report should include the misconduct alleged, and, where this is the case, a statement that the student has not been found guilty of misconduct. Where there is a finding of guilt, the statement should give a brief summary of the evidence received, the grounds for the finding, the penalty imposed, and the factors taken into account in deciding the penalty.
- 9.15 Where the allegation of misconduct is found to be proven, the relevant professional and statutory body and/or the Independent Safeguarding Authority may be informed of the outcome of the disciplinary hearing. Where discretion exists this will be a joint decision of the Academic Registrar and the Academic Leader of the academic subject area in which the student is studying or, in their absence, a Pro Vice-Chancellor.
- 9.16 Where the allegation of misconduct is found to be not proven, the University shall consider meeting the reasonable costs of the student.

10 Appeal against the decision of a Disciplinary Hearing

- 10.1 A student wishing to appeal against a decision of a Disciplinary Hearing Panel should notify the Clerk to the Board of Governors in writing, within 10 working days of receiving notification of the decision of the Disciplinary Hearing Panel.
- 10.2 The student shall be required when lodging a notice of appeal to submit a written statement outlining all matters which he/she requires the University to consider in support of the appeal. (The Statement of Appeal).
- 10.3 An appeal may be made on the following grounds:
- Evidence which, for good reason, was not brought to the attention of the Panel and which the student believes had a bearing on the matters under consideration;
 - Matters of material irregularity in the proceedings of the Disciplinary Hearing Panel;

- Mitigating circumstances, which, for good reason, were not brought to the attention of the Panel;
- That the penalty imposed was disproportionate to the offence.

10.4 The Clerk to the Board of Governors and the Pro Vice-Chancellor will consider the Statement of Appeal and determine if there is a prima facie case. Where the Clerk to the Board of Governors and the Pro Vice-Chancellor consider there is a prima facie case then the appeal will be heard by an Appeal Panel, unless it is deemed appropriate to reconvene the Disciplinary Hearing Panel to review its decision. This option will be deemed appropriate where, in particular, new evidence has come to light which was not made available to the original meeting of the Disciplinary Hearing Panel. In such circumstances, the student must be invited to attend together with the Investigating Officer and any new witnesses cited by the student or deemed by the Chair of the Disciplinary hearing to be relevant to the effective and fair consideration of the appeal. The student may be accompanied by a chosen representative (conditions specified in paragraph 10.6 and 10.7 below will apply).

10.5 Except where the case is referred back to the Disciplinary Panel, the Clerk to the Board of Governors shall convene an Appeal Panel to consider the appeal. The Appeal Panel shall comprise:

- A Chair who will be a member of the Board of Governors; the President of the Students' Guild, or nominee, not previously involved in the case;
- the Clerk to the Board of Governors or nominee;
- one member of the Board of Governors (minimum requirement) other than staff or student governors.

No member of the Appeal Panel shall have been involved previously with the case.

The Academic Registrar or his/her nominee shall attend to provide regulatory guidance, and the Academic Registrar shall appoint a Secretary to the Appeal Panel.

10.6 The student shall be entitled to be accompanied at the Appeal Hearing by an adviser, friend or representative e.g. an enrolled student or member of staff of the University or sabbatical officer of the Students' Guild. This person may speak on behalf of the student provided that the student is present. If the person accompanying the student is authorised by the student to present the case on his/her behalf, then the Appeal Panel may stipulate that the student may speak only when called upon to give evidence by his/her representative.

10.7 Should the student elect to be accompanied by a professional body representative or a legally qualified person, then the student must

inform the Clerk to the Board of Governors in writing at least five working days before the hearing. Where the student elects to be accompanied by a person with legal qualifications, then the University has the right to have legal representation at the hearing. (Each party shall meet its own costs).

- 10.8 The Appeal Panel shall have the same discretion to consider evidence of absent witnesses as afforded to the Disciplinary Panel (see paragraph 9.8).
- 10.9 The student is required to attend the hearing on the date and at the time specified unless evidence of a good reason why he/she is unable to attend is provided to the Clerk to the Board of Governors at least 3 working days before the hearing. The hearing shall go ahead without the student's attendance if the Chair of the Panel determines that there is no good reason to postpone it. However the Chair of the Panel shall have discretion to call for the appeal hearing to be re-arranged if in his opinion evidence of good cause has been provided.
- 10.10 The documentation submitted to the Appeal Panel may include (in addition to the Statement of Appeal and the Minutes of the Disciplinary Panel Hearing) the documentation presented to the Disciplinary Panel, the transcript of the hearing (where it was recorded) and any other documentation which either party considers relevant to the appeal. Any new witness statements or new documents should be provided at least seven working days before the agreed date of the appeal hearing.
- 10.11 The Secretary shall send all documentation to be considered by the Appeal Panel to the student at least seven working days before the hearing. The student shall be responsible for providing the documentation to his/her adviser, friend or representative
- 10.12 The appeal shall be conducted in the same way as the Disciplinary Panel (see paragraphs 9.10 et seq). The student shall open the appeal hearing by way of representations in support of his/her appeal, which should be restricted to matters previously set out in the Statement of Appeal and he/she shall be entitled to call witnesses whose evidence is relevant to the grounds of appeal.
- 10.13 The Chair of the original Disciplinary Panel shall, if requested by the Appeal Panel, be available to attend the Appeal hearing. The Appeal Panel may require other members of staff to attend as deemed appropriate. The Officer who attended the original Disciplinary Panel shall if requested by the Appeal Panel, be available to attend the hearing.
- 10.14 The Appeal Panel shall consider the documentation before it and representations put to it. The Appeal Panel shall adjourn to consider its decision and shall seek legal, or other expert advice either from inside

or outside the University if so advised by the Academic Register or his/her nominee. Where the Appeal Panel is satisfied that the disciplinary decision and penalty imposed by the Disciplinary Panel was within the band of reasonable responses which the Appeal Panel could have selected, the original decision shall be upheld. In other cases, the Appeal Panel may substitute a different decision which may include dismissal of the allegations, imposition of some other penalty whether of greater or lesser severity or, in exceptional circumstances, may decide to remit the case for re-hearing by a differently constituted Disciplinary Panel. If the members of the Panel are unable to agree, then the decision shall be that of the majority of the members. In the event of a split decision the Chair of the Panel will have a casting vote. The decision shall, whenever possible, be communicated to all parties within five working days of the appeal hearing.

11 Completion of Procedures

Following the exhaustion of the University's procedures, a Completion of Procedures letter should be sent promptly to the student by the authorised officer. Currently, that officer is the University's Academic Registrar.

12. Monitoring and Review

Monitoring of the process will be undertaken through the recording of individual disciplinary cases and the preparation of an anonymised Annual Report for consideration by the University Senate. This report will analyse the results of the hearings and include proposals for improvement to the process, where necessary.

Office of the Independent Adjudicator for Higher Education (OIA)

If a student considers this process to have been unfair or procedurally flawed, he/she may make a complaint to the OIA.

"Glyndŵr University participates in the Office of the Independent Adjudicator scheme for the independent review of student complaints. Once all the relevant procedures above have been exhausted a student may take their complaint to the Office of the Independent Adjudicator for Higher Education (OIA). A Scheme Application Form must be sent to the OIA within three months of the date of notification of completion of procedures letter.

A Scheme Application Form can be obtained from either the Academic Office or the Student Programmes Office or the Students' Guild or downloaded from the OIA website www.oiahe.org.uk (or the student can telephone or write to the OIA for a form). The address of the OIA is

Office of the Independent Adjudicator
Third Floor
Kings Reach

38-50 Kings Road
READING
RG1 3AATel: 01189 599813
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