

Student Disciplinary Procedure

1. Introduction

- 1.1 The University expects that all Students will behave respectfully to all members of the University community and in a way that does not interfere with or cause disruption to the normal operations of the University, its community or its reputation. The University community includes other Students, Staff, visitors and third parties, including those in the local community. Students are expected to familiarise themselves and comply with the University's Codes of Student Conduct (as set out in Appendix B) and where a Student's conduct falls below the standards set out in those Codes of Conduct, this may result in disciplinary action as set out in this Procedure.
- 1.2 This Procedure provides a framework for the regulation of Misconduct. Separate rules cover academic misconduct (for example, cheating or plagiarism), which are considered under the [University's separate procedures relating to Academic Misconduct](#)
- 1.3 This Procedure applies to all Students of the University. Where a Student of the University is studying at another institution or is studying at the University whilst visiting from another institution, different or additional arrangements may apply. The Student Appeals, Complaints and Discipline team can advise further if required.
- 1.4 This Procedure has been implemented following consultation with Reading Students' Union.
- 1.5 Terms used in this Procedure are set out in more detail at the Glossary in Appendix A.

2. Scope

- 2.1 The University may investigate and take disciplinary action in response to any allegations of Misconduct that occur:
 - 2.1.1 on University owned or operated premises and facilities, such as UK or international campuses and the farms; and
 - 2.1.2 during any University related activities, including those that occur away from the University, such as work placements, field trips and study abroad.
- 2.2 This will apply to allegations of Misconduct, whenever they occur, including during weekends and evenings, and outside of academic semesters. It also includes

conduct using online, social and digital media or in a social setting or in the wider community.

- 2.3 In general terms, this Procedure is concerned with actions that:
 - 2.3.1 Cause actual or potential distress or harm to others.
 - 2.3.2 Cause actual or potential damage to the property of others.
 - 2.3.3 Disrupt the normal operations, and/or safe use of, the University, including reputational damage (where applicable).
 - 2.3.4 Impede or interfere with the work or study of members of the University.
- 2.4 If there is conflict or overlap between this Procedure and another University policy or procedure, code, or regulation, the Head of Governance will decide which shall apply.
- 2.5 This Procedure can be initiated because it is reported that the behaviour of a Student may amount to Misconduct or because alleged misconduct has been identified as part of a different University process.
- 2.6 In some cases, where there are concerns that ill health has impacted the Student's behaviour, the matter may be considered under the University's Fitness to Study Procedure as well as or instead of this Procedure.
- 2.7 In some instances, a Student may be subject to a disciplinary process by Reading Students' Union and the University simultaneously. Either party may refer the matter to the other for consideration if it deems it appropriate, and actions taken by one party will not prevent the other from taking separate action.
- 2.8 This procedure will still apply if the alleged Misconduct arises from a Student acting as part of a group.

3. Over-arching principles

- 3.1 The University is committed to conducting a fair and transparent process when considering Student disciplinary issues.
- 3.2 Allegations will be handled sensitively and confidentially. More information on this is set out at Appendix H. If a matter investigated under this Procedure raises concerns about the welfare of an individual, University staff may refer their concerns to the University's Student Welfare Team and/or any other appropriate professionals.
- 3.3 The University provides Students with access to support when using this Procedure through Reading Students' Union and will make appropriate adjustments to ensure that Students who have protected characteristics under the Equality Act 2010 are

not treated less favourably. More information about this is set out at Appendix E of this Procedure.

- 3.4 The University will act fairly and reasonably towards all parties in the implementation of this Procedure, and it will be applied consistently throughout the University's Schools and Directorates. Decisions will be made on "the balance of probabilities", meaning that based on the evidence the decision maker(s) reasonably consider that it is more likely than not that the alleged Misconduct took place.
- 3.5 As set out in section 10, if the University is informed that any of the matters it is considering under this Procedure have been referred to the police, are the subject of a police investigation or are the subject of criminal or other court proceedings the University may pause some or all activity pending the outcome of police investigations and/or criminal proceedings, or otherwise.
- 3.6 Students under investigation for Misconduct under this Procedure are expected to comply with the University's Codes of Conduct throughout the disciplinary process. Any behaviour, including any words or actions, intimidation, threats, or coercion, against a Student or Staff member for instigating or engaging with a disciplinary investigation will be dealt with as Misconduct under this Procedure. Unreasonable behaviour may also be dealt with in accordance with Appendix G.
- 3.7 In circumstances where the allegation of Misconduct poses an actual or potential risk to members of the University community or the integrity of any investigation, Precautionary Measures may be applied as a neutral, non-judgmental action. These will not be applied for any longer than is necessary. Please see Appendix F of this Procedure for more information.
- 3.8 The University will, wherever possible, try to keep to the timeframes set out in this Procedure. If this is not possible, the University will notify the Student of the reasons for any delay and a revised timescale will be provided.
- 3.9 Where it is possible and practical, Students will be given the opportunity to attend disciplinary hearings in person. While physical attendance is not required by any Student at any meeting convened under this Procedure, the University will take reasonable steps where it is appropriate to do so to enable Students to participate by MS Teams, telephone or video conferencing or any other appropriate remote means of communication as an alternative to physical attendance.
- 3.10 The University may proceed with any investigative or disciplinary meeting in the absence of the Student, subject to them having been properly notified of the date and time, or where criminal proceedings do not allow the Student to attend in person. The University will ensure that the Student is provided with information to be considered at the meeting and will be given the opportunity to make written representations. The proceedings of any such meeting will not be invalidated because the Student does not attend.
- 3.11 The University may adjourn any investigation or meeting and reconvene at a later

date. Should this happen, the Student will be informed of the reasons for this.

- 3.12 The University may decide not to proceed with a Misconduct investigation where there are insufficient grounds or evidence to do so, and this will be communicated to the Student.
- 3.13 The outcome of Misconduct cases (which may on occasion include the sanction applied) may be shared with the Reporting Party, the Student Welfare Team, relevant internal and external services and appropriate individuals within the Student's School, as appropriate and reasonable. Where it is considered appropriate for welfare reasons, the detailed reasoning of the relevant Committee may be shared with the Reporting Party.

4. Reporting an allegation of misconduct under the procedure

- 4.1 Allegations of Misconduct should be reported to studentdiscipline@reading.ac.uk.
- 4.2 The University wishes, where it is possible and appropriate to do so, to resolve matters informally and without recourse to this formal Procedure. This means that the Student Appeals, Complaints and Discipline Team will consider whether the allegation can be dealt with informally and, if so, may refer the matter to an appropriate School or Directorate for resolution. A note of such informal resolution, and any guidance given, should be made. If informal resolution is not possible, the University may then commence investigation under this Procedure.
- 4.3 Upon receipt of an allegation of Misconduct, a member of the Student Appeals, Complaints and Discipline Team will decide:
 - 4.3.1 if informal resolution is appropriate (as set out above) and if not;
 - 4.3.2 whether the allegation of misconduct falls within the scope of this Procedure;
 - 4.3.3 whether further information needs to be sought, including from the Reporting Party, before a decision can be made whether to start a process under this Procedure; and
 - 4.3.4 whether the alleged Misconduct should be regarded as a matter of Level 1 Misconduct (to be investigated in accordance with section 6 of this Procedure) or Level 2 Misconduct (to be investigated in accordance with section 7 of this Procedure).
- 4.4 If an allegation of Misconduct relates to breaches of more than one regulation, policy, or code of practice, the Head of Governance will determine the process to be followed. This may include instigating an investigation that can inform a number of University procedures.

5. Categories of Misconduct

5.1 All allegations of breaches of the University's Codes of Conduct will be categorised as either 'Level 1 Misconduct' or 'Level 2 Misconduct'. There are a range of possible sanctions that may be applied based on the category of Misconduct. Misconduct will be categorised as follows:

5.1.1 'Level 2 Misconduct' will involve the most serious allegations of misconduct, which either do or have the potential to seriously affect or damage the University, its reputation or its Staff and Students, visitors or other third parties. This type of misconduct will warrant consideration and possible sanction by a Student Disciplinary Committee Hearing and sanctions for Level 2 Misconduct include exclusion from the University, as well as other sanctions that may have an impact on your academic progress.

5.1.2 Level 2 Misconduct may also include circumstances where:

- a) you have a warning(s) for Level 1 Misconduct that has not expired;
- b) fines for Level 1 Misconduct have reached £500 for similar types of misconduct;
- c) you have failed to comply with disciplinary decisions or sanctions previously imposed;
- d) you have failed to comply with the terms of a Precautionary Measure (see Appendix F); or
- e) there are aggravating factors (as set out in Appendix D **Error! Reference source not found.**) and the Student Appeals Complaints and Discipline Team considers the matter more appropriate to be considered as Level 2 Misconduct. **Error! Reference source not found.**

5.1.3 'Level 1 Misconduct' is all other misconduct that warrants formal investigation and possible sanction.

6. Level 1 Misconduct Procedure

6.1 If an allegation of Level 1 Misconduct is made the process set out in this section will be followed.

6.2 **Who will investigate and hear allegations of Level 1 Misconduct?**

6.2.1 Allegations of Level 1 Misconduct will be investigated and determined as set out below:

- a) If the alleged Misconduct is a breach of the Rules for the Use of the University Library, it will be considered by the University Librarian (or their nominee).
- b) If the alleged Misconduct is a breach of the Rules for the Use of University Sports Facilities, it will be considered by the Director of Sport and Active Wellbeing (or their nominee).
- c) If the alleged Misconduct occurred in University Accommodation, it will be considered by a member of the Warden team.
- d) If the alleged Misconduct is a breach of the Regulations for the Use of the University's IT Facilities and Systems, it will be considered by the Chief Digital and Information Officer (or their nominee).
- e) If the alleged Misconduct was in relation to the University estate, it will be considered by the Director of Estates (or their nominee).
- f) In all other cases, including allegations of Misconduct away from University premises, the alleged Misconduct will be considered by the Director of Student Services (or their nominee).

The person appointed to investigate and consider a Level 1 Misconduct allegation is referred to in this Procedure as a **Level 1 Officer**.

6.3 How will the allegation be investigated and considered?

- 6.3.1 The Level 1 Officer will gather together relevant evidence concerning the allegation against you. They will ensure, prior to determining any sanctions to be implemented, that you have been given the opportunity to make written or oral statements to defend yourself against the allegation or, where you wish to admit the offence, to account for the Misconduct and submit mitigation.
- 6.3.2 Investigative meetings are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.
- 6.3.3 Where you have been given reasonable notice to attend a meeting to investigate the offence and you have failed to attend or to make written or oral statements without good reason, the Level 1 Officer may proceed to reach conclusions and recommend sanctions as appropriate.
- 6.3.4 Following their investigation, the Level 1 Officer may decide (on the balance of probabilities) on one of the following courses of action:
 - a) there is no case to answer and that no further action is required;
 - b) there is a case to answer but that informal resolution is reasonable and

appropriate. This may include providing you with guidance about your future behaviour. A record will be kept of this decision;

- c) there is a case to answer for Level 1 Misconduct and to issue a sanction in accordance with sections 6.4 **Error! Reference source not found.** **Error! Reference source not found.** below;
- d) it needs to go through a different process; or
- e) to refer the matter to the Student Appeals, Complaints and Discipline Manager (or designate) to determine whether it should be dealt with as Level 2 Misconduct in accordance with section 7.

6.3.5 Where the Level 1 Officer refers a case to the Student Appeals, Complaints and Discipline Manager (or designate) under section 6.3.4(e), they will decide whether:

- a) to refer the allegation to a Student Disciplinary Committee under the Level 2 Misconduct process; or
- b) to refer the allegation back to the Level 1 Officer to be treated as Level 1 Misconduct and for a sanction to be issued in accordance with section 6.4.

6.3.6 Within 10 working days of concluding their investigation, the Level 1 Officer will notify you of their decision in writing, summarising the facts found, the considerations which led them, on the balance of probabilities, to reach that decision and details of any sanctions to be implemented.

6.4 What outcomes may apply?

6.4.1 Where a Level 1 Officer concludes that there is a case to answer for Level 1 Misconduct, they may impose one or more of the following sanctions:

- a) Issue you with a fixed penalty (as set out in Appendix C of this Procedure).
- b) Issue you with a first written warning. This will be entered into your record and will no longer be considered by the University after 6 months.
- c) Issue you with a second written warning. This will usually apply if you already have an active warning, or the Misconduct is in the reasonable opinion of the Level 1 Officer sufficiently serious and/or there are aggravating factors such as to warrant a second written warning. It will be entered into your record and will no longer be considered by the University after 12 months.
- d) Issue you with a final written warning. This will usually apply if you have

more than one active warning, or the Misconduct is in the reasonable opinion of the Level 1 Officer sufficiently serious and of particular concern and/or repeated and/or there are significant aggravating factors such as to warrant a final written warning. It will be entered into their record and will no longer be considered by the University 3 months after the completion of your course.

- e) Require you to compensate or make good any damage caused to private property.
- f) Require you to make appropriate recompense or written apology for any offence or harm caused, or any damage done to other Students, Staff or to University relations with its members or the outside community.
- g) Require you to attend appropriate training as directed.
- h) Impose a fine not exceeding £500 (which may be in the terms set out in Appendix C to this Procedure where applicable), some or all of which may be suspended.
- i) Recommend that you are prohibited from taking part in any Reading Students' Union activity or representation.
- j) Suspend you from University licensed premises or Reading Students' Union licensed premises with immediate effect and for no longer than 3 months. (Note that a ban from licensed premises can also be issued directly by the venue license holder under the Licensing Act, independently of this Procedure).

6.5 You may appeal against the outcome of a Level 1 Misconduct procedure as set out in section 8 below.

7. Level 2 Misconduct Procedure

7.1 How are Level 2 Misconduct allegations investigated?

- 7.1.1 The Student Appeals, Complaints and Discipline Team will appoint an Investigating Officer to conduct an investigation and report into the allegation of Level 2 Misconduct.
- 7.1.2 The purpose of an investigation is for the University to establish a fair and balanced view of the facts relating to any allegations of Level 2 Misconduct before deciding whether to proceed with a disciplinary hearing.
- 7.1.3 Where you have been given reasonable notice to attend a meeting to investigate the allegation and you have failed to attend or to make written or oral statements without good reason, the Investigating Officer may proceed to conclude their report based on the information reasonably

available to them. Non-attendance at a hearing, without good reason, may be an act of misconduct punishable by a fine.

- 7.1.4 On completion of an investigation, the Investigating Officer will promptly notify the Student Appeals, Complaints and Discipline Team of their findings in writing, summarising the evidence identified relating to each allegation and their recommendations, based on evaluation of that evidence on the balance of probabilities. The report will state whether the Investigating Officer finds there is sufficient evidence of a case to answer for the matter to proceed.
- 7.1.5 In the event that the Investigating Officer determines that there is not sufficient evidence of a case to answer of the alleged Level 2 Misconduct, the Student Appeals, Complaints and Discipline team will write to you within 10 working days to advise you that no further action will be taken.
- 7.1.6 Where the Investigating Officer concludes that there is a case to answer, the matter will be considered by the Student Disciplinary Committee.

7.2 Who sits on Student Disciplinary Committee?

- 7.2.1 A Student Disciplinary Committee is usually a panel of four. It will comprise:
 - a) A Chair, who shall be a member of the University's academic staff, appointed by the University Secretary (or their nominee);
 - b) Two further members of University staff; and
 - c) A Reading Students' Union Student Officer.
- 7.2.2 There will be a Secretary to the Student Disciplinary Committee from the Student Appeals Complaints and Discipline team or, exceptionally, otherwise nominated by the University Secretary or their nominee. The Secretary provides administrative support to the Committee and is not a member of the Committee and does not take any part in its decision-making.

7.3 What happens before the Student Disciplinary Committee Hearing?

- 7.3.1 You will be notified in writing at least 5 working days before a Student Disciplinary Committee Hearing (the "Hearing") takes place. You will be told:
 - a) The allegation(s) to be considered;
 - b) Details of the date, time and location of the Hearing, the composition of the Committee and your right to object to any members of it;
 - c) Copies of any evidence/documents to be considered;
 - d) That you may bring a written statement to the Hearing and that you may

ask witnesses to attend the Hearing to support you;

- e) That you can bring a Representative to accompany you; and
- f) Details on how the Responding Party can access support from Reading Students' Union Advice Service.

- 7.3.2 If you consider you need adjustments to be made to allow you to attend and/or participate fully in the Hearing you should notify the Secretary as soon as possible before the Hearing so your request can be considered, and any appropriate reasonable adjustments made. For more on the support available, see Appendix E.
- 7.3.3 If you wish to invite witnesses to appear at the Hearing or to provide written statements, you must notify the Secretary at least 3 working days prior to the Hearing so that your request can be considered, and appropriate arrangements made.
- 7.3.4 Should you have concerns regarding the impartiality of any member of the Student Disciplinary Committee (for example because you reasonably believe they may have a conflict of interest), you must notify the Secretary at least 3 working days in advance of the Hearing so that these concerns can be considered and, if appropriate, alternative Committee members appointed.
- 7.3.5 Should you wish to be accompanied at the Hearing by a person who does not fall within the definition of 'Representative' in this Procedure, you must contact the Secretary at least 3 working days before the Hearing giving details of the person you wish to attend and the reasons for this. You will be notified of the outcome of this request prior to the Hearing.
- 7.3.6 It is the University's expectation that you will be available for the Hearing at the scheduled time. If, exceptionally and for good reason, you cannot attend on the scheduled date the University will reschedule the Hearing. However, only one attempt will be made to reschedule the Hearing.
- 7.3.7 If you do not attend the Hearing and you do not notify the Secretary of your non-attendance, the Hearing will normally proceed in your absence.
- 7.3.8 Exceptionally, the Student Disciplinary Committee may proceed with 3 (rather than 4) Committee members present (so long as the Reading Students' Union Officer is in attendance) where postponing the Hearing would not be in the best interest of all the parties.

7.4 What will happen at the Student Disciplinary Committee Hearing?

- 7.4.1 Any Student Disciplinary Committee Hearing will be conducted transparently, fairly and in accordance with the principles of natural justice. It does not replicate the criminal process or a court of law. Its focus is to

ensure that all relevant facts are impartially considered by the Committee.

- 7.4.2 Subject to the provisions set out at section 7.3 above at the discretion of the Chair, a Reporting Party may either be interviewed separately or give evidence via a written statement or video or other link (including MS Teams).
- 7.4.3 At the Hearing the Panel will go through the allegations and the evidence that has been gathered. You will be able to respond and present any evidence of your own. The Investigating Officer may be present at the hearing. You will have the opportunity to ask questions of clarification concerning the process and supporting evidence presented.
- 7.4.4 You or the Investigating Officer may ask that relevant witnesses appear at the Hearing, which will be permitted provided that it is reasonable for such witnesses to appear and has been agreed in advance. Examples of this might be to provide a detailed explanation of a matter or to enable the Panel to ask questions, which would not be possible only with a written statement. You and the Investigating Officer will be given the opportunity to respond to any information given by a witness. In appropriate circumstances, where the Chair decides that it is reasonable for you to do so and/or that a fair hearing could not be held otherwise, you and/or the Investigatory Officer may be permitted to ask questions directly of the witness. Aggressive or adversarial questions or questioning will not be allowed. Where witnesses are to be heard, they are only to be present for the duration of their own evidence.
- 7.4.5 The Chair may adjourn the Hearing if it is determined that further investigation is required, such as re-interviewing witnesses in the light of any new points raised at the Hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 7.4.6 The Committee will determine, in light of the evidence presented, whether or not they are satisfied that the evidence before them supports the allegation(s) of Level 2 Misconduct, noting that the standard of proof is on the balance of probabilities. If the Committee is not satisfied that the evidence supports the allegation, the matter will be concluded, and you and, where appropriate, the Reporting Party will be informed in writing within 10 working days.

7.5 What outcomes may apply?

- 7.5.1 If the Committee decides that that the evidence supports the allegation of Level 2 Misconduct, it may impose one or more of the following sanctions:
- a) Issue you with a first written warning. This will be entered into your record and will no longer be considered by the University after 6 months.
 - b) Issue you with a second written warning. This will usually apply if you

already have an active warning, or the Misconduct is serious/there are aggravating factors. It will be entered into your record and will no longer be considered by the University after 12 months.

- c) Issue you with a final written warning. This will usually apply if you have more than one active warning, or the Misconduct is serious or repeated/there are significant aggravating factors. It will be entered into their record and will no longer be considered by the University 3 months after the completion of your course.
- d) Require you to compensate or make good any damage caused to private property.
- e) Require you to make appropriate recompense or written apology for any offence or harm caused, or any damage done to other Students, Staff or to University relations with its members or the outside community.
- f) Require you not to contact named individuals either directly or indirectly.
- g) Require you to attend appropriate training as directed.
- h) Impose a fine not exceeding £2,000, some or all of which may be suspended.
- i) Suspend you from University licensed premises and/or Reading Students' Union licensed premises with immediate effect and for a fixed period of time, or until specified conditions have been met. (Note that a ban from licensed premises can also be issued directly by the venue license holder under the Licensing Act, independently of this Procedure).
- j) Recommend to Reading Students' Union that you are prohibited from taking part in any Reading Students' Union activity or representation.
- k) Evict you from your University Halls of Residence, following discussion with the University's Accommodation Contract Management Office and in accordance with the terms of your residency agreement.
- l) Permanently or temporarily exclude you from specified University premises and/or services with immediate effect.
- m) Remove you as a student of the University.

7.5.2 You will be notified in writing within 10 working days of the Hearing of:

- a) A summary of the facts established by the Committee;
- b) The outcome reached and the reasons for that outcome being reached;

- c) Details of any sanctions being imposed; and
 - d) A clear statement of the right to and method for appealing against the decision, as outlined below.
- 7.5.3 The outcome of Misconduct cases (which may on occasion include the sanction applied) may be shared with the Reporting Party, the Student Welfare Team, relevant internal and external services and appropriate individuals within the Student's School, as appropriate and reasonable. Exceptionally, where it is considered appropriate for welfare reasons, the detailed reasoning of the relevant Committee may be shared with the Reporting Party.
- 7.5.4 You may appeal the outcome of a Level 2 Misconduct procedure as set out below.

8. Appeal procedure

8.1 How do I raise an appeal against a finding of Level 1 or Level 2 Misconduct?

- 8.1.1 An appeal of a disciplinary decision taken under this Procedure should be submitted in writing (providing full grounds of appeal and including any supporting evidence) to studentappeals@reading.ac.uk. This must be done within 10 working days of the date you were notified of the outcome. Any appeal not submitted within this timeframe may be rejected. No new evidence can be introduced at this stage unless it falls within section 6.1.1c)(c) of this Procedure below.
- 8.1.2 Your appeal will be acknowledged in writing within 7 working days. The University aims to complete the appeals process within 28 working days. Where this is not possible, you will be advised in writing of the reasons why not and given a revised timeframe for the conclusion of the appeals process.
- 8.1.3 An appeal against disciplinary decisions taken under this Procedure will only be considered on the following grounds:
- a) Irrationality: the findings of fact in support of the decision were manifestly unreasonable or perverse in light of the evidence submitted or there is evidence of bias or apparent bias in the decision-making;
 - b) Procedural Irregularity: the process was not conducted in accordance with the Procedures set out above;
 - c) New evidence has become available that could not be presented at the time of the investigation or Hearing which could have materially affected the decision, and there is good reason why this new evidence could not have been presented previously; and/or

d) The sanctions imposed were disproportionate.

8.1.4 An appeal against a disciplinary decision is a review of the outcome and will not re-hear or re-investigate the case.

8.2 Preliminary review of appeals

8.2.1 The Head of Governance will consider your grounds for seeking an appeal and decide whether the appeal:

- a) was submitted in time (and if not whether there are any disclosed exceptional grounds meaning discretion may be exercised to accept that appeal out of time); and
- b) meets the grounds set out at section 8.1.3.

8.2.2 If the Head of Governance decides that the appeal has not been received within the required time limits or does not meet one of the grounds required under this Procedure then they will write to you within 10 working days of receipt to tell you that the request for appeal has been rejected, setting out the reasons for that decision. In this situation, the original disciplinary decision appealed against will stand.

8.2.3 If the Head of Governance makes a decision to reject an appeal at section 8.2.2 of this Procedure then there will be no right of appeal and a Completion of Procedures Letter will be issued at the time you are notified of this decision, setting out the rights of referral to the OIA as set out at section 10 of this Procedure.

8.3 Who will hear appeals?

8.3.1 If your request for appeal is accepted by the Head of Governance, then it will be acknowledged within 10 working days, and you will be notified of its referral to the appropriate appeals Committee in accordance with 8.1.2 and 8.4.1 (“Appeal Committee”).

8.3.2 Appeals against Level 1 Misconduct decisions shall be heard by the Student Disciplinary Committee, it shall normally comprise four of the following post as appointed by the University Secretary or their nominee:

- a) A Chair, who shall be a member of the University’s academic staff, appointed by the University Secretary or their nominee;
- b) Two further members of University staff; and
- c) A Reading Students’ Union Student Officer

8.3.3 Appeals against Level 2 Misconduct decisions shall be heard by the Student Appeal Committee. It shall usually be comprised of four of the following post holders, one of whom shall be designated as Chair:

- a) A Chair, who shall be a Head of School, a Head of Directorate, a Teaching or Learning Dean or a Research Dean;
- b) Two further members of University staff; and
- c) A Reading Students' Union Officer.

8.3.4 There will be a Secretary to the Appeals Committee from the Student Appeals, Complaints and Discipline team or, exceptionally, otherwise nominated by the University Secretary or their nominee. The Secretary provides administrative support to the Appeals Committee and is not a member of the Appeals Committee and does not take any part in its decision-making.

8.4 What will happen at the Appeal Hearing?

- 8.4.1 You will be given written notice of the date, time and place of the Appeal Hearing. This will normally be at least 10 working days after the date of the Preliminary Review.
- 8.4.2 The appeal hearing will be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. The appeal hearing will not be a rehearing of the case.
- 8.4.3 You will be able to bring a Representative with you to the Appeal Hearing, as defined in Appendix A.
- 8.4.4 The University may adjourn the Appeal Hearing if the Chair considers there is a need to carry out any further investigations in the light of new information. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

8.5 What outcomes may apply?

- 8.5.1 Following completion of the Appeal Hearing, the Appeal Committee may decide as follows:
 - a) to overrule the original disciplinary decision and remove any sanction;
 - b) to uphold the original decision but reduce the original sanction; or
 - c) to uphold the original decision and the original sanction.
- 8.5.2 Within 10 working days of the hearing you will be notified in writing of the decision of the Appeal panel, including the reasons which led to it being made. There will be no further right of appeal within the University.
- 8.5.3 If the appeal is rejected, you will be informed that this decision is final and will be issued with a Completion of Procedures Letter, summarising the

reasons for the rejection of the appeal, and confirming your right of referral to the OIA, as set out at section 10 of this Procedure.

- 8.5.4 The outcome of Misconduct cases (which may on occasion include the sanction applied) may be shared with the Reporting Party, the Student Welfare Team, relevant internal and external services and appropriate individuals within the Student's School, as appropriate and reasonable. Exceptionally, where it is considered appropriate for welfare reasons, the detailed reasoning of the relevant Committee may be shared with the Reporting Party.

9. How does the university deal with allegations that involve referrals to the police or the Courts?

- 9.1 The University may report suspicions of any criminal offence or activities to the police. Where deemed necessary and appropriate, the University may share information with the police, and this will be done in compliance with data protection requirements.
- 9.2 If the University is informed that any of the matters it is considering under this Procedure have been referred to the police, are the subject of a police investigation or are the subject of criminal or other court proceedings the University may:
- 9.2.1 following discussion with the police, continue its investigations and/or hearings under this Procedure. Where you are unable or have been advised not to attend an investigation meeting or disciplinary hearing or to say anything about a pending criminal matter, a decision may be taken by the University based on the available evidence; or
- 9.2.2 pause some or all activity under this Procedure pending the outcome of police investigations and/or criminal proceedings, or otherwise. If the University pauses activity, once any police investigation or criminal proceedings are concluded, the University will then decide whether it is appropriate to continue with any actions under this Procedure.
- 9.3 The University may take the outcome of any police investigation or criminal proceedings into account when conducting its own investigation under this Procedure as part of the evidence, but these will not determine the outcome of any University investigation or decision in relation to any case of alleged Misconduct.
- 9.4 Should the police issue any bail conditions, or should the University need to consider steps to ensure the integrity of any investigation or safeguard the University's community (including you and Reporting parties) while investigations are ongoing, it reserves the right to implement Precautionary Measures (as set out in Appendix F) pending the completion of any actions under this Procedure.

10. Referral to the Office of the Independent Adjudicator (OIA)

- 10.1 Once all internal processes have been exhausted, an OIA review is available to students studying on Higher Education courses awarded by a UK provider, including those awarded by the University or any of its UK partner institutions.
- 10.2 Where you are not satisfied with the outcome of this Procedure, you may request a review by the OIA. The OIA provides an independent scheme to enable the review of unresolved student complaints, including appeals.
- 10.3 You must refer your case to the OIA within 12 months of receiving the University's Completion of Procedures Letter. An appeal to the OIA can be made by completing an application form, which can be downloaded from the OIA website (www.oiahe.org.uk) or requested via email to enquiries@oiahe.org.uk.

11. Home Office compliance

- 11.1 The University has a legal obligation to report to the Home Office any circumstance that may affect a Student's right to legally remain in the United Kingdom, including possible criminal offences and periods of suspension from the University, and the University reserves its right to make such reports as is necessary to meet this obligation.

12. Record keeping

- 12.1 At the conclusion of a disciplinary matter, a formal record of any penalty imposed will be retained. This record will be held by the Student Appeals, Complaints and Discipline Officer in accordance with the University's policies on data protection and in accordance with the University's retention schedules. This information may also be shared with relevant University Staff members when necessary and in accordance with Appendix H of this Procedure.

13. How does the university monitor outcomes?

- 13.1 The University keeps a record of all formal allegations of Level 2 Misconduct raised by Students and responds proactively where appropriate.
- 13.2 The Student Appeals, Complaints and Discipline team will report on the outcomes of this procedure annually to the Sub-Committee for Delivery and Enhancement of Learning and Teaching (DELT) and they will decide what if any wider corrective action or policy changes should be recommended. These recommendations will be reported to the University Board for Teaching, Learning and Student Experience, and to the Senate annually.

13.3 Overall responsibility for this Procedure sits with the Head of Governance.

Version Control:	Owner	Reviewed	Approved by	Approval Date	Effective From
1	Governance	Annually	UBTL	July 2019	August 2019
2	Governance	Annually	UBTL	September 2019	September 2019
3	Governance	Annually	UBTLSE	November 2020	November 2020
4	Governance	Annually	UBTLSE	February 2021	February 2021
5	Governance	Annually	UBTLSE	March 2021	April 2021
6	Governance	Annually	UBTLSE	August 2021	September 2021
7	Governance	Every 3 years	UBTLSE - Senate	June 2024	September 2024

Appendix A

Glossary

1. In this Procedure the following defined terms are used:

Misconduct under this Procedure is the improper interference, in the broadest sense, with the proper functioning or activities of the University, or those who work or study at the University, or action which otherwise damages the University. More specific but non-exhaustive examples of types of misconduct are set out in the University's Regulations for Student Conduct and the specific Codes of Conduct (see Appendix B of this Procedure).

Level 1 Misconduct will usually involve allegations that, while serious in nature, do not seriously affect or cause serious damage to the University, its academic reputation or its Staff or Students, visitors or other third parties. Level 1 Misconduct is considered less serious in nature but will warrant formal investigation and possible sanction.

Level 2 Misconduct will usually involve allegations that either do or have the potential to seriously effect or cause serious damage to the University, its reputation or to its Staff and Students, visitors or other third parties. Level 2 Misconduct is considered more serious in nature and warrants investigation and possible sanction by a Student Disciplinary Committee Hearing. Sanctions for Level 2 Misconduct include exclusion from the University, as well as others that may have an impact on a Student's academic progress.

Procedure refers to this Student Disciplinary Procedure.

Reporting Party refers to a person making an allegation of misconduct under this Procedure.

Representative means a person who is supporting a Student who is the subject of any investigation and/or hearing under this Procedure. A Representative can include an adviser from RUSU Advice Service Team, a member of Staff of the University (where this does not raise any conflict of interest), another Student or an RUSU Student Officer. The University has discretion to agree that a Student can be supported and accompanied by a person who does not fall within these categories. If a Student wishes to be accompanied by a person outside of the categories listed above then they must notify the University's Student Appeals, Complaints and Discipline Team of the details of the person requested and their reasons for the request at least 3 working days before any meeting or hearing under this Procedure.

Responding Party refers to a person against whom an allegation of Misconduct is made under this Procedure.

Staff means an employee or worker including adjunct faculty or external subcontractors providing services to Students of the University.

Student unless expressly explained in this Procedure, means any reference to a Student or Students means a person who falls within the University's definition of a Student at Ordinance C1 in the [Ordinances](#).

University means the University of Reading.

Appendix B

Codes of conduct

The University's Codes of Conduct include the following, as updated from time to time:

1. Regulations for Student Conduct;
2. [Student Terms and Conditions](#);
3. [Student Residence Agreement \(where applicable\)](#);
4. Library Code of Conduct;
5. The Rules for the Use of University Sports Facilities;
6. The Regulations for the Use of the University of Reading's IT Facilities and Systems;
7. Freedom of Speech: Code of Practice;
8. Relevant University Health and Safety Policies;
9. Equal Opportunities Policy;
10. Drugs and Alcohol Policy;
11. Code of Good Practice;
12. Harassment and Bullying Policy;
13. Social Media Policy; and
14. Any other policy notified to Students from time to time.

All up to date policies can be found on the University's webpage: www.reading.ac.uk

Student Policies can be found on the [University of Reading Policies](#) page

Governance Policies can be found on the [Governance Zone](#)

Appendix C

Maximum fines tariff

This tariff provides guidelines for the imposition of financial penalties when common breaches of the University's Codes of Conduct occur. Should the same offence reoccur in a period of six months, the fine may be doubled or where the previous fine was suspended indefinitely it may be reinstated. This tariff is not exhaustive and is provided only as an example of typical fines. Other penalties may be deemed necessary by those responsible for investigating the Misconduct.

Misconduct	Typical Fine	Commentary
<u>Fire safety:</u>		
Deliberate interference with smoke sensor	£250	Action designed to render alarm system inoperative in the furtherance of other activity.
Deliberate activation of a manual call point or fire alarm	£250	Malicious activation causing nuisance and needless deployment of Fire Brigade
Unnecessary activation of fire alarm as consequence of prohibited or negligent activity	£150	Fire alarm set off by smoking, vaping, candle, cooking in room etc.
Other fire safety offences	£150	Malicious discharge of fire extinguisher, use of naked flame in room etc.
Failure to provide ID	£50	The Regulations require that ID be given when asked. Misconduct occurs if students do not comply promptly.
Failure to attend any meeting under this policy	£25	
Smoking indoors, including vaping/e-cigarettes	£100	
Unreasonable noise as under the Regulations for Conduct	£50	Penalty is £100 during any exam quiet periods.

Appendix D

Aggravating and mitigating factors

1 Aggravating factors

1.1 There may be circumstances in which Misconduct is subject to a more severe sanction due to the presence of aggravating factors. These factors could include, but are not limited to:

- 1.1.1 Misconduct related to protected characteristics under equality legislation (for example, Equality Act 2010 and racial harassment).
- 1.1.2 Misconduct which directly or indirectly causes a physical or mental injury.
- 1.1.3 Misconduct for which a student has received a previous warning or sanction.
- 1.1.4 Misconduct where there is a power relationship between the Responding Party and the Reporting Party, where this power is abused.
- 1.1.5 Misconduct which may be considered to constitute domestic abuse.
- 1.1.6 Misconduct which includes the use of force, violence, threats, or intimidation.
- 1.1.7 A pattern of Misconduct which has been established previously.
- 1.1.8 Being under the influence of alcohol or drugs at the time of the alleged Misconduct.
- 1.1.9 Misconduct that occurred whilst the Student was under any type of Precautionary Measure.

2 Mitigating Factors

2.1 There may be certain circumstances in which Misconduct is subject to a less severe sanction due to the presence of mitigating factors. Mitigating factors could include, but are not limited to:

- 2.1.1 Clear evidence that the alleged offence was committed without the intent to cause harm, damage, or upset.
- 2.1.2 Where the Student has demonstrated sincere remorse for the Misconduct.
- 2.1.3 Where the Student has clearly accepted responsibility for the Misconduct.
- 2.1.4 Where the Student took immediate steps to remedy the effects of the Misconduct.

Appendix E

What support is available to students under investigation?

1. Any Student using this Procedure is entitled to seek advice and support from the Reading Students' Union Advice Service and the University strongly encourages all Students to access this service. Reading Students Union Advisers are professional staff with knowledge and experience of the University's procedures who can offer confidential and independent advice on the process, support Students in the preparation of their case and attend meetings and/or hearings under this Procedure as a Representative. Details of the Reading Students' Union Advice Service can be found at [Academic Advice | RSU](#).
2. During all stages of this Procedure, a Student may be accompanied to meetings and/or hearings by a Representative, as defined in Appendix A of this Procedure.
3. Where a Student has protected characteristics under the Equality Act 2010 the University can make appropriate adjustments in order to prevent the Student being treated less favourably. This may include holding meetings by MS Teams, video conferencing, telephone conferencing, or other appropriate means. Any Student who may require assistance in using this Procedure should discuss their needs with the University and it will then seek to refer the Student to appropriate support.
4. Where a Student has an Individual Learning Plan in place, this should be brought to the Student Appeals Complaints and Discipline team's attention.
5. The University acknowledges that its procedures can cause additional worry and stress to Students. Students are encouraged to seek support from any of the University's support services, particularly the [Student Welfare Team](#) who can provide immediate support and further signposting for any personal difficulties Students may be facing and who also have a drop-in service where Students can go when feeling distressed and needing direction or guidance.
6. If Students are unaware of what their needs might be, or if Students are confused or need some signposting, then the online [Wellness Check](#) can be a useful portal for guidance and there are a number of other online support functions, [leaflets](#) and workbooks designed for Students which they are encouraged to view.
7. Any requests for support will be treated sensitively and confidentially by the University.
8. In the event that an investigation raises concerns for the welfare of an individual, the individual appointed to lead the investigation may raise their concerns with the University's Counselling and Wellbeing Team and/or any other appropriate professionals.

9. In very exceptional circumstances, the advice of the Head of Counselling and Wellbeing Service and/or an appropriate professional may be requested where concerns are raised about a Student's health, in order to conduct the process under this Procedure. Where a Student does not consent to medical information being provided to the University, the investigation will proceed on the basis of the information available to the University at the time.

Appendix F

Precautionary measures

1 Precautionary measures

- 1.1 Where matters cannot be resolved informally, or where the allegation involves a more serious breach of the University's Codes of Conduct or a repetition of acts of Level 1 Misconduct, the University will be required to conduct a formal investigation as set out in section 6 of this Procedure.
- 1.2 In the event of a formal investigation, the University will take appropriate action to protect the safety and wellbeing of its members pending the completion of that investigation, which may include the use of Precautionary Measures as set out at Appendix F of this Procedure. Any Precautionary Measures will be identified through a risk assessment conducted by University Staff.
- 1.3 Where a police investigation is pending into an allegation that a Student has committed a criminal offence which affects or has the potential to affect the interests of the University or has the potential to seriously affect the health and safety of Students and/or Staff, Precautionary Measures may be implemented.
- 1.4 Precautionary Measures may include, but are not limited to, one or more of the below options:
 - 1.4.1 A 'no contact' agreement to be put in place between the alleged Responding Party, the Reporting Party and/or any witnesses;
 - 1.4.2 Changes to the on campus accommodation of the alleged Responding Party, the Reporting Party and/or any witnesses;
 - 1.4.3 Exclusion from certain activities of the University (such as teaching, placements and study abroad) and certain parts of the University (including Reading Student Union buildings or facilities); and/or
 - 1.4.4 Suspension from the University (see section 3 of this Appendix).
- 1.5 Where it is decided that Precautionary Measures need to be put in place, the Student will be given written notice of the decision, including the reasons which led to it being made, and of their right to appeal the decision (as set out in paragraph 4 of this Appendix).

2 General principles

- 2.1 Precautionary Measures are not a sanction; they are temporary non-judgmental measures taken in response to an allegation of Misconduct. They are neutral acts that aim to protect all parties to the allegation and other members of the University's community whilst investigations are carried out.

- 2.2 A Precautionary Measure applied in accordance with this Procedure will be put in place for no longer than is necessary and will be kept under review **Error! Reference source not found.** The Student who is subject to the measure will be kept reasonably updated on the progress of the investigation and the likely length the measure will be in place.
- 2.3 Where Precautionary Measures are being considered on a non-emergency basis the University will seek representations from the Student in advance of any decision if it is practicable. If it is not practicable the Student will have the opportunity to submit representations when exercising their right to seek an appeal.

3 Circumstances in which suspension can be considered as a precautionary measure

- 3.1 Suspension can be considered as an appropriate Precautionary Measure in the following cases:
- 3.1.1 Where a Student has been accused of Level 2 Misconduct and their continued attendance at the University could interfere with the formal investigation or present a risk to Students and/or Staff.
 - 3.1.2 Where a police investigation is pending into an allegation that a Student has committed a criminal offence that affects or has the potential to affect the interests of the University or has the potential to seriously affect the health and safety of Students and/or Staff.
 - 3.1.3 Where a Student may be suffering from health difficulties and causing serious disruption to others or severely damaging their own academic prospects (in conjunction with the University's Fitness to Study Procedure).
 - 3.1.4 As a short-term or emergency measure whilst investigations are carried out.
- 3.2 In all cases where the terms of a suspension might prevent a Student from sufficiently engaging with their academic studies, relevant members of University staff, should be informed. The Programme Director for the Student's programme should provide an academic judgement on how and to what extent, if any, a Student's academic commitments can be fulfilled during suspension or through support provided following the end of a suspension and this should be communicated promptly to the Student. The academic judgement will take into account the nature of the Student's course and associated academic commitments and progress.
- 3.3 Jurisdiction over suspension**
- 3.3.1 Non-Emergency Measure**

- a) Following consultation with the Student Appeals, Complaints and Discipline Manager, a University Pro-Vice-Chancellor may suspend a student from the University pending completion of a police investigation, criminal proceedings, or an internal disciplinary investigation.

3.3.2 Emergency Measure

- b) As an interim or emergency measure and following consultation with the Student Appeals, Complaints and Discipline Manager, a University Pro-Vice-Chancellor may suspend a Student from the entire or specified parts of the University for up to 14 days, where they are of the reasonable view that it is urgent and necessary to take such action. Emergency suspension may be considered, for example, where a Pro-Vice-Chancellor determines that the alleged Misconduct poses a serious risk to the health, safety, welfare, or property of members of the University or others. At the end of this period the emergency suspension shall be reviewed, and may be lifted or, where 3.3.1 applies, non-emergency suspension may be put in place.

3.3.3 Any suspension under this Procedure may include a requirement that the Student has no contact of any kind with a named person or persons.

3.3.4 Failure to comply with the terms of a suspension may lead to reconsideration or expansion of the terms of suspension. It may also be considered as alleged Misconduct itself and referred separately for investigation under this Procedure.

4 a)b)Appeal

4.1 A Student put under a precautionary measure in accordance with this Appendix may appeal in writing to the Student Appeals Complaints and Discipline Team within 10 working days of the measure. Whilst an appeal is in progress, any previous precautionary measure which has been put in place will remain.

4.2 Students may appeal a decision on the following grounds and should provide supporting evidence where appropriate:

- a) That the Precautionary Measure process was not followed appropriately and why this had a material effect on the decision, making it unsound; and/or
- b) Substantial and relevant new information which the Student was unable to provide previously with good reason and why this had a material effect on the decision, making it unsound.

4.3 Within 21 working days of the appeal being received by the University; it shall be considered by the Deputy Vice-Chancellor (or a member of the University Executive Board who has not previously been involved in the matter) together

with all the information considered as part of the Precautionary Measure process.

- 4.4 If the Deputy Vice-Chancellor considers the Student has demonstrated their grounds and, therefore, the decision was unsound, the appeal will be upheld and referred back for reconsideration of the measure in accordance with correct procedure or in light of the new information.
- 4.5 If the Deputy Vice-Chancellor considers the Student has not demonstrated their grounds, the appeal will be dismissed.
- 4.6 In all cases, the Student will be informed of the decision and provided with a brief written summary of the reasons for the decision.

Appendix G

How does the University deal with unreasonable behaviour and vexatious conduct?

The University expects all participants in this Procedure to act with respect towards any other party(ies) and in a way that is consistent with the University's applicable Codes of Conduct.

1 Unacceptable Behaviour

- 1.1 Where the behaviour of a Student or their Representative (where applicable) becomes unreasonable and adversely affects the ability of Staff to carry out their duties, the University reserves the right to restrict contact with the Student or their Representative and if appropriate, invoke its Disciplinary Procedure. Wherever possible the University strives to allow the disciplinary to progress to completion.
- 1.2 Examples of unacceptable behaviour might include (but are not limited to):
 - a) Aggressive or abusive behaviour. This could include the threat or use of physical violence, verbal abuse, or harassment towards Staff. This is likely to result in the ending of all direct contact with the Student and/or their Representative and could result in a report being submitted to the police.
 - b) Unreasonable demands. This includes instances where a participant continues to demand responses being provided within an unreasonable timescale; insists on seeing or speaking to a particular member of Staff; makes continual contact; repeatedly changes the substance of the allegation or raises unrelated concerns.
 - c) Unreasonable persistence. This could include a persistent refusal to accept a decision made in relation to a disciplinary; persistent refusal to accept explanations relating to what can or cannot be done about the allegation and continuing to pursue an allegation without presenting any new information.

2 Vexatious or Frivolous Allegations

- 2.1 The University regards allegations to be vexatious or frivolous where:
 - a) the allegation does not have any serious purpose or value or is not serious or sensible in attitude;
 - b) is designed to cause disruption or annoyance or gives rise to disproportionate inconvenience or expense;
 - c) has the effect of harassing any of the University's Students or Staff, or can be fairly characterised as obsessive or unreasonable;

- d) it is reasonable to assume that there is no intention for the allegation to be seen as serious or sensible but not to the extent that it can be considered vexatious or malicious.
- 2.2 If the investigation of an allegation reveals the allegation to be vexatious or frivolous in nature, the University reserves the right to dismiss the allegation and to take disciplinary action against the Student. A Student will be notified of this decision in writing.

Appendix H

Confidentiality and data protection

- 1 The University will process all personal information in accordance with its Data Protection Policy.
- 2 The University is committed to dealing with Misconduct matters sensitively and with due respect for the privacy of all parties involved. All parties must treat as confidential any information communicated to them in connection with a matter which is subject to this Procedure, subject to the need to seek appropriate advice and guidance.
- 3 However, it may be necessary to discuss a disciplinary matter with Staff or other Students to properly investigate it or implement the outcomes of this Procedure.
- 4 The University will, during or at the conclusion of the Procedure, inform such members of its Staff as it considers necessary, having due regard to all the relevant circumstances, and including, but not limited to, the Student's Head of School and/or Department and their Academic Tutor. The University will also report the outcome (which may on occasion include the sanction applied), in an appropriate manner, to the Reporting Party and where it is considered appropriate for welfare reasons, the detailed reasoning of the relevant Committee may also be shared.
- 5 The University does not normally allow any party to record meetings or hearings unless there are exceptional reasons why this should be considered, and all parties agree. If the University allows a meeting or hearing to be recorded, then the University will be responsible for the recording and the preparation of any minutes. The University will provide a copy to all parties.
- 6 The University reserves the right to refer any breach of the confidentiality of this Procedure by any member of Staff or Student for consideration under its Disciplinary Procedures.

7 Witness guidance – anonymity

- 7.1 A Responding Party will normally be told the names of any witnesses whose evidence is relevant to their disciplinary investigation (and any hearing), unless the person responsible for considering the allegation exceptionally and reasonably believes that a witness's identity should remain confidential and anonymous.
- 7.2 There should be no normal expectation that the identity of witnesses will be kept confidential and anonymous and witnesses should understand that evidence provided by them will, other than in exceptional circumstances, be provided to the Responding Party who is subject to this Procedure.