

15. STUDENT MISCONDUCT PROCEDURE

This section of the Student Regulations Framework applies to all taught programmes of Plymouth Marjon University, whether undergraduate or postgraduate, to all research degree students and to all apprentices enrolled on the University's degree apprenticeship programmes, who are classified as 'students' and referred to accordingly throughout this Procedure.

15.1 Introduction and Scope

1. Plymouth Marjon University is committed to upholding the highest standards of behaviour in an atmosphere conducive to learning, and in accordance with its Values. Students are expected to conduct themselves in ways which ensure that this is the case. These procedures provide a mechanism for dealing with conduct which falls short of what is acceptable (hereafter referred to as 'misconduct') and harms the good order and discipline of the University in so doing. They operate in the context of the University's general and specific rules, regulations, policies and strategies.
2. Please note that the University's interest in misconduct is not limited to the time spent on its premises and that, therefore, students are deemed to be members of the University at all times and in all media, including social media.
3. The University recognises three particular areas of misconduct, as follows:
 - General misconduct
 - Programme-specific misconduct
 - Academic misconduct

The Student Misconduct Procedure covers general and programme-specific misconduct. Academic misconduct is covered in the University's Academic Integrity Procedure, which constitutes Section 14 of this [Framework](#). A particular case of alleged misconduct might span more than one of these areas.

4. Where there is an allegation of misconduct, the University will firstly check whether another process or procedure should be initiated alongside or instead of the Student Misconduct Procedure, such as the Support to Continue to Study Procedure (Section 9 of this [Framework](#)) or the Fitness to Practise Procedure (Section 10 of this [Framework](#)).
5. Cases of alleged general and programme-specific misconduct are dealt with by way of a three-stage process. The first stage focusses on supporting students to address their behaviour, although it also includes a range of penalties. The second stage introduces additional penalties. The most serious penalties of suspension and expulsion become available at the third and final stage, and expulsion is the default penalty at that stage. In the case of repeated misconduct, the University reserves the right to escalate a case of misconduct to a subsequent stage. Cases of misconduct may not always proceed through all three stages - in serious cases the University reserves the right to begin misconduct proceedings at the second or third stage. The decision regarding the stage at which the misconduct proceedings will begin resides with the Director of Student Success Services (or nominee).
6. Allegations of misconduct are determined by the University on the basis of 'the balance of probabilities', rather than the criteria of 'beyond reasonable doubt' which applies in criminal cases. 'The balance of probabilities' asks if it is more likely than not that the misconduct occurred.
7. These Procedures only apply to students, and separate Procedures apply to members of staff. Any student seeking to make an allegation of inappropriate conduct against an employee of the University should pursue the allegation initially with the Director of People and Operations (see Section 17.2.5 of this [Framework](#)).
8. The University recognises that involvement in misconduct proceedings, either as a reporting/reported student or as a witness, can be stressful and potentially traumatic. Every effort has been made to reduce the level of stress associated with these procedures. Students (reporting/reported/witnesses) are encouraged to make use of support throughout their involvement with these

procedures and should feel able to raise queries at any point, whether that is through the University's Student Wellbeing and Support team, the Student Union, or other sources. Procedural queries can be directed to the Academic Standards Officer.

9. The University will aim to ensure that penalties are applied consistently, for example by holding an anonymised summary log of Stage 2 and 3 proceedings to act as a source of future reference for panel members.
10. The University can make reasonable adjustments to the procedures on a case-by-case basis, as appropriate, to take account of the individual needs of students. Reasonable adjustments shall be made to the procedures to ensure fairness for students with a disability. Reporting students, reported students and witnesses should make any reasonable adjustments known to the University so that these can be implemented. A record will be kept of any adjustments made.
11. This procedure can be read in conjunction with the Summary of Misconduct Proceedings flowchart which can be provided on request.
12. This procedure is applicable to all students throughout their period of enrolment with the University, whatever their registration status, and includes students whose enrolment is interrupted or suspended.
13. In cases which might lead to a more serious sanction being imposed, if a student withdraws from or leaves the University part way through misconduct proceedings, or where an allegation of misconduct is made after a student has left, the University reserves the right to continue proceedings, to hear the process in full and reach a conclusion. If the former student is found to have had a case to answer (i.e. it was determined that misconduct occurred on 'balance of probabilities'), this will be noted on their student record and the outcome would be taken into account if the individual wished to gain re-entry to the University in future, considering the possible risk to the good order and discipline of the University. This caveat will not apply to allegations of student misconduct that can be dealt with at Stage One under Section 15.7 of this [Framework](#).

Confidentiality and Disclosure

14. Information about students who are subject to misconduct proceedings will be kept confidential as far as possible. The information will only be disclosed to those involved in investigating or deciding the matter, and those involved in actioning or recording any of the outcomes, where applicable. The University handles reference requests from employers based on their professional standards. If a reference request comes from a health or education provider, recent or ongoing disciplinary actions, or referrals to the Disclosure and Barring Service (DBS), may be disclosed to the employer if requested. Disciplinary action does not refer to an allegation being made against a student, nor to the opening of misconduct proceedings (as these do not in themselves constitute disciplinary action). Rather, it refers to a finding that misconduct has occurred, determined on the balance of probabilities.
15. It will not normally be appropriate to keep the identity of witnesses secret during misconduct proceedings, as doing so might undermine the reported student's ability to defend themselves. If a witness does not agree to the reported student knowing their identity, then the University might deem it inappropriate to rely on their evidence.

Cases involving more than one student

16. Where more than one student is involved in a case of suspected misconduct, the University will determine, based on the particular circumstances, and at the discretion of the Academic Registrar, whether the cases should be investigated and/or heard separately or as a group.
17. Where cases are investigated and/or heard as a group, a decision will be made for each student individually, taking their particular circumstances into account. However, there should be broad consistency in any sanction/s given to all students who commit the same offence with similar circumstances.
18. Where cases are investigated and/or heard as a group, decision-makers can cross-reference evidence or statements from or against one reported student facing the allegations with those from or against the other reported student/s.

15.2 Examples of Misconduct

1. Examples of unacceptable behaviour which involve a potential offence of general misconduct include:

- Physical aggression (whether or not this results in physical injury).
- Verbal aggression (to include all forms of communication including face-to-face and telephone conversations, letters, e-mails, social media and all other forms of electronic media). Please see the University's [Social Media Policy](#) for further guidance.
- Threatening behaviour.
- Harassment (conduct towards others which is perceived as a negative act and which is unwanted, offensive, worrying, stressful or intimidating to the recipient. See Section 15.5 of this [Framework](#) for a fuller definition).
- Anti-social, disruptive and/or offensive behaviour (including drunken behaviour and/or excessive noise), even where there is no evidence of any deliberate intention to cause harassment or inconvenience.
- Theft or deception, including the use of forged, falsified or fraudulent documentation to gain an advantage.
- Involvement with illegal drugs, including new psychoactive substances or so-called 'legal highs', either as a consumer and/or supplier.
- Bringing the University or its staff or students into disrepute with partner organisations and/or the wider community or via social media. Please see the University's [Social Media Policy](#) for further guidance.
- Harming or attempting to harm the good order and discipline of the University, including the deliberate obstruction of and/or non-cooperation with University procedures.
- Compromising the safety of and/or wellbeing of staff, other students, or visitors.

- Failure to maintain effective relationships and to deal efficiently and politely with peers, University staff, University support services, and/or external stakeholders.
- Damage to University property or the property of others.
- Misuse of computing or University network facilities.
- Misuse of the University's fire-fighting or other safety equipment.
- Unauthorised recording of any University-related activity, event or meeting.
- A persistent refusal to pay a fine.
- Infringements of a Tenancy Agreement to reside on the campus not covered by the above.

2. Examples of behaviour that could be construed as programme-specific misconduct, in addition to the examples given above, are as follows:

- Behaviour that would bring the programme or associated profession (if applicable) into disrepute.
- Inappropriate behaviour towards staff and/or students in a programme-specific context (including, but not confined to, the examples set out in Section 15.2.2 of this [Framework](#)).
- Inappropriate behaviour on placement or in work-based learning activities including:
 - abuse (physical, sexual or emotional)
 - any action or omission on placement that may place a client's / pupil's safety at risk
 - aggressive or threatening behaviour
 - alcohol or drug abuse

- breach of confidentiality (except under the provisions of the Public Interest Disclosure Act 1998)
- behaviour that indicates a lack of honesty and trustworthiness, e.g. misrepresentation of qualifications at the time of admission, forging of documents or signatures
- acceptance of gifts, hospitality and other considerations, apart from small tokens of appreciation, or allowing any gift to influence the quality of care provided to the donor or to others
- malicious or wilful damage to practice placement premises
- unjustified refusal to carry out a reasonable and lawful instruction
- failure to respect clients as individuals and/or failure to protect the interests and dignity of clients irrespective of gender, age, race, ability, sexuality, economic status, lifestyle, culture, religion or of any other irrelevant distinction
- forming an inappropriate relationship with a client or acting in an inappropriate way with or towards a client
- failure to disclose at the earliest opportunity that a member of staff responsible for their supervision, teaching, training or assessment has a likely conflict of interest on account of their relationship with them (e.g. being family members, family friends, romantic or sexual partners), if not previously disclosed by a member of University or placement staff.
- Malicious or wilful misuse of social media in a programme-specific context (please see the University's [Social Media Policy](#) for further guidance).
- Unauthorised contact with an External Examiner or external professionals involved with a student's programme of study.
- Disruption of an examination or other formal assessment.

- Unauthorised recording of any programme-specific activity, event or meeting.
3. Please note that these are not exhaustive. Moreover, specific instances of misconduct might combine two or more of these examples.
 4. Issues of professional unsuitability, where these do not involve allegations of misconduct, are dealt with by way of separate Fitness to Practice procedures (see Section 10 of this [Framework](#)).

15.3 Reporting Misconduct

1. Reports of alleged student misconduct can be made to Student Wellbeing and Support (SWS) by email or in person at the SWS office. Reports should be directed to the Director of Student Success Services (or nominee). Where a potential offence of misconduct is reported by a visitor to the University, a member of staff or a student will need to instigate the procedures on their behalf.
2. Students and staff will be supported to discuss their concerns and given appropriate advice and guidance about their options, which might include making a formal report under the misconduct procedures, reporting the matter to the police where they are reporting behaviour that may amount to a criminal offence, or taking no further action. The University recognises that reporting misconduct can be challenging, and a student may have significant concerns about making an allegation, whether informally or formally, particularly if it concerns those with whom they have a personal relationship. Discussions will be confidential, there is no obligation for a student or member of staff to make a formal report under misconduct procedures, and reporting parties will be offered support whatever action they choose to take.
3. Normally, where the recipient of the alleged misconduct indicates that they do not wish to report a matter to the police, the University will follow that decision. However, the University reserves the right to report an incident(s) to the police

where it deems that the safety of students or staff may be at risk. The University will consider any potential harm that unauthorised disclosure to the police may have on the individual, and any such decision should be explained to the recipient of the alleged misconduct.

15.4 Interim Measures

1. In exceptional circumstances, such as where a student is the subject of an allegation of serious misconduct, or has been charged with or accused of a criminal offence, a student may be denied access to the University, both physically and virtually, with immediate effect at the point of referral. This will take account of students' rights under the legislation protecting tenants and licensees and suitable alternative accommodation will be provided if the denial of access is likely to lead to hardship. This will be an interim arrangement, pending the outcome of the student misconduct procedure and any subsequent penalties which are imposed.
2. This power will only be exercised, however if the Vice-Chancellor (or, in the Vice-Chancellor's absence, the Chief Academic Officer) decides, on the joint recommendation of the Director of Student Success Services (or nominee) and Academic Registrar, that the student's access to the University would jeopardise the physical and/or mental well-being of any members of staff or of the student body, or otherwise harm the good order and discipline of the University.
3. Denial of access will be subject to regular review (normally at monthly intervals) and a student can challenge the denial of access by sending a written submission to the Vice-Chancellor (or nominee). The challenge will be referred for review to a member of the Executive Leadership Team who has had no involvement with the student or the case. The decision of this senior colleague will be final and there will be no further right of appeal.
4. If a risk to client / pupil care is perceived at any point in these Procedures the Dean of Faculty, on the joint recommendation of the Director of Student

Success Services (or nominee) and Academic Registrar, may authorise the removal of a student from a current or prospective placement or work-based learning activity until this risk is no longer perceived to apply. Any such decision should be notified to Registry Services in writing, via the Academic Registrar. Due attention should also be paid to University Safeguarding Policies in cases where risk to client/pupil care is perceived.

5. Under the terms of the Disclosure and Barring Service (DBS), and where the student may have harmed a child or vulnerable adult, or put a child or vulnerable adult at risk of harm, there is a legal requirement to refer the student to the DBS. This action will be taken by Registry Services on behalf of the Academic Registrar.
6. Students who are reported to, or charged by, the police in relation to a criminal offence may also be subject to the Student Misconduct Procedure in respect of the same matter. Proceedings will be opened but suspended until such time as the criminal case has been resolved. The University should keep in touch with the student involved and the police during this process. This does not affect the capacity of the University to deny access to a student, or remove them from placement, as above. Any such decision should be notified to Registry Services in writing. The University may also take any interim measures it considers necessary, in accordance with Section 15.4.8 of these Procedures.
7. The University reserves the right to invoke these Procedures, irrespective of any related criminal case. This is because it determines allegations of misconduct on the basis of 'the balance of probabilities', supported by reliable evidence, rather than the criteria of 'beyond reasonable doubt' which applies in criminal cases.
8. Interim Measures may also be put in place informally at the discretion of the Director of Student Success Services (or nominee). This may be for the purpose of supporting the wellbeing of students involved in Misconduct Proceedings, ensuring confidentiality while proceedings are ongoing, or

preventing emotionally charged situations from escalating further. Measures may include:

- Moving a student into Emergency Accommodation.
- Requesting that students are not required to work directly with each other where permissible.
- Temporarily moving a student to another teaching group where permissible.
- Temporarily prohibiting named students from contacting each other, either directly, indirectly, via social media or through a third party.
- Making arrangements for students to access University facilities at different times.

15.5 Harassment and Discrimination

1. The University defines harassment and discrimination, in the context of these procedures, as conduct or behaviour which is unwanted by the recipient and is offensive, intimidating or hostile; which interferes with the recipient's study performance; and/or induces stress, anxiety, fear or sickness in the recipient. What is perceived as harassment by one person may not seem so to another. However, if conduct is perceived as a negative act and is unwanted, offensive, worrying, stressful, and/or intimidating to the recipient then these procedures may be invoked.
2. **The University will not tolerate harassment under any circumstances or however motivated.** All members of the University community have a responsibility, therefore, to ensure that they do not perpetrate, incite, encourage or condone any form of harassment within the University.
3. Individuals may fear victimisation if they complain of harassment. It should be remembered that victimisation of the complainant is itself unlawful even if it is subsequently found that no harassment occurred.

4. The Equality Act 2010 prohibits three types of harassment that the University uses to guide its understanding. These are:

- Harassment related to a 'relevant protected characteristic' (including sex or gender reassignment)
- Sexual harassment
- Less favourable treatment of a student because they submit to or reject sexual harassment.

The University's Student Sexual Harassment and Misconduct Policy can be accessed [here](#).

The following is broadly taken from the Equality and Human Rights Commission (EHRC) on the meaning and understanding of harassment derived from the Equality Act 2010 Guidance.

Harassment related to a 'relevant protected characteristic'

5. Following advice in the Equality Act 2010, the University includes the following as 'relevant protected characteristics':-

- Age
- Disability
- Gender Reassignment
- Race
- Religion or Belief
- Sex
- Sexual Orientation

Pregnancy and maternity are not protected directly under the harassment provisions. However, harassment related to pregnancy and maternity would amount to harassment related to sex.

6. Harassment, which is related to a protected characteristic will be, for this procedure, as stated in section 15.5.1.

7. Unwanted conduct covers a very wide range of behaviour, including spoken or written words or abuse, imagery, graffiti, physical gestures, facial expressions, mimicry, jokes, pranks, acts affecting a student's surroundings or other physical behaviour.
8. The word unwanted means essentially the same as 'unwelcome' or 'uninvited'. 'Unwanted' does not mean that express objection must be made to the conduct before it is deemed to be 'unwanted'. A serious one-off incident can amount to harassment.
9. Unwanted conduct 'related' to a protected characteristic has a broad meaning and includes the following situations:
 - where the student has a protected characteristic
 - where there is any connection with a protected characteristic (whether or not the student has that protected characteristic themselves) or it is assumed there is a connection with a protected characteristic.

Sexual Harassment

10. Sexual harassment occurs when a person engages in unwanted conduct (as defined in 15.5.8 above) which is of a sexual nature.
11. Conduct 'of a sexual nature' can cover verbal, non-verbal or physical conduct including unwelcome sexual advances, touching, forms of sexual assault, sexual jokes, displaying pornographic photographs or drawings, or sending emails or sharing social media posts with material of a sexual nature.

Less favourable treatment for rejecting or submitting to unwanted conduct

12. The third type of harassment occurs when a student is treated less favourably by an education provider because the student has submitted to, or rejected, unwanted conduct of a sexual nature. This applies when the unwanted conduct creates for them any of the circumstances defined in paragraph 15.5.1 above. Under this type of harassment, the initial unwanted conduct may

be committed by the education provider who treats the student less favourably, or by another person.

Reporting Harassment and Discrimination

13. There are several options for reporting harassment and discrimination. Students can contact Student Wellbeing and Support directly by email. Students can also use the [Report Harassment and Bullying Form](#) which can be submitted anonymously, and also provides links to support and advice. If students wish the University to follow up any such report, they should set out as specifically as possible the nature of the harassment/discrimination, the identity of the reported student(s), dates of occurrence etc. The report will be dealt with thereafter in accordance with these Procedures, inclusive of any right of appeal.
14. A student who considers that they have been harassed, receives a complaint of alleged harassment, or witnesses harassment, may wish to seek advice, support and/or counselling before deciding how to proceed. In such circumstances, students should contact Student Wellbeing and Support or the Student Union. Support from the University is not contingent upon a student choosing to pursue a complaint through misconduct proceedings.
15. In dealing with allegations of harassment, the Director of Student Success Services (or nominee) will ensure that reporting students are kept informed of the progress of a case, including its outcome. However, this does not extend to the right to receive copies of correspondence between the University and the reported student(s). If a reporting student has any concerns about how the matter was handled, or the outcome, they will be directed to the Student Complaints Procedure (see Section 17 of this [Framework](#)). If the reported student's behaviour is found to have had an adverse impact on the reporting student(s), then a discretionary remedy might be offered by the University.
16. The reporting student will not be exposed unwillingly to any face-to-face meeting with the reported student(s). If a hearing is convened, and the reporting student is willing to attend, they will have the same right to be accompanied by a 'friend', where applicable, as the reported student(s). The

reporting student is not required to attend, and the case can proceed in their absence.

17. There will be no time bar, exclusion or redemption allowed for acts of past harassment.

15.6 Acceptable Behaviour

The University recognises that involvement in the Student Misconduct Procedure can be a stressful experience for students. However, it also has a duty to ensure the safety and well-being of its staff and will, for example, not accept communication that is abusive, offensive, defamatory, aggressive, threatening, coercive, intimidating, unreasonably persistent or demanding. Whatever the outcome of any investigations, the University will not tolerate any form of intimidation, victimisation or discrimination against any student(s) or members of the University community involved in these investigations. This applies both to students and their supporters. Where such behaviour is displayed, therefore, by a student it might constitute an instance of student misconduct in its own right. Where such behaviour is displayed by the supporter of a student, the University reserves the right to limit or terminate its correspondence with that individual.

15.7 Student Misconduct – Stage One procedures

1. The Director of Student Success Services (or nominee) will meet with the reporting student(s) to discuss the allegation. The reporting student(s) will be given an opportunity to provide supporting statements or evidence (either their own, or from witnesses). Ideally this will be submitted in advance of the in-person interview held with the reported student, so they can be considered within the discussion.
2. The Director of Student Success Services (or nominee) will notify the reported student that an allegation has been made against them, to include notification

in writing. The letter will state the allegations and give details of a date and time for an interview to discuss the allegations. The interview will take place no later than ten working days after the letter being sent. The reported student may provide a statement in advance of the interview if they wish. The reported student will also be offered the opportunity to respond to any new or amended allegations should these arise during the course of proceedings. The staff member carrying out the initial investigation should not have been involved in making the allegation/s against the student.

3. Prior to the interview, the Director of Student Success Services (or nominee) will collect any relevant additional information. This may involve collecting witness statements from students, reports from staff, CCTV footage, or other forms of information as suggested by the reporting and reported students or other relevant parties.
4. During the in-person interview, the Director of Student Success Services (or nominee) will discuss the allegations and collected evidence with the reported student and advise them with regard to their future conduct. The purpose of this interview is to determine if the misconduct occurred on 'balance of probabilities', to offer the reported student an opportunity to provide context, and to ensure all relevant information has been gathered in order to come to a fair and balanced outcome.
5. The Director of Student Success Services (or nominee) will write to the reported student within five working days after interview to confirm the outcome and any recommendations with regard to future conduct. This will include information about the student's Right to Appeal. The letter will be copied to the Academic Standards Officer, so that a central record can be kept, and a record will be kept on the Student Wellbeing and Support database.
6. Should the reported student admit to a minor offence, their admission shall be taken into account when considering which sanction/s to apply. Reported students will be made aware of the consequences of agreeing to a sanction(s)

at this stage; for example, whether this will be taken into account in any future proceedings.

7. Where appropriate, the following limited sanctions can be applied at Stage One:

- a fine, not exceeding £100, in addition to any appropriate restitution for damage or loss (to be reported in writing, using the designated form, to Finance)
- the prohibition of entry to specified areas of campus, including social areas, and/or University social functions for the time specified by the responsible officer
- a recommendation to the Marjon Sports Federation (MSF) that a ban is enforced on representing the University in any sporting event or activity for the time specified by the responsible officer
- a requirement to carry out community service for the time specified by the responsible officer, up to a maximum period of one working day (defined as seven hours)
- a requirement to undertake appropriate remedial action to address the student's behaviour, such as an anger management programme or diversity training (amongst other possible examples)

The Director of Student Success Services (or nominee) may also issue an informal warning to a student, accompanied by conditions, with regard to their social media and/or other online activities.

8. The Director of Student Success Services (or nominee) may also decide to escalate the case to Stage Two proceedings, based on the investigation and interview, if it is felt that the sanctions available at Stage One are not appropriate.

9. The Director of Student Success Services (or nominee) will normally meet with the reporting student(s) and/or reporting staff, to inform them of the outcome subject to the University's data sharing and risk assessment process.
10. Students are expected to co-operate with the Director of Student Success Services (or nominee). Should the reported student not respond to the request for an interview or fail to attend the interview without good reason, this might be sufficient grounds in itself for escalation to Stage Two. If grounds for escalation to Stage Two are not met, the Director of Student Success Services (or nominee) will decide an outcome based on the available evidence.
11. If the reported student does not engage with the outcomes, and does not provide good reason for this, the Director of Student Success Services (or nominee) will decide if this is grounds in itself for escalation to Stage Two.
12. All students involved in proceedings will be encouraged to engage in support from the Student Union and/or Student Wellbeing and Support throughout this process. Student Wellbeing and Support will ensure that a neutral member of staff will be available to offer support, and that reported and reporting students are treated fairly and offered support from separate members of staff.

15.8 Student Misconduct – Stage Two procedures

1. In cases where an allegation of student misconduct has been identified which might lead to a more serious sanction being imposed, the Director of Student Success Services (or nominee) will refer the matter to the Academic Registrar, via the Academic Standards Officer, by way of a written incident report. The preparation of the report should take any sensitive personal issues and/or potential clashes of interest into account. The Director of Student Success Services (or nominee) will provide the reporting student(s) an opportunity to contribute to this report in the form of a statement.
2. The report will state the name of the student against whom the allegation is made, the date, time and place of the alleged misconduct if known and

applicable and the nature of the alleged misconduct with a brief description of it. It should also include the names of any witnesses who can support the allegation and notes of any interviews and discussions undertaken.

3. In cases where, in the opinion of the Director of Student Success Services (or nominee) and colleagues as appropriate, the potential severity of an offence might justify expulsion, they will also provide a written rationale for recommending a formal hearing at Stage Three of the Procedures in the context of their incident report.
4. Before referring the report to the Academic Standards Officer, the Director of Student Success Services (or nominee) will notify the reported student that an allegation of misconduct has been made against them, which will be reviewed under Stage Two of the Misconduct Proceedings. The procedure will be explained to the reported student in full, and they will have an opportunity to ask questions and seek clarification. The reported student will also be provided the opportunity to respond to the allegations in writing, should they wish to do so, within a maximum period of ten working days.
5. On receipt of the incident report and any supporting evidence, the Academic Standards Officer (or nominee) will write to the reported student, advising them that a Panel will be convened. The incident report and any supporting evidence will be sent to the student at this point and the student will be provided with a further opportunity to respond to the allegations in writing, within a maximum period of five working days. Once the Panel has been convened, the Academic Standards Officer will notify the reported student of the date that the Panel will take place, and its members.
6. The Academic Standards Officer (or nominee) will convene a Student Misconduct Panel on behalf of the Academic Registrar. This shall comprise:
 - Chair: An appropriately qualified and experienced senior member of staff, from the roster of Student Casework practitioners approved by the Academic Registrar, who has had no involvement with the reported student (or, where applicable, the reporting student)

- An appropriately qualified and experienced senior member of staff, from the roster of Student Casework practitioners approved by the Academic Registrar, who has had no involvement with the reported student (or, where applicable, the reporting student)
- A member of the Executive Committee of the Student Union, normally the President or Deputy President, who also has no involvement with the reported student (or, where applicable, the reporting student)

With regard to allegations of programme-specific misconduct, the Panel may also include up to two additional external advisors with professional expertise of the relevant discipline where practicable and at the request of the Chair. They may either be academic colleagues at other institutions where the discipline is taught or professional colleagues with appropriate knowledge and experience. The advisors may attend the Panel hearing in person or provide written commentary on the basis of the available evidence.

The Academic Standards Officer (or nominee) will endeavour to ensure that the Panel includes at least one male and one female member.

7. The incident report, any supporting evidence and any response from the reported student will be circulated to the Panel and an initial meeting will be arranged. This meeting will be attended by the Academic Standards Officer (or nominee) who will offer procedural advice, where required, and record the decision taken.
8. The Panel may either issue a decision immediately or defer its decision, pending any further information that it requires. This may involve meetings in person with the reported/reporting student(s) and/or other interested parties, which can be conducted either by individual Panel members or the complete Panel. These will not be formal hearings, but a notetaker may be present. If any further information is required, or such a meeting is to be arranged, the Academic Standards Officer (or nominee) will contact the relevant party or parties to make the necessary arrangements. The reported student will be notified in the case of a decision being deferred, with an expected timeframe for a decision included in this notification.

9. Where a sanction is agreed at Stage Two, any or all of the following penalties can be imposed in addition to those available at Stage One:
- a fine, not exceeding £250, in addition to any appropriate restitution for damage or loss (to be reported in writing, using the designated form, to Finance)
 - the removal of a student either from a specific Hall of Residence or from campus accommodation in its entirety, subject to their legal rights as tenants
 - a formal warning as to a student's future conduct, accompanied by such reasonable conditions as may be deemed appropriate
 - a formal warning, accompanied by conditions, with regard to a student's social media and/or other online activities
 - conditions concerning the student's future conduct or access to facilities
 - the suspension of access to specific Academic Department-based facilities for a fixed period of time
 - suspension or removal from a programme that is professionally accredited, with the option to transfer to a non-accredited programme at a similar level (if available) with immediate effect
10. The Panel may also refer the matter to Stage Three if, on the basis of the finalised evidence base, it now considers that the potential severity of an offence could justify expulsion.
11. The resultant decision letter, which will be drafted by the Academic Standards Officer (or nominee) for the approval of the Chair, should normally be sent within thirty working days of the commencement of the Student Misconduct Procedure. This will also provide information about the next steps in the process (including the student's right of appeal) and details of who the student can contact with any queries or for advice and support. If the Panel has agreed to refer the matter to Stage Three, clarification of the relationship

between Stages Two and Three will be provided to the student in writing along with the Panel's reasons for escalation.

12. The Director of Student Success Services (or nominee) will normally meet with the reporting student(s) and/or reporting staff to inform them of the outcome, subject to the University's data sharing and risk assessment process.
13. If the reported student does not engage with the outcomes, and does not provide good reason for this, the Director of Student Success Services or (or nominee), in consultation with a member of the Executive Leadership Team, normally the Chief Academic Officer in liaison with the Academic Registrar, will decide if this is grounds in itself for escalation to Stage Three.
14. Students (both reporting and reported) will be encouraged to engage in support from the Student Union and/or Student Wellbeing and Support throughout this process. Student Wellbeing and Support will ensure that a neutral member of staff will be available to offer support, and that reported and reporting students are offered support from separate members of staff.

15.9 Student Misconduct – Stage Three procedures

1. In cases where the severity of an offence is potentially such as to justify expulsion, the decision will also be subject to a formal hearing of the Student Misconduct Panel.
2. The Academic Standards Officer (or nominee) will act as Secretary to the Panel. If proceedings are recorded electronically by mutual agreement, recordings will be made available to all participants on request. The hearing will not take place unless all members and the Secretary are present.
3. The reported student shall be informed of the date of the hearing by the Academic Standards Officer (or nominee) not less than ten working days in advance. This deadline can only be reduced with the student's written consent. They will be invited to appear in person but may attend virtually on request and if authorised by the Chair. A hearing can be scheduled at any

time in the calendar year, however reasonable steps will be taken to schedule this at a point in the year when the student would normally be present in the University. The University will only consider rearranging the date of the hearing if the reported student or other witness is unable to attend for good reason. Where a witness is unable to attend in person, they may be able to attend virtually in order to avoid a delay in proceedings - this will be at the discretion of the Chair, advised by the Academic Registrar.

4. The reported student may be accompanied by a 'friend', who is permitted to attend to provide advice and support to the student and can be heard only with the agreement of both the student and the Chair. The name and status of any such 'friend', who is expected to be a member of the University, must normally be notified to the Academic Standards Officer (or nominee) at least five working days in advance of the hearing. The University must grant its consent beforehand for the 'friend' to attend the hearing. The student may also choose to call witnesses in their defence.
5. These Procedures are internal to the University and therefore legal representation will not normally be permitted, although a reasoned request can be made by the reporting student(s) and will be considered. The University reserves the right to refuse the request if the circumstances are not deemed 'exceptional'.
6. The Academic Standards Officer (or nominee) shall normally circulate the list of witnesses to be called, and all relevant documentation, to all parties not less than five working days before the hearing. Where this is not possible, the Academic Standards Officer (or nominee) will advise the reported student who will have the right to request a postponement. Additional papers supplied by or on behalf of the student will be circulated thereafter with the proviso that, in exceptional circumstances, the Panel may decide to adjourn a hearing in order to secure a written response.
7. The refusal or failure of a reported student to attend will not invalidate the hearing's proceedings, provided that they have been given sufficient notice as set out above. Where a student has been denied access to the University

under the provisions set out in Section 15.4.1 of this [Framework](#), this will be waived to enable the student to attend the interview. In such circumstances, the student shall only attend the interview and not visit or stay in other areas of campus.

8. If a reporting student is unwilling to attend a face-to-face meeting with the reported student, the Panel Chair will interview them prior to the hearing either physically or virtually. A recording of the interview will be played back at the hearing, so that the student facing the allegations can respond directly to the points that have been made. The applicable timeframes can be adjusted to accommodate this additional meeting, ensuring that both reporting and reported students are made aware of these adjustments.
9. At the outset of the hearing, the Chair of the Panel shall identify the issues to be determined, the persons entitled to attend the hearing, and the documents supplied to the Panel. They will also ask the reported student to confirm that they have understood the procedures and have no concerns with regard to procedure. In addition, they will advise the student that all those involved in the hearing are expected to conduct themselves in an appropriate manner and that they are empowered to suspend the hearing in exceptional circumstances.
10. The Chair will then outline the case against the reported student as set out in the incident report supplied by the Director of Student Success Services (or nominee), normally in the presence of the Director of Student Success Services (or nominee). The reported student will be provided with an opportunity to respond, after which the Panel members and Head of Student Wellbeing and Support (or nominee) may ask questions of the reported student.
11. If a witness has been invited to attend, they will then be invited to give evidence. When multiple witnesses are involved, they will normally be invited to attend the hearing in separate time slots. The Director of Student Success Services (or nominee) may be in attendance. Members of the Panel may question the witness directly. The reported student may question the witness

through the Chair. The witness may question the reported student through the Chair. Recorded evidence secured from a reporting student(s), where applicable, will also be played back at this point.

12. The Director of Student Success Services (or nominee) and the witness (if applicable), will then be asked to leave. The Chair shall then provide the student an opportunity to provide any further response. The Chair and other members of the Panel may then question the reported student on their statement and/or the documentary evidence.
13. At the conclusion, the Chair shall invite the reported student to make a closing statement (which should not introduce new evidence), , before the Panel considers its decision in private. This can include any mitigating circumstances or factors that they believe should be taken into account.
14. In addition to the complete range of penalties available at Stage Two, the Panel may impose any or all of the following penalties:
 - suspension from the University, for a period of time to be determined by the Panel.
 - expulsion from the University (actual or suspended).

The default penalty at Stage Three will be expulsion, with scope for reduction to suspended expulsion or suspension if there are mitigating circumstances. A student's previous disciplinary record may be taken into account when determining the penalty, but the Chair and the Academic Standards Officer (or nominee) will withhold it from the Panel until a decision has been taken as to whether not an offence has been committed.

15. The resultant Stage Three decision letter will be drafted by the Academic Standards Officer (or nominee) for the approval of the Chair. It shall also constitute the official record of the hearing including, where applicable, the reasons for imposing a specific penalty or penalties and an explanation as to why a lesser penalty was unsuitable. The letter will also provide information about the next steps in the process (including the student's right of appeal)

and details of who the student can contact with any queries or for advice and support.

16. The letter will normally be sent to the student within ten working days of the hearing and within forty working days of the commencement of the Student Misconduct Procedures. If this is not possible, exceptionally, the reported student will be kept informed. Where a decision has been taken to suspend or expel a student, it will take immediate effect.
17. The University may inform the DBS or any other Professional, Statutory or Regulatory Body of the outcome of the misconduct proceedings, where applicable. If it intends to do so, it will include notification of that decision within the decision letter.
18. The Director of Student Success Services (or nominee) will normally meet with the reporting student(s) and/or reporting staff to inform them of the outcome, subject to the University's data sharing and risk assessment process.
19. Students (both reporting and reported) will be encouraged to engage in support from staff in Student Wellbeing and Support throughout this process. Student Wellbeing and Support will ensure that a neutral member of staff will be available to offer support, and that reported and reporting students are treated fairly and offered support from separate members of staff.
20. Whilst it is unlikely to be necessary, as part of proceedings, the Panel reserves the right to seek legal advice and/or the advice of other external agencies as appropriate.

15.10 Right of Appeal

1. A reported student has the right of appeal against the decision and/or the penalty imposed on the following grounds:
 - That the procedures were not followed properly.
 - That the decision maker(s) reached an unreasonable decision.

- That the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process.
- That there is bias or reasonable perception of bias during the procedure.
- That the penalty imposed was disproportionate or not permitted under the procedures.

Any such appeal must be submitted in writing to the Academic Standards Officer (or nominee) within ten working days of the date of the letter communicating the decision, normally by way of a single submission including any relevant attachments. If the student does not appeal within this timeframe, then the Academic Standards Officer (or nominee) will close the case. If the reported student wishes to appeal, they can make use of support from Student Wellbeing and Support to do so.

2. The Academic Standards Officer (or nominee) will refer the appeal to a member of the roster of Student Casework practitioners approved by the Academic Registrar who has had no involvement with the student for consideration. The appeal stage will normally be concluded within twenty working days of the receipt of the appeal; if a delay is envisaged, the student will be notified in writing before the end of the twenty working day period.
3. If valid grounds to proceed with the appeal are not found, the University's Student Misconduct Procedures will have been exhausted, and the Academic Standards Officer (or nominee) will advise the student accordingly.
4. If valid grounds for doing so are identified, the Academic Standards Officer (or nominee) will reconvene the original decision-making body with new membership of a similar status. In all such cases, the appeal process may lead to the confirmation, reduction or quashing of the penalty originally imposed, but not to an increased penalty. This re-hearing will be final and there will be no further right of appeal thereafter.
5. The student will be notified in writing of the decision, in accordance with the procedures appropriate at the relevant stage. The decision letter will confirm

that the University's Student Misconduct Procedures have been exhausted. If the University's handling of the procedure is found to have had an adverse impact on the student, then a discretionary remedy might be offered by the University.

15.11 Rights of Affected Students

Students who are the recipients of the alleged misconduct, whether or not they have reported it in person, may be informed of the outcome of any subsequent case at the discretion of the Director of Student Success Services and subject to the University's data sharing and risk assessment process. However, they will not be copied into any correspondence between the University and the student/s concerned, in accordance with relevant data protection legislation, and they will have no right of appeal against the outcome (including any sanction that has been applied). This also applies to any third parties acting on their behalf. Should a student who is the recipient of the alleged misconduct have any concerns about how the matter was handled, or the outcome, they will be directed to the Complaints Procedure (see Section 17 of this [Framework](#)).

15.12 Office of the Independent Adjudicator for Higher Education

1. If a student remains dissatisfied after the appropriate internal processes have been exhausted, they can ask the University to issue a Completion of Procedures letter in order for the Office of the Independent Adjudicator for Higher Education (OIA) to review their appeal.
2. The University must issue a Completion of Procedures letter in order for the OIA to review an appeal. A Completion of Procedures letter will be issued automatically where valid grounds for re-hearing the appeal are not found at the review stage.

3. All requests for review must be made to the OIA within twelve months of the date of issue of a Completion of Procedures letter. For full details please contact <http://www.oiahe.org.uk>. The University will draw the student's attention to any exceptional factors that mean that it is particularly important for the student to bring the matter to the OIA's attention promptly.

15.13 Reconsideration of the Same Offence

Normally, the University will not reconsider an offence once these procedures have been invoked. However, if new evidence emerges which, for a good reason beyond its control, was unavailable to the University at the time of the original investigation, the University reserves the right to reconsider an allegation and, in exceptional circumstances, re-open proceedings. If this applies, then a new Student Misconduct Panel will be recruited, and this will not include any previous members.

15.14 Annual Report

Each year, the Academic Standards Officer (or nominee) submits a report on student casework to Senate, detailing (anonymously) general matters or issues arising from recent student misconduct cases. Additional reports are also submitted to the Finance and Resources Committee of the Board of Governors on a regular basis. Senate will forward recommendations to other relevant University committees so that broad concerns can be shared, and appropriate action taken.

15.15 Procedures at Partner Organisations

1. In accordance with the Good Practice Framework issued on behalf of the HE sector by the Office of the Independent Adjudicator and Plymouth Marjon University's Collaborative Provision Regulations and Procedures, all students

registered for the University's awards have the ultimate right to complain to the University, irrespective of where they are studying. This right of complaint, however, is not absolute and is subject to the precise wording of the partnership agreement.

2. The partner organisation, accordingly, should ensure that clear information and guidance with regard to student misconduct is made available to all students registered for the University's awards. This should include clear information about the sequence of processes involved and make clear the channels through which dissatisfied students can contact the University directly.
3. Once the internal procedures of the partner organisation have been fully exhausted, students who wish to take their case to the University for review should ask the Academic Standards Officer in writing if they are eligible to do so. Students may request a review of the decision on the following grounds only:
 - That the procedures were not followed properly.
 - That the decision maker(s) reached an unreasonable decision.
 - That the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process.
 - That there is bias or reasonable perception of bias during the procedure.
 - That the penalty imposed was disproportionate or not permitted under the procedures.
4. If a case is eligible for review, the Academic Standards Officer (or nominee) will refer the challenge to a member of the roster of Student Casework practitioners approved by the Academic Registrar who has no involvement with the partnership. If the challenge is upheld, the case will be referred back to the partner organisation to be reheard under its own procedures. Otherwise, the University will not refer the case back to the partner organisation to be reheard and the Academic Standards Officer (or nominee) will advise the

student accordingly. This will include advice with regard to a student's further right of appeal to the Office of the Independent Adjudicator (OIA).

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