

PROCEDURE FOR STUDENT DISCIPLINE

UPDATE: October 2020

This is a crucial moment of managing the virus in the population and everyone has a role to play in stopping its further spread, with all the dreadful consequences this could bring. We are hoping that by working together, we can avoid disciplinary situations. However, if necessary, we will, in common with other Scottish universities, operate a supportive ‘Yellow Card / Red Card’ approach by: working with you in the first instance to advise and warn about any breaches of discipline; identify how we can resolve any issues, prior to escalation to disciplinary action; and ensure you remain compliant with new laws.

1. Introduction

The University’s expectations in relation to student behaviour are set out in the **University Senate Regulatory Framework: The Code of Discipline for Students**, and the **Student Experience Policy Statement**.

This Procedure will apply to all students on programmes that are not subject to conduct, competence and fitness to practise requirements.

Students on programmes subject to conduct, competence or fitness to practise requirements will be subject to the Fitness to Practise Procedure.

2. Definitions of Misconduct

The University recognises two categories of misconduct: academic and non-academic. The Code of Discipline sets out what constitutes misconduct and provides a non-exhaustive list of examples.

Any student who assists a fellow student or students to commit misconduct, will also be deemed to have committed misconduct and will be dealt with in accordance with this Procedure.

3. Allegations of Misconduct

Allegations of misconduct may be reported by a member of University staff, a student, an external examiner, a member of the public or by the host institution when a student is on placement or exchange. The individual receiving the report must refer the matter to the appropriate Authorised Officer without delay.

4. Authorised Officers

The nature of the allegation received will determine which Authorised Officer the matter should be referred to. The University’s Authorised Officers are as follows:

Academic Misconduct

Area	Authorised Officer	Details
Academic areas	Dean of School	Alleged misconduct occurring within academic areas of activity whilst present on a UWS Campus.
Academic plagiarism	Chair of a School Plagiarism Panel	Alleged collusion or plagiarism in assessed coursework.

Non-Academic Misconduct

Area	Authorised Officer	Details
Non Academic areas	The relevant Head of Department	Alleged misconduct relating to: <ul style="list-style-type: none"> • The library; • Use of University IT and the computer network; • Any activity taking place elsewhere on University premises. • Student Residences
Outside of the University	Vice-Principal Learning, Teaching and Students	Alleged misconduct taking place outside of the University or partner's premises.
Student's Union	The Chief Executive of SAUWS	Alleged misconduct occurring in or relating to the use of Student's Union Premises or any other area under the control or direction of the Student's Association.
Partner Institution (International Exchanges including ERASMUS)	Lead Contact as identified in the collaborative agreement or partnership agreement	Any alleged misconduct, which takes place whilst the student is studying at a partner institution overseas. In these circumstances, the Authorised Officer will liaise with the Appeals and Academic Conduct Office when deciding how to deal with any alleged misconduct.
Partner Institution (Industrial Placements and studentships)	Dean of School	Alleged misconduct occurring whilst a UWS student is on an industrial placement or studentship.

In cases where the student's Dean of School is not acting as the Authorised Officer, the Dean should be informed of the allegations.

The Authorised Officer may report to the police any allegation that a criminal offence has been committed. Any student who has been the victim of an alleged criminal offence is encouraged to report this to the police.

5. Suspension

The University's Student Suspension Procedure will be followed where it is necessary to suspend a student pending the outcome of a disciplinary meeting, a police investigation or a trial.

The Suspension Review Committee (SRC) is responsible for reviewing student suspensions. The constitution and responsibilities of the SRC are set out in the Student Suspension Procedure.

6. Investigation

Student is not suspended

The Authorised Officer will appoint an Investigating Officer from the University's list of approved members of staff.

The Investigating Officer will carry out an investigation into the alleged misconduct and prepare a report detailing their findings. This report will be presented to the Authorised Officer for consideration.

Student is suspended under the Student Suspension Procedure

A. No criminal investigation

The Dean of School (alleged academic misconduct) or Vice-Principal Learning, Teaching and Students (non-academic misconduct) will appoint an Investigating Officer from the University’s list of approved members of staff.

The Investigating Officer will carry out an investigation into the alleged misconduct and prepare a report detailing their findings. This report will be presented to the Dean of School or the Vice-Principal Learning, Teaching and Students for consideration.

B. Criminal investigation

The decision on whether to take any further action under this Procedure will normally be delayed until the outcome of a criminal investigation, or trial is known. Once the due legal process has been completed, the Dean of School or Vice-Principal Learning, Teaching and Students will appoint an Investigating Officer from the University’s list of approved members of staff.

The Investigating Officer will carry out an investigation into the alleged misconduct and prepare a report detailing their findings. This report will be presented to the Dean of School or Vice-Principal Learning, Teaching and Students for consideration.

7. Referral to the Senate Disciplinary Committee

After reviewing the investigation report, the Authorised Officer, Dean of School or the Vice-Principal Learning, Teaching and Students will either:

- Refer the case to the Senate Disciplinary Committee for action; or
- Take no further action under this Procedure. This decision will not prevent informal action from being taken if appropriate.

The Authorised Officer, Dean of School or Vice-Principal Learning, Teaching and Students will inform the student of this decision in writing.

8. The Senate Disciplinary Committee

The Senate Disciplinary Committee will have the constitution, terms of reference and standing orders prescribed in The University Senate Committees Document, which is available on the UWS website.

The process set out in Appendix A of this Procedure will be followed when considering a case of alleged misconduct.

When determining a proportionate sanction, the Senate Disciplinary Committee will consider the scale and severity of the misconduct and any extenuating circumstances. Where a student has been sentenced by a criminal court in respect of the same facts, the court’s sanction will also be taken into account.

The following sanction may be imposed by the Senate Disciplinary Committee:

Sanction	Detail
Reprimand	<ul style="list-style-type: none"> • An official letter is issued to the student, warning them of the consequences of similar future behaviour.

	<ul style="list-style-type: none"> The student can also be required to write a formal letter of apology for their behaviour. If the student refuses to apologise for their behaviour, the Senate Disciplinary Committee will have the power to determine an alternative sanction.
Failure of component of assessment or whole module, without loss of attempt	<ul style="list-style-type: none"> If academic misconduct is found, the Committee will decide whether a component(s) of a module or the whole module is failed, and whether there should be loss of attempt. If this sanction is applied, the academic result for the individual component of assessment, or module, will be reduced to zero. The student will not lose an attempt.
Failure of component of assessment or whole module, with loss of attempt	<ul style="list-style-type: none"> If academic misconduct is found, the Committee will decide whether a component(s) of a module or the whole module is failed, and whether there should be loss of attempt. If this sanction is applied, the academic result for the individual component of assessment, or module, will be reduced to zero. The student will lose an assessment attempt. The student may be permitted the remaining re-assessment opportunities which would normally apply to that component of assessment or module. If the above results in a third and final attempt (Undergraduate) or second and final attempt (Postgraduate) failure of the module, the student will have no further attempts at the module and may not be permitted to repeat it.
Suspension for a specific period	<ul style="list-style-type: none"> The student will be suspended from attending the University or Partner Institution for a period not exceeding one academic year.
Expulsion	<ul style="list-style-type: none"> The student is expelled from the University with immediate effect. It is expected that this sanction will be applied in the second case of misconduct. As part of this sanction, the Committee may decide that the student should have no further rights of application and enrolment to the University. The University shall report the expulsion to UKVI where the student is subject to UK immigration legislation.

In addition to the penalties listed above, the student can be requested to pay compensation for damage done to the University or Partner Institution premises.

9. Appealing a decision of the Senate Disciplinary Committee

A student can appeal the decision and/or sanction of the Senate Disciplinary Committee to the Senate Appeals Committee. Details on the appeals process are set out in Chapter 6 of the Senate Regulatory Framework.

10. Records and publication

The Secretary to the Senate Disciplinary Committee will keep a record of disciplinary action taken. All correspondence and notes will be copied to the Appeals and Academic Conduct Office for information and may be disclosed if a reference is requested from the University on the student's behalf.

Procedure Author – Secretary to Senate Disciplinary Committee	Procedure Owner – Vice-Principal Learning, Teaching, and Students
Parent Policy Statement - Student Experience Policy Statement	Public Access or Staff Only Access – Public
Version 2 – 1 st October 2020 Reviewed June 2021	Changes and Reason for Changes – Updates to titles and COVID statement. Minor update to Appendix 1.

Appendix A – Procedure for each stage of the Senate Disciplinary Committee process

Procedure	Senate Disciplinary Committee
Informing the student(s)	<ul style="list-style-type: none"> • In cases where the alleged misconduct involves more than one student, the Senate Disciplinary Committee may deal with all, or any, of the cases at same time. • The student will be notified of the date and time of the disciplinary meeting by email (UWS student email account). At least 10 working days' notice will be given. The student will be required to confirm their attendance in writing a minimum of 5 working days before the date set for the meeting.
Location of the meeting	<ul style="list-style-type: none"> • The meeting of the Senate Disciplinary Committee will usually be held via appropriate technology such as Microsoft Teams.
Prior to the meeting	<ul style="list-style-type: none"> • Students with additional support requirements should arrange additional suitable representation e.g. a BSL Interpreter if the student has difficulty hearing. • The student should inform the Secretary to the Senate Disciplinary Committee at least 5 working days before the meeting of the name and status of any representative, or witnesses who will be present. • The student will have the opportunity to review any documents that will be considered by the Committee in advance of the meeting. • The student should send any documents that they wish to be considered to the Secretary to the Senate Disciplinary Committee at least 5 working days prior to the hearing.
Notes of the meeting	<ul style="list-style-type: none"> • The Secretary to the Senate Disciplinary Committee will produce a summary of the proceedings but not otherwise take part in the meeting.
Staff attending the meeting	<ul style="list-style-type: none"> • The University's case against the student will be presented by the relevant Investigating Officer, or their nominee ("the University's Representative"). • The Senate Disciplinary Committee has the right to invite any relevant internal/external staff or witnesses to attend the meeting.
Student attending the meeting	<ul style="list-style-type: none"> • The student will be entitled to be accompanied by one of the following: <ul style="list-style-type: none"> - A friend; - A relative; - A sabbatical officer or student representative or advice worker from The Union <p>This person should not be a legal representative.</p> • Failure by a student to attend the meeting will not prevent the Senate Disciplinary Committee from considering the matter and reaching a decision.
Hearing the case	<ul style="list-style-type: none"> • The University's Representative and the student may present written or oral evidence to support their case.

	<ul style="list-style-type: none"> • The University's Representative and the student may question any witnesses present at the hearing. • Any member of the Senate Disciplinary Committee will have the right to question the student, the student's representative, any witness called by the student or the University Representative in order to seek clarification.
Reaching a decision	<ul style="list-style-type: none"> • The Senate Disciplinary Committee will consider the case and the evidence presented and reach its decision in private. • The Senate Disciplinary Committee will decide whether the misconduct is proven or not proven.
Sanction	<ul style="list-style-type: none"> • If the misconduct is proven, the Senate Disciplinary Committee may impose any of the penalties set out under section 8 of this Procedure.
Communicating the decision	<ul style="list-style-type: none"> • The Chair (or Depute Chairs) may communicate the Committee's decision and any penalties imposed to the student at the meeting, giving reasons for the decision. • The Secretary to the Senate Disciplinary Committee will communicate the decision and any penalties imposed to the student by email within 5 working days of the meeting. • The notice communicating the decision and any sanction imposed will give reasons for the decision. • The student will be advised of the right of appeal to the Senate Appeals Committee. • The decision and any sanction imposed will also be reported to the School Assessment Board and/or School Board of Examiners.