

Appendix A

Student Disciplinary Procedure

1. Disciplinary Levels, Offences & Sanctions

- a. The table below provides examples of disciplinary offences that breach University Regulations, the level at which they may be considered under Regulation 2 and the sanctions that may be imposed if a student is found to have breached the regulations.
- b. The content of this table is *indicative and not exhaustive*. The scale and impact of the offence will be considered on a case-by-case basis by the Investigating Officer assigned to the case. One or more sanctions may be imposed if appropriate.

Level	Offence	Sanction
1	A breach of university regulations or policies e.g., smoking in prohibited areas, ignoring firealarms	<u>Level 1 Sanctions</u> <ul style="list-style-type: none"> A formal written warning A requirement to make good any damage caused (to the value of £200) A fine of up to £200 (that may be suspended for up to 1 year) A written reflection to account for the behaviour and an apology to the person affected by the misconduct Compulsory attendance at a workshop or course related to the behaviour/issue.
	Refusal to respond to reasonable requests by University staff	
	Minor damage to property	
	Use of minor abusive language	
1/2	Repeatedly contacting someone (by any means/online platform) against the wishes of the other person	<ul style="list-style-type: none"> Compulsory attendance at a workshop or course related to the behaviour/issue.
	Anti-social conduct, including causing a public nuisance by drunkenness or disorderly conduct	
2	A serious or persistent breach of regulations or policies	<u>Level 2 Sanctions</u> <ul style="list-style-type: none"> Any sanction available at Level 1 A requirement to make good any damage caused (to the value of £1000) A fine of up to £1000 (that may be suspended for up to 1 year) A ban from specific facilities/premises for a period up to the duration of the student's remaining registration.
	Refusal to pay a fine or observe another sanction imposed under University regulations	
	Breach of health and safety requirements, endangering the wellbeing of students, staff and visitors	
	Misconduct in connection with degree, diploma or certificate examinations	
	Falsification or serious misuse of University records, including degree or diploma certificates	
Conduct which, by whatever means, interferes with the normal operation of the University business or which is likely to bring the University into disrepute		

2/3	Repeated or persistent misconduct offences, or multiple concurrent misconduct	
	Failure to comply with a condition or precautionary action (including sharing information about ongoing cases when requested not to)	
	Bullying, harassment, unlawful discrimination, hate crime or other breaches of the Dignity & Respect Policy	
	Conduct which, by whatever means, puts at serious risk other members of the University community, seriously disrupts or prejudices the work of other members or employees of the University or disrupts members of the public using University premises	
	Theft/fraud	
	Non-consensual sexual touching	
	Making unwanted remarks of a sexual nature	
3	Behaviour, comments, micro and macro-aggressions relating to a person's sex, sexual orientation, religion or belief, race, pregnancy/maternity, marriage/civil partnership, gender reassignment, disability or age including but not language or memes, denial of individual discrimination, criticism of cultural style, values or language	<p><u>Level 3 Sanctions</u></p> <ul style="list-style-type: none"> Any sanction available at Level 2 A fine of up to £2000 (that may be suspended for up to 1 year) Suspension from the University for up to 2 years Expulsion from the University with immediate effect (that may be suspended for up to 2 years).
	Threatening, offensive or indecent behaviour causing physical harm	
	Offences against the criminal law, where these offences involve other students or directly impact on the operation of the University	
	Sexual assault including a sexual act without consent	
	Stalking – repeatedly following a person without good reason	
	Sexual abuse (including online and image-based abuse)	
Sexual harassment (unwanted behaviour of a sexual nature which violates a person's dignity; makes them feel intimidated, degraded or humiliated or creates a hostile or offensive environment for them)		

2. Reporting An Incident

- a. Where someone studying or working at the University observes or is informed of conduct by a student which may constitute disciplinary misconduct (the "Incident"), that person (or someone acting on that person's behalf) shall report such conduct to the Director for the Student Experience.
- b. Incidents which occur outside the University or via a non-University mechanism (such as social media) may be dealt with under this Regulation.
- c. The Director for the Student Experience may check the University records in order to ascertain whether the student has committed any previous acts of disciplinary misconduct and may provide that information to those involved in the disciplinary process if appropriate. The information may not be relied upon as evidence that the student has committed the alleged act of misconduct currently being considered under this Regulation but it may be taken into account when considering whether it is necessary to impose precautionary action, when considering which disciplinary route to follow and when considering sanctions.

3. Incidents that have been reported to the Police and may lead to criminal charges

- a. If the case is considered a criminal offence and is being investigated by the Police, the University's investigation will usually be paused until the Police investigation is completed. Support measures for students will continue during this time.
- b. The University reserves the right to either suspend or continue with disciplinary action in cases where a police investigation is ongoing or has been suspended or discontinued. This will be decided on a case-by-case, in dialogue with the police where appropriate. The University also reserves the right to proceed with the disciplinary process where the student has been acquitted in criminal proceedings
- c. It should be noted that the police have a 'beyond reasonable doubt' burden of proof and the University uses the civil 'on the balance of probabilities.' In addition, the University has less powers of investigation and evidence gathering than the police and can only investigate matters that are potentially a breach of University regulations.

4. Mediation

- a. Depending on the nature of the incident, an advisor or the Casework Officer will discuss mediation as an option to resolve the issue. Mediation is a facilitated conversation with a trained mediator through which both parties will be supported to reach mutually agreed satisfactory outcomes. This will not be advised for incidents of serious harm, sexual misconduct, or violence.
- b. Mediation is a process in which disputing parties seek to resolve their differences in a mutually agreed way with the assistance of a trained mediator acting as an impartial third party. Mediation is voluntary and aims to offer the disputing parties the opportunity to be fully heard, to hear each other's perspectives and to decide how to resolve their dispute themselves.
- c. Mediation is entirely confidential and no record of the contents of the mediation process is held on any student file. The contents of all mediated conversations are not shared with anyone unless implicitly agreed by the parties involved in those discussions.

- d. Mediation may be recommended as an option for appropriate cases where solutions can be negotiated with support. If harm or offence has been caused by the behaviour of another student's words or actions, mediation may provide a positive opportunity to find resolution.
- e. If mediation is entered into at any point in the management of a case, the usual timescales within the Student Discipline Procedure will be suspended until mediation is concluded. If mediation is successful, the case may be considered resolved. If not, the case will continue through the procedure and the timeframes will resume.

5. Investigations

- a. If a case is to be investigated (determined by the Office for Student Complaints, Conduct and Funding), an independent investigating officer (IO) will be appointed within 10 working days of the decision to investigate. The reported person will be notified in writing of the investigation initiation, how to access support, an outline of the allegations to be investigated and the regulation that has been allegedly breached.
- b. The reported person will be invited to a meeting with the IO to provide an opportunity to respond to the allegation/s.
- c. The IO will conduct the investigation as they think appropriate, and may meet with the reporting person, the reported person and any witnesses to the alleged incident.
- d. The IO will, as part of the investigation decide the level of the incident (Level 1, 2 or 3).
- e. The reported person will be provided with a copy of the allegation and the evidence collected by the IO, unless (in exceptional cases) the IO determines that the evidence represents a safeguarding risk to other students and then, in lieu, a summary only of the evidence will be provided.
- f. The reported person will be afforded time to make representations and to provide evidence in support of their own case.
- g. The IO will record all evidence and will make a decision on the balance of probabilities. They will write a report and notify the reported person of the outcome within 10 working days of completing the investigation. Outcomes could be:
 - No further action.
 - Insufficient evidence to prove the case on the balance of probabilities
 - Impose a penalty if a Level 1 or Level 2 case.
 - Proceed to a Student Disciplinary Panel hearing if a Level 3 case.
- g. The reporting person will be kept up to date about the progress of the case by a Casework Officer or Manager from Student Complaints, Conduct and Funding. The University will make a data protection assessment and inform the reporting person of the outcome and share as much information as is considered necessary to reassure them that the University has acted proportionately and fairly.
- i. It is expected that all students involved in a case will keep information about the case completely confidential. Disclosing information to others in person or online may undermine the case investigation and prejudice the outcome. Disclosing case information is a disciplinary

offence and that may be investigated as a separate case if there is sufficient evidence to do so.

6. Panel Hearings (Level 3 cases)

- a. A Student Disciplinary Panel will be arranged by a case advisor within 25 working days of the report from the IO or as soon as possible. The reported person will be notified at least 10 working days before the panel hearing and will be expected to provide any additional documents no later than 5 working days before the date of the panel hearing. Students can provide the following, for example:
 - a summary of relevant information the student wishes to rely on at the hearing
 - a copy of any relevant documents which the student intends to rely on at the hearing
 - a copy of any relevant witness statements
 - the names of any witnesses the student intends to call
 - the name of any accompanying person the student intends to bring with them.
- b. The Student Disciplinary Panel will be made up of at least three members. This will include a Chair (member of the University's Leadership Team), one member of staff, and a full-time elected officer of the University of Sussex Students' Union. All panel members will have completed appropriate training for participation.
- c. The panel hearing duration will vary from case to case and will be proportionate to the misconduct alleged to have occurred, the evidence and the number of witnesses to be called.
- d. The reported person will be invited to attend and must make every effort to be present at the hearing. If the reported person fails to attend without good reason, the University may take a decision based on the available evidence and without the student's presence at the hearing.
- e. The reported person may be accompanied by one other person for support who may not make representations on behalf of the student unless there are good reasons why this adjustment needs to be made, as per Regulation 2 (2022) at [10.5]. All questions will be directed to the student, and it is expected that they will respond to the panel members.
- f. If the reporting person is called as a witness and is likely to experience extreme distress by attending, for example, in cases of sexual misconduct or harassment, the reporting person can meet the panel via a video-link and can be asked questions on behalf of the responding person by the panel so as to avoid direct communication/confrontation with the responding person. Arrangements will be made in accordance with the Guidance for making virtual arrangements.
- g. Video statements may be accepted at the discretion of the Chair and kept until the limit of time for a complaint to the OIA has passed and in accordance with the University's data retention policy.
- h. At the panel hearing, the IO will present the allegations against the reported student and the evidence that has been gathered. The student will be able to respond and present any

evidence of their own in response.

- i. Student Disciplinary Panels may take place in person or virtually and always in private.
- j. The University will inform the reported person in writing of the panel's decision and the reasons for it in an Outcome Letter. The letter will provide information about any sanction(s) imposed and the reasons for this. The letter will also identify the internal appeals procedures and will be sent to the student normally within 10 working days of the hearing.
- k. The University will make a data protection assessment and inform the reporting person that an outcome has been decided and share as much information as is considered necessary to reassure them that the University has acted proportionately and fairly and with due regard for their wellbeing.

7. Appeals

- a. The reported person may make an appeal on the following grounds:
 - i. That there is a procedural irregularity which may have affected the outcome;
 - ii. That there is evidence which was not available at the time (and could not reasonably have been expected to have been submitted at the time) that may have affected the outcome determined by the Investigating Officer/Panel; and
 - iii. That the decision is not one, given the evidence, that could be reasonably sustained.

Level 1 & 2 Appeals

- b. If the reported person wants to appeal a decision of the Investigating Officer, they must do so within 5 working days of the date of being notified of the outcome via an Outcome Letter.
- c. A consideration of the appeal papers will be made by a PVC. They may uphold the decision of the Investigating Officer or substitute their own decision. Their decision will be final. A final outcome and completion of procedures letter will be sent within 5 working days of the decision being made.

Level 3 Appeals

- d. If the reported person wants to appeal a decision of the Student Disciplinary Panel, they must do so within 10 working days of the date of the Outcome Letter. The Outcome Letter will provide details of how to make an appeal.
- e. In the first instance, a member of the University Executive Group will consider a submitted Level 3 appeal and notify the student normally within 5 working days of the decision being made. Their decision will determine whether the grounds and information raised in the appeal meet the eligibility criteria for appeals. They will decide:
 - i. That some or all of the issues raised are *not* eligible for appeal and will therefore refuse the appeal and notify the student in a final outcome and completion of procedures letter; or
 - ii. That some or all of the issues raised appear to be eligible for an appeal and the case

will be referred to Student Disciplinary Appeals Committee and will be arranged within 25 working days.

- f. A Student Disciplinary Appeal Committee will be composed of people who have had no previous involvement with the case and shall include the VC or delegate, a senior member of staff from the University Executive Group and an elected member of the Students' Union. A secretary will also be present.
- g. The Student Disciplinary Appeals Committee will carry out a review of the case based on the documentation provided. The case will not be re-heard unless the Chair decides that this is appropriate.
- h. If the Chair decides that the case needs to be re-heard, the student will be invited to the meeting and the Chair will:
- welcome the student, introduce those present, explain their roles and the procedure to be followed
 - invite the student to present their appeal and the outcome which they are seeking
 - invite the person presenting the response to the appeal to present the University's response, explain the original decision and to make any further comments following the student's submission
 - invite the members of the Committee to question the student and the University representative (the Chair may also ask questions)
 - give the student and the University representative an opportunity to make a final statement summarising their respective positions.
 - The student, student's companion and the University representative will then leave the meeting.
 - The Student Disciplinary Appeals Committee will deliberate in private and solely on the basis of the papers before the panel and submissions made on the day.
- i. The Committee may decide to uphold an appeal or dismiss an appeal on some or all of the grounds present, and in addition it may:
- lower or remove any sanctions imposed
 - decide that new issues have arisen which require investigation
 - decide that a re-hearing of the case is required and refer the case back to a new Student Disciplinary Panel
 - alter or remove any other measures that have been put in place as a temporary measure.
- j. The student will be notified of the outcome within 10 working days of the Committee's decision.
- k. A completion of procedures letter will be provided if the case is concluded and there are no further internal steps to take. This letter will contain details of how to complain to the Office of the Independent Adjudicator (OIA).