

REGULATION XXII:

Regulations relating to the Discipline of Students¹

MISCONDUCT DEFINED

1. Misconduct for the purposes of this Regulation is the improper interference, in the broadest sense, with the proper functioning or activities of the University, or those who work or study in the University; or action which otherwise damages the University.
2. Subject to the general definition in the preceding Regulation, the following will constitute misconduct:
 - (a) disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere;
 - (b) obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of the University or any authorised visitor to the University;
 - (c) violent, indecent, disorderly, threatening or offensive behaviour or language whilst on premises owned, managed or leased by the University or engaged in any University activity or which affects or concerns any member of the University;
 - (d) any unwanted conduct of a sexual nature which occurred in person or by letter, telephone, text, email or other electronic and/or social media and includes, but is not limited to, the following:
 - (i) engaging, or attempting to engage, in a sexual act with another individual without consent;
 - (ii) sexually touching another person without their consent;
 - (iii) conduct of a sexual nature which creates (or could create) an intimidating, hostile, degrading, humiliating, or offensive environment for others including making unwanted remarks of a sexual nature;
 - (iv) inappropriately showing sexual organs to another person;
 - (v) repeatedly following another person without good reason;
 - (vi) recording and/or sharing intimate images or recordings of another person without their consent; *and*
 - (vii) arranging or participating in events aimed at degrading or humiliating those who have experienced sexual violence, for example inappropriately themed social events or initiation.
 - (e) fraud, deceit, deception or dishonesty in relation to the University or its staff or in connection with holding any office in the University or in relation to being a student of the University;
 - (f) behaviour likely to cause injury or impair safety on premises owned, managed or leased by the University or such behaviour which affects or concerns any member of the University;
 - (g) behaviour which puts or is likely to put at risk of harm any person with whom a student has dealings as part of a programme of study or research;
 - (h) any form of harassment or abuse to include, but not limited to, reference to ethnicity, religion or belief, sex, sexual orientation, gender identity or disability of any student, member of staff or other employee of the University or any authorised visitor to the University;
 - (i) Oral or written comments which occurred in person or by letter, telephone, text, email or other electronic and/or social media intended to alarm or distress a person or persons on the grounds of their race or ethnicity, religion or belief, sex, sexual orientation, gender identity or disability or intended to incite abuse, threats or violence against a person or persons on the grounds of their race or ethnicity, religion or belief, sex, sexual orientation, gender identity or disability;
 - (j) breach of the University's Code of Practice relating to Meetings and Other Activities on University Premises under section 43 of the Education (No 2) Act 1986 or of any other Regulation which provides for breaches to be dealt with under these Regulations;
 - (k) the use of any unfair means in the assessment process of the University;
 - (l) damage to, or defacement of, property on any premises owned, managed or leased by the

¹ Regulations 1-2 apply to students in all Faculties. Regulations 3-33 apply only to students in the Sheffield-based Faculties. Separate Regulations apply to students in the International Faculty (<http://www.citycollege.sheffield.eu/frontend/articles.php?cid=427&t=Regulations-and-Policies>).

- University or the property of other members of the University community caused intentionally or recklessly, or misappropriation of such property;
- (m) misuse or unauthorised use of premises or items of property in premises owned, managed or leased by the University, including computer misuse;
 - (n) conduct which constitutes a breach of the criminal law where that conduct:
 - (i) took place on premises owned, managed or leased by the University; or
 - (ii) affects or concerns other members of the University community, or the interests of the University, or members of the public, or took place during an activity organised by the University; *or*
 - (iii) damages the good name of the University; *or*
 - (iv) itself constitutes misconduct within the terms of these Regulations; *or*
 - (v) is an offence of dishonesty, where the student holds an office of responsibility in the Students' Union, or on premises owned, managed or leased by the University.
 - (o) behaviour which brings or is likely to bring the University into disrepute, for example misconduct in a community or other public setting;
 - (p) failure to disclose name and other relevant details to an officer or employee of the University in circumstances when it is reasonable to require that such information be given;
 - (q) failure to comply with a previously-imposed penalty, requirement or undertaking under these Regulations;
 - (r) breach of any residence contract in relation to accommodation owned, managed or leased by the University.

PROCEDURE

The Executive Director of Academic Services has the discretion to vary the procedures in the following Regulations if it would be appropriate to do so.

DISCIPLINE PANEL AND DISCIPLINE POOL

Reference in these Regulations to the Executive Director of Academic Services includes any person or delegate authorised to act on their behalf, to include, but not limited to, the Director of Student Support Services and the Head of Student Administration Service, and responsibilities and powers may also be delegated as appropriate to the Student Conduct and Appeals Team.

3. There will be a Discipline Pool which will consist of:
- (a) at least three members of the staff of the School of Law appointed by the Senate to be Chairs of Discipline Panels convened pursuant to paragraph 4 below;
 - (b) at least seven members of the academic staff appointed by the Senate;
 - (c) persons nominated by the Executive Director of Academic Services.

If for any reason no member of the Discipline Pool appointed under paragraph 3(a) is able to act, the Executive Director of Academic Services may appoint another person with legal training to act as a Temporary Chair, and that person may be a member of the academic staff of another University.

4. The Discipline Panel of the Senate acting in respect of any matter will be convened by the Executive Director of Academic Services and will comprise the following members drawn from the Discipline Pool:
- (a) a Chair, appointed under paragraph 3(a);
 - (b) two other members of the Discipline Pool (in the case of alleged misconduct by a student in appropriate professionally accredited programmes of study, to normally include one member of the Discipline Pool who is a member of the staff of that Faculty registered with the relevant professional regulatory body);
 - (c) two student members appointed by the President of the Students' Union (or if the President is unable to act, by the Education Officer of the Students' Union).

A secretary to the Pool will be appointed by the Executive Director of Academic Services and will normally be drawn from the Student Conduct and Appeals Team.

REPORTING OF ALLEGED MISCONDUCT

5. Any member of the University who becomes aware of conduct by a student which might become the subject of proceedings under these Regulations will report the matter to the Executive Director of

Academic Services.

INITIAL INVESTIGATION

6. The Executive Director of Academic Services will make enquiries and determine:
 - (a) that no further action be taken under these Regulations;
 - (b) that where the matter does not involve the use of unfair means it be referred for consideration under the administrative procedure established under these Regulations;
 - (c) that the matter be referred to a Chair of the Discipline Pool with a view to the consideration of the matter under the summary procedure established under these Regulations;
 - (d) that the matter be referred to the Directors of Accommodation and Commercial Services, to Corporate Information and Computing Services, to the Library or to the President of the Students' Union with a view to the matter being dealt with under the disciplinary procedures of the Director of Accommodation and Commercial Services or the Students' Union or the Regulations on the Use of Computing Facilities or the Regulations Relating to the Library or under General Regulation 24 concerning Ethics Approval;
 - (e) that the matter be referred to the Discipline Panel.

In determining whether the matter be referred for consideration under the summary procedure or to the Discipline Panel, the Executive Director of Academic Services will consider the severity of the matter, whether the student has admitted to the matter, and any previous incidences of misconduct on the part of the student.

7. When the matter appears to disclose the commission of a serious criminal offence it is normally expected that the matter will be reported to the police. Where the offence potentially falls within the scope of these Regulations, the Executive Director of Academic Services will decide whether internal discipline procedures should be started. If started they would normally be adjourned pending the outcome of the police investigation. However, the fact that criminal proceedings have not concluded does not preclude the University from taking its own disciplinary action under these Regulations, particularly in relation to allegations of minor criminal offences. Similarly, if the police are unable or unwilling to proceed with the alleged offence, this also does not always preclude the University from taking disciplinary action under these Regulations. Where a student has been convicted and sentenced by a criminal court, the verdict of the court will not be open to challenge in proceedings initiated under these Regulations and the sentence will be taken into consideration in determining the penalty under these Regulations.

PRECAUTIONARY MEASURES AND THE SUSPENSION OF STUDENTS

Reference in these Regulations to the President & Vice-Chancellor includes the Provost & Deputy Vice-Chancellor and reference to the Vice-President means the Vice-Presidents for Education and Research & Innovation, and their Deputies.

The putting in place of precautionary measures or a suspension is a neutral act and does not indicate that the University has concluded that the student is guilty of misconduct and/or a criminal offence; it is a temporary measure pending the outcomes of the completion of proceedings under these Regulations, the trial of the charges or the completion of the police investigation.

8. A student who is the subject of a report of misconduct or against whom a criminal charge, criminal trial or appeal, police investigation is pending may be subject to precautionary measures or a suspension or exclusion pending the completion of proceedings under these Regulations, the trial of the charges or the completion of the police investigation.
9. A Risk Assessment Panel will be convened where there are circumstances involving a student or students which warrant an evaluation of the risks to the students involved, the University community in general or a particular member or members of that community or members of the public or to the carrying out of a full and proper investigation.

The Risk Assessment Panel will be chaired by the Director of Student Support Services or their nominee, and will usually include representatives from Student Support and Guidance, Security, Student Conduct and Appeals, the Academic Department(s) for the students involved and/or affected, and may also include, subject to the circumstances of the case, representatives from other departments or services to include but not limited to Accommodation and Commercial Services, Dyslexia and Disability Support Services, Corporate and Communication Services, Library and the Students' Union.

The Risk Assessment Panel will consider of the information available at the time of its meeting and

may put in place precautionary measures which is considered necessary to protect the University community in general or a particular member or members of that community or members of the public or to ensure that a full and proper investigation can be carried out. Precautionary measures may include, but are not limited to, specific arrangements in relation to the student's programme of study; University owned or managed or leased accommodation; access to specific places, facilities or activities; and restrictions on the student contacting a named person or persons.

The student will be notified in writing of the precautionary measures and will be given the opportunity to make written representations. A record will be kept in writing of the precautionary measures and any subsequent action taken by a Risk Assessment Panel. Any breach by the student of the precautionary measures may be reported for consideration under Regulation 6 and consideration of a suspension under Regulations 10 to 13 below.

10. Where the precautionary measures referred to in the preceding Regulation are not considered sufficient to protect the University community in general or a particular member or members of that community or members of the public or to ensure that a full and proper investigation can be carried out, the Risk Assessment Panel may recommend that the student be considered for a suspension or exclusion by a Vice-President pending the completion of proceedings under these Regulations, the trial of the charges or the completion of the police investigation.

Where on the information available at the time, there appears to be a very real and immediate risk to the University community in general or a particular member or members of that community or members of the public or to the carrying out of a full and proper investigation, the student may be considered for a suspension by a Vice-President pending the completion of proceedings under these Regulations, the trial of the charges or the completion of the police investigation, without prior consideration by a Risk Assessment Panel.

Suspension may involve exclusion from all premises owned, managed or leased by the University and activities of the University or may be limited to specified places or activities or by reference to time or other circumstances. It may include a requirement that the student have no contact of any kind with a named person or persons.

The Vice-President will limit the scope of any suspension or exclusion to that which is, in their opinion, necessary to achieve the protection of the University community in general or a particular member or members of that community or members of the public or to ensure that a full and proper investigation can be carried out. The student will be notified in writing of the terms of the suspension or exclusion and a record will be kept in writing of the terms of any suspension or exclusion and any subsequent action taken by a Vice-President in respect of the suspension or exclusion.

11. Before the Vice-President exercises their powers under the preceding Regulation, the student will be given an opportunity to make representations in writing. In cases of great urgency, the Vice-President may suspend a student with immediate effect, and without giving any such opportunity, for a period of not more than five working days, and will in any such case review the suspension or exclusion at or before the end of that period having in the meantime given the student concerned an opportunity to make representations in writing.
12. The Vice-President will review any suspension or exclusion every six weeks or where there is a material change of circumstances in the light of any developments and any written representations made by or on behalf of the student.
13. The student may appeal the decision of the Risk Assessment Panel to put in place precautionary measures or a Vice-President to suspend or exclude upon one or more of the following grounds:
- (a) that there was a material procedural irregularity which rendered the process leading to the decision of the Risk Assessment Panel to put in place precautionary measures, or a Vice-President, to suspend unfair;
 - (b) that the terms of the precautionary measures or suspension were too severe as being disproportionate to the protection of the University community in general or a particular member or members of that community or members of the public or to ensure that a full and proper investigation can be carried out;
 - (c) that the decision of the Risk Assessment Panel to put in place precautionary measures, or a Vice-President to suspend, was manifestly unreasonable.

Notice of appeal specifying which of the grounds listed in the preceding Regulation is relied upon, will be given by the student to the Executive Director of Academic Services, within 5 working days of the notification to the student of the decision of the Risk Assessment Panel to put in place precautionary measures or the decision of the Vice-President to suspend or exclude the student. The Executive

Director of Academic Services will refer the appeal to a Director of Faculty Learning and Teaching or Professional Services in the case of a decision of the Risk Assessment Panel and to the President and Chancellor in the case of a decision of the Vice-President, in order that they may decide whether or not to set aside or vary the terms of the precautionary measures or suspension.

PROCEDURE WHEN MATTER REFERRED TO A DISCIPLINE PANEL

14. Where the Executive Director of Academic Services determines that the matter be referred to the Discipline Panel, the Executive Director of Academic Services will appoint an officer to take charge of the proceedings (“the officer”) who will formulate specific charges identifying the acts of misconduct alleged. They will notify the student of the charges and supply to the student copies of any documents or written statements on which it is proposed to rely in support of the charges. The student will be given at least 15 working days’ notice of the date upon which the Discipline Panel will meet, and will be asked to indicate in writing not less than five working days before the hearing whether the charge is admitted or denied and whether they are to attend the hearing in person with or without a representative, and to provide the details of any such representative. The student will be invited to submit a written statement not less than five working days before the hearing.

Where a student has good reason for not being able to attend the hearing they may request an adjournment to another date. Where for example they will not be in the UK at the time of the hearing, consideration will be given to the student being able to participate in the hearing via electronic means such as telephone or skype.

The student may request to bring a witness or witnesses to the hearing and will be asked to provide the name of each witness and a copy of each witness’ written statement not less than five working days before the hearing. The student will be asked to indicate in writing of any wish to question at the hearing the maker of any written statement on which it is proposed to rely in support of the charges.

A Chair of the Discipline Pool (who may, but need not be, the person appointed to take the chair of the Discipline Panel dealing with the matter) may give directions as to the procedure to be followed in preparing for the hearing (which may include directions varying the time-limits in this Regulation where the student would not be prejudiced thereby; whether an adjournment be granted; whether the student may participate in the hearing via electronic means; whether witnesses may be called and whether the student can ask them questions directly or through the Chair of the Discipline Panel dealing with the matter), being directions designed to ensure a fair and speedy resolution.

15. The hearing will be in private. The student may be accompanied at the hearing by a friend or representative, whether legally qualified or not. The officer may be similarly accompanied. A representative may speak and act on behalf of the student or the officer as the case may be. If the student has not already admitted the charge under the preceding Regulation, each charge will at the hearing be put to the student who will be invited to admit or deny it. If the student does not admit the charge, the hearing will proceed as though the student denied the charge.
16. If the charge is denied, the burden of proof will be on the officer to prove that the charge is made out. The officer will present the facts alleged and present material in support of the charge (which may take the form of oral or written statements by witnesses or of documents or digital images). The student may then make a statement and present material in refutation of the charge. The officer and the student may each ask questions and comment upon the material presented by the other party. The Discipline Panel may itself ask questions or seek additional material (any such material to be open to question and comment by either party) and may adjourn from time to time as seems expedient. The Discipline Panel will then (in the absence of all other persons) decide whether, on the balance of probabilities, it is satisfied on the material before it that the charge is made out.
17. If the charge is admitted, or the Discipline Panel finds the charge made out, the officer and the student may make statements and present material relevant to the question of the penalty to be imposed. The burden of proof will be on the student to prove any mitigating circumstances presented. The Discipline Panel will then (in the absence of all other persons) consider the statements made and material presented on the balance of probabilities, in order to determine the penalty to be imposed.
18. If the student fails to attend the hearing, the Panel may proceed if it is satisfied that due notice of the meeting has been given, or may adjourn to a later date. If the Panel acts in the absence of the student it will proceed as if the student denied the charge unless it is satisfied that the student has voluntarily provided a written admission of the charge as specified.

PENALTIES

19. The Discipline Panel may impose any one or more of the following penalties:
- (a) a reprimand;

- (b) with the consent of the student, a requirement that the student gives an undertaking as to future conduct in such terms and containing such conditions as the Panel may prescribe, breach of the undertaking to constitute misconduct;
 - (c) in the case of the use of unfair means in the assessment process of the University in relation to taught programmes of study, refusal of credit for any or all units for which the student is registered (with no grade being returned) or failure of a part thereof, or a reduction of grade for any or all units for which the student is registered or a part thereof, with or without the right to enter for a subsequent examination in respect of that unit or part thereof;
 - (d) in the case of the use of unfair means in the assessment process of the University in relation to:
 - (i) the confirmation review of a Higher Degree by Research (or upgrade procedure for a Higher Degree by Research, for students whose initial registration was prior to August 2012), failure in the examination with or without the right to submit a revised confirmation review, in the latter case the student will be required to become a candidate for a Master's degree (or in the case of an upgrade, remain a candidate for a Master's degree); or
 - (ii) the final thesis of a Higher Degree by Research, failure in the examination with or without a right to submit a revised thesis, or for a candidate for the Degree of PhD, PhD with Integrated Studies, PhD in an EPSRC Doctoral Training Centre, DEdCPsy, DMedSci, EdD, DBA, DSc, EngD or MD failure in the examination with the right to be considered by the Examiners for the award of a Master's Degree;
 - (e) a fine of not more than £750;
 - (f) the payment of compensation in a sum not to exceed £1,000 for damage to property or loss or injury to any person caused by the student;
 - (g) exclusion for a stated period or permanently from any part of the University or from the use of any of the facilities of the University;
 - (h) suspension for a stated period or permanently from any of the University's activities;
 - (i) suspension for a stated period from membership of the University;
 - (j) expulsion from membership of the University.
20. Any student on whom the penalty of expulsion from membership of the University has been imposed is no longer eligible to be registered for a programme of study or a component of a programme of study or to be awarded a qualification from the University.

SUMMARY PROCEDURE

21. When the matter is referred to be dealt with under the summary procedure, the Executive Director of Academic Services will nominate a member of the Discipline Panel to act as Chair and will:
- (a) notify the student of the acts of misconduct alleged and that the matter has been referred to a Chair of the Discipline Panel to be dealt with under the summary procedure;
 - (b) supply to the student and the Chair of the Discipline Panel a statement of the facts alleged and copies of any other written material relevant to the circumstances;
 - (c) require the student to attend at a summary hearing of which the student will be given at least five working days' notice;
 - (d) ask the student to confirm in writing not later than three working days before the summary hearing that the charge is admitted and to indicate any wish to question at the summary hearing the maker of any written statement on any matter relevant to the penalty to be imposed.
22. The summary hearing will be in private. The student may be accompanied at the hearing by a friend or representative, whether legally qualified or not, who may speak and act on behalf of the student. A representative of the Executive Director of Academic Services will also attend.
23. Where the student has given notice of an intention to do so, the student may question the maker of any written statement and may make representations relevant to the question of the penalty to be imposed. The Chair of the Discipline Panel will then determine the penalty to be imposed.
24. The Chair of the Discipline Panel may impose any one or more of the following penalties:
- (a) a reprimand;
 - (b) with the consent of the student, a requirement that the student gives an undertaking as to future conduct in such terms and containing such conditions as the Chair of the Discipline Panel may

- prescribe, breach of the undertaking to constitute misconduct;
 - (c) in the case of the use of unfair means in the assessment process of the University in relation to taught programmes of study, refusal of credit for any or all units for which the student is registered (with no grade being returned) or failure of a part thereof, or a reduction of grade for any or all units for which the student is registered or a part thereof;
 - (d) a fine of not more than £200;
 - (e) the payment of compensation in a sum not to exceed £500 for damage to property or loss or injury to any person caused by the student.
25. If the student fails to confirm that the charge is admitted, or fails to attend the summary hearing, or the Chair of the Discipline Panel considers that the available penalties are insufficient, the Chair of the Discipline Panel may refer the matter to the Discipline Committee (of which he or she will not be a member) and may give directions as to the procedure to be followed in preparing for a hearing of the matter by that Committee.

ADMINISTRATIVE PROCEDURE

26. The Executive Director of Academic Services will appoint an investigating officer who will:
- (a) notify the student of the act or acts of misconduct alleged;
 - (b) require the student to attend a meeting of which the student will be given at least three working days' notice.
27. The meeting will be in private. The student may be accompanied at the meeting by a friend or representative, whether legally qualified or not.
28. Where the student admits the act or acts of misconduct alleged, the investigating officer may impose one or more of the following penalties:
- (a) with the consent of the student, a requirement that the student gives an undertaking as to future conduct in such terms and containing such conditions as may be prescribed, breach of the undertaking to constitute misconduct;
 - (b) a fine of not more than £200;
 - (c) the payment of compensation in a sum not to exceed £500 for loss or damage to property caused by the student.
29. If the student fails to confirm that the act or acts of misconduct alleged are admitted, or fails to attend the meeting, or the investigating officer considers that the available penalties are insufficient, the investigating officer may refer the matter to the Executive Director of Academic Services for reconsideration in line with Regulation 6.

DISCIPLINARY POWERS OF THE DIRECTOR OF ACCOMMODATION AND COMMERCIAL SERVICES IN RELATION TO THE OCCUPATION OF ACCOMMODATION OWNED, MANAGED OR LEASED BY THE UNIVERSITY

30. The Director of Accommodation and Commercial Services will have the power in the interests of the student residents, as well as that of the University, to respond to misconduct in accommodation owned, managed or leased by the University. Misconduct is defined in Regulations 1 and 2 of these Regulations. Reference to the Director of Accommodation and Commercial Services in this and the following Regulations includes any person authorised to act on their behalf.
31. Where a report of alleged misconduct in accommodation owned, managed or leased by the University against any student is received, the Director of Accommodation and Commercial Services may investigate the matter and:
- (a) notify the student of the act or acts of misconduct alleged;
 - (b) supply to the student a statement of the facts alleged and copies of any other written material relevant to the circumstances;
 - (c) require the student to attend a meeting of which the student will be given at least three working days' notice.
32. The meeting will be in private. The student may be accompanied by a friend or representative, whether legally qualified or not, who may speak or act on behalf of the student.
33. The student may question any statement made and may make representations relevant either to the facts alleged or the question of the penalty imposed.
34. If the Director of Accommodation and Commercial Services is satisfied that a student is guilty of misconduct in accommodation owned, managed or leased by the University, then one or more of the

following penalties may be imposed:

- (a) with the consent of the student, a requirement that the student gives an undertaking as to future conduct in such terms and containing such conditions as may be prescribed, such as writing letters of apology or undertaking a period of voluntary service, breach of the undertaking to constitute misconduct;
 - (b) a fine of not more than £200;
 - (c) the payment of compensation for loss or damage to property in a sum not to exceed £500;
 - (d) exclusion of the student from any part of the accommodation owned, managed or leased by the University or from specified activities taking place in the accommodation for a stated period of time.
35. Where the matter is considered to be of a serious nature or is not admitted, the matter may be referred to the Executive Director of Academic Services, with a view to it being dealt with under Regulations 11-15 or 18-22.

CONTRACTUAL POWERS OF THE DIRECTOR OF ACCOMMODATION AND COMMERCIAL SERVICES

36. These Regulations will be without prejudice to the rights of the Director of Accommodation and Commercial Services or the University under any residence contract entered into by the student or as the owner or occupier of the premises comprising accommodation owned, managed or leased by the University for example requiring the student to move to alternative accommodation or serving Notice to Quit.

APPEALS

37. There will be a Disciplinary Appeals Panel of the Senate which will be convened by the Executive Director of Academic Services and will comprise:
- (a) a Chair of the Discipline Pool (other than a member of the Discipline Panel for the particular matter);
 - (b) a senior member of the academic staff appointed by the Executive Director of Academic Services;
 - (c) an officer of the Students' Union (other than a member of the Discipline Panel for the particular matter) appointed by the President of the Students' Union (or if the President is unable to act, by the Education Officer of the Students' Union). If for any reason no Chair of the Discipline Pool is able to act, the Executive Director of Academic Services may appoint another person with judicial experience or legal training. If for any reason no officer of the Students' Union is able to act, the President of the Students' Union (or if the President is unable to act, the Education Officer of the Students' Union) may appoint another member of the Students' Union with experience of disciplinary matters.
38. The student may appeal from a decision of the Discipline Panel or of a Chair of the Discipline Pool or of the investigating officer or of the Director of Accommodation and Commercial Services to the Disciplinary Appeals Panel of the Senate upon any one or more of the following grounds:
- (a) that there was a material procedural irregularity which rendered the process leading to the initial decision unfair;
 - (b) that the penalty imposed was too severe as being disproportionate to the gravity of the charge admitted or found to have been made out;
 - (c) that material of which the student could not reasonably have been expected to have been aware at the time of the initial decision casts substantial doubt upon the appropriateness of that decision.
39. Notice of appeal, specifying which of the grounds listed in the preceding Regulation is relied upon, will be given, within 15 working days of the notification to the student of the decision of the Discipline Panel or of the decision of the Chair of the Discipline Pool or of the decision of the investigating officer or the Director of Accommodation and Commercial Services, to the Executive Director of Academic Services who will refer the appeal to the Disciplinary Appeals Panel. The student will be given at least 15 working days' notice of the date upon which the Disciplinary Appeals Panel will meet.
40. The Executive Director of Academic Services may refer a case to the Disciplinary Appeals Panel in any case where no valid notice of appeal has been given but where there appear to be grounds for believing that the original decision was unsafe or unsatisfactory.
41. At the hearing of the appeal, the student may be accompanied at the hearing by a friend or

representative, whether legally qualified or not. The officer will act as respondent to the appeal and may be similarly accompanied. A representative may speak and act on behalf of the student or the officer as the case may be. The student and the officer may each address the Disciplinary Appeals Panel as to the grounds of the appeal, and the student may reply to the arguments adduced by the officer. If the Disciplinary Appeals Panel upholds the appeal in whole or in part, it may as the case requires:

- (a) quash the decision; *or*
- (b) substitute a different penalty; *or*
- (c) refer either the matter as a whole or the decision as to penalty for rehearing by a differently-constituted Discipline Panel or by a different disciplinary procedure established under these Regulations.

PROVISIONS AS TO EXAMINATIONS

42. Where a penalty imposed under these Regulations includes the refusal of credit for any unit (or part thereof), the student will be deemed to have taken and failed the assessment in that unit or component with no grade being returned and the results of any relevant examination will reflect (and if already approved will be revised to reflect) that position.

DISCIPLINARY POWERS OF THE STUDENTS' UNION

45. The Students' Union will, subject to these Regulations, have power to prevent misconduct in the premises and areas assigned to the Students' Union and may exercise discipline over its members under such rules as may be made under the Constitution of the Students' Union and approved by the Senate.

NOTICE TO THE STUDENT

44. The dispatch of a letter to a student's address last notified to Student Services will fulfil any requirement of giving notice or information to the student under these Regulations.

EXTERNAL REVIEW

45. If the student is dissatisfied with the decision of the Disciplinary Appeals Panel, the student may be able to apply for a review of their case by the Office of the Independent Adjudicator for Higher Education (OIA), providing that their case is eligible under its Rules. This is an independent review scheme and forms no part of the University's review or appeal procedures. The OIA will normally only review issues that have been dealt with through the University's internal procedures.