

# 15. Student Discipline

- 15.1 Student Disciplinary Procedure

## Introduction

1. Throughout this section of the Academic Quality Handbook the term 'University' refers to the Aberystwyth University. The terms 'Pro Vice-Chancellor', 'Academic Registrar' and 'Deputy Registrar' may include designated members of staff acting on behalf of these staff.
2. The Student Disciplinary Procedure applies to all registered students at Aberystwyth University as defined in its Rules and Regulations.
3. The Student Discipline Procedure applies to non-academic misconduct where students are alleged to have breached the University's Rules and Regulations. It does not apply to complaints about behaviour by staff (investigated under separate disciplinary procedures <https://www.aber.ac.uk/en/hr/policy-and-procedure/disciplinary/>), or services provided by the University (investigated under the Student Complaints procedure <https://www.aber.ac.uk/en/academic-registry/handbook/complaints/>). It is also separate from the University's regulations and procedures in relation to academic misconduct, and the Regulation on Unacceptable Academic Practice.
4. The University reserves the right to investigate any allegations where a registered student is suspected of breaching discipline, even if the student has since withdrawn from the University on a temporary or permanent basis, or has graduated. The outcome would be taken into consideration when considering an application for future study.
5. The procedure applies to allegations of misconduct on and off campus, including a breach of discipline on placements and other external activities.

6. The burden of proof in all cases shall rest on the University and the standard of proof will be on the balance of probabilities.

7. Legal representation will only be permitted in cases considered by the Disciplinary Panel where the consequences for the student are potentially very serious.

8. The University will seek to resolve all investigations within 60 calendar days. Clear reasons will be given in cases where investigations cannot be completed within this timeframe, and the reporting person and responding student will receive regular communication (including delays as a result of university closure periods).

## Rules and Regulations

9. The Rules and Regulations of the University <https://www.aber.ac.uk/en/academic-registry/handbook/regulations/student-rules-regs/> apply to all students and at all times, including vacation.

## Penalties

10. Penalties may be applied for a breach of discipline following Category 1 and Category 2 investigations. Examples of penalties are provided in appendix 1, varying in severity in proportion to the nature of the breach of discipline. These examples are not exhaustive and the University may apply other penalties where there is a strong justification for doing so.

11. At any stage in the disciplinary procedure the University reserves the right to recover any damages from the student that the University has incurred as a result of action by the student concerned.

## Reporting

12. Students, staff and members of the public may report a suspected breach of discipline to the University.

13. Reports of a suspected breach of discipline should be sent to the University as soon as possible after they become known. These should be submitted to the relevant department (Category 1 investigation stage) or to Academic Registry [dscstaff@aber.ac.uk](mailto:dscstaff@aber.ac.uk) (Category 2 stage) by completing the relevant form.

14. Students, staff or members of the public suffer no disadvantage or recrimination as the result of reporting suspected breach of discipline in good faith.

## Independence

15. Staff members involved in investigations and decisions will have no prior involvement in the case. Responding students will be made aware of the identity of investigators and Panel members, and may submit an objection to Academic Registry [dscstaff@aber.ac.uk](mailto:dscstaff@aber.ac.uk) on grounds of conflict of interest. The objection will be considered by the Academic Registrar and students will have the opportunity to appeal the outcome.

## Criminal offences and misconduct allegations

16. Criminal behaviour may also be a breach of the University's Rules and Regulations for students. Where a student is acquitted of a criminal offence, the University may still respond to allegations by conducting an investigation under the student disciplinary procedure. Action may also need to be taken where a student has been convicted of a criminal offence, including cases of imprisonment.

17. If the police or courts are involved, the University will normally await the outcome of those proceedings before conducting an internal investigation,

maintaining contact with the police and with the students involved during this period.

18. Temporary action may be required while a criminal investigation is underway, which may involve temporary suspension from the University. Further details are provided under section 15.2 Temporary Action

19. Investigations fall into two categories:

### **Category 1 Investigations**

20. The following may conduct Category 1 investigations:

(i) The Director of Information Services, (or nominee) in the case of an alleged breach of Information Services Regulations, including regulations relating to the use of computer facilities and general University facilities.

(ii) The Head of an academic department in the case of minor breaches of Rules and Regulations relating to academic provision, including those relating to the use of departmental facilities.

(iii) The Head of Commercial Services (or nominee), in the case of an alleged breach of Sports Regulations.

(iv) The Director of Estates (or nominee), in the case of breach of licence agreement.

(v) Faculty Managers or other nominees of Faculty Pro Vice-Chancellors, in the case of minor breaches of Rule 2.19 Health and Safety, not relating to individual academic departments.

(vi) In the case of an alleged breach of Regulation 3.7 (Regulations in Respect of the Students' Union) the decision by the Academic Registrar or nominee on whether a breach of discipline has occurred and whether a penalty should be

imposed will be taken only after consultation with the President of the Students' Union.

21. On receiving an allegation, the head of department or nominee will conduct a preliminary assessment, liaising with Academic Registry [dscstaff@aber.ac.uk](mailto:dscstaff@aber.ac.uk) as appropriate. The head of department shall proceed to conduct an investigation, interviewing witnesses and considering documentary evidence. Students shall be made aware of allegations made against them throughout the process.

22. If the head of department or nominee is satisfied, on the balance of probabilities, that the allegation has been upheld and that the appropriate penalty can be imposed under Category 1, the student will be informed in writing by issuing the standard template letter. A copy of this letter must be provided to Academic Registry [dscstaff@aber.ac.uk](mailto:dscstaff@aber.ac.uk)

23. If the head of department or nominee determines that the severity of the allegation requires Category 2 investigation, Academic Registry should be consulted before submitting the allegation form and all relevant evidence to [dscstaff@aber.ac.uk](mailto:dscstaff@aber.ac.uk).

24. Penalties issued following Category 1 investigations are limited to those indicated in **Appendix 1**.

## Appeals against the outcomes of Category 1 investigations

25. An appeal against the outcome of a Category 1 investigation should be submitted to Academic Registry [dscstaff@aber.ac.uk](mailto:dscstaff@aber.ac.uk). This includes Category 1 investigations into a Suspected Breach of Accommodation Licence.

26. Any appeal must be submitted within 10 working days of receiving the Outcome Letter.

27. Appeals under decisions taken under Category 1 of the Student Discipline procedure must be submitted on one or more of the following grounds:

(i) Defects or irregularities in the Procedure followed when reaching the original outcome, which are of such a nature as to cause reasonable doubt as to whether the same decision would have been reached had they not occurred. Evidence of procedural irregularity must be submitted with the request for review

(ii) New evidence which the student was unable to provide earlier in the process, for valid reasons, and its absence would have materially affected the outcome. New evidence must be submitted with the request for review, and the student must show good reason why the evidence was not introduced during the Category 1 investigation.

28. Students will be informed of the outcome of Category 1 appeals within 10 working days of the appeal being received by Academic Registry. Students will be advised of any delays in confirming the outcome of the appeal.

29. Academic Registry will review the appeal in accordance with the published criteria. If there are no grounds for considering the appeal, Academic Registry will complete the Category 1 appeal report and inform the student that the appeal has been rejected, and of the right to request a Final Review.

30. If there are grounds for considering the appeal, the final decision will be referred to the relevant Faculty or professional services department who will complete the Category 1 appeal report.

31. The final outcome will be sent to the student by Academic Registry, and the student will have the opportunity to request a Final Review within 10 working days.

32. Outcome letters will include a reason for rejecting or upholding the appeal, and a copy will be sent to the relevant academic or professional services department.

### **Category 2 Investigations**

33. On receipt of a reporting form, the Deputy Registrar shall review the report and the evidence, and conduct a preliminary assessment. This will include a risk assessment under the University's duty of care to determine any conditions on the student's continued registration pending the outcome of disciplinary procedures, and possible deferral of the investigation pending criminal investigation / legal proceedings.

34. Where appropriate and requested by the reporting student, the Academic Registry may seek early resolution in discussion based on the willing participation of all parties. This process may involve an Investigative Officer, and the outcome will be sent to all relevant students.

35. Following the preliminary assessment, the Lead Investigative Officer will be appointed from a pool of trained staff. In some cases, a Support Investigator will also be assigned due the complexity of a case or the number of witnesses to be interviewed. The University also retains the right to appoint an external Investigative Officer.

36. The Investigative Officer(s) will invite witnesses for interview, including reporting and responding students, and will also consider any relevant documentary evidence. During interviews, students may be accompanied by an advisor from the Students' Union, or by another person (no more than one). Legal representation at interviews will not normally be permitted.

37. When all evidence has been gathered, an investigation report will be submitted to the Academic Registrar, containing a summary of the evidence, findings of facts, and the conclusions and recommendations.

## Action by Academic Registry

38. On receiving the Investigative Officer's report, the Academic Registrar or nominee will confirm one of the following:

- (i) Issue a minor penalty;
- (ii) Refer the case to the Student Disciplinary Panel;
- (iii) That no further action is required;
- (iv) That the case should be referred to another university procedure.

In cases where a minor penalty is applied, Academic Registry will check that procedures have been correctly followed, and will inform the student of the outcome and the penalty to be applied. The student will also be informed of the right to request a Final Review.

## Disciplinary Panel

39. The University shall establish a Standing Panel of twelve members to investigate suspected breaches of discipline. Each Faculty shall nominate four members of academic staff to serve on the Standing Panel. Student members shall be nominated by the Students' Union.

40. The University Panel shall consist of 3 members selected from the Standing Panel, one of whom shall be designated as the Chair, and including 1 student member. No member of any University Panel shall be drawn from the student's department(s).

41. Responding students will be informed of the date, place and time of Disciplinary Panel meetings, and invited to attend.



42. Documentary evidence shall be provided to students at least 5 days before the date of the meeting and also circulated to Panel members. Any further evidence made available on the date of the meeting may be presented to the Panel, but only with the express permission of the Chair.

43. Students may be represented by an advisor from the Students' Union. Representation by other persons will be at the discretion of the Chair, and any requests for such representation should be made in writing to the Chair in advance of the panel meeting. Legal representation at the meeting will not normally be permitted.

44. Where a student, without good reason, fails to attend a panel meeting, the meeting may proceed in their absence.

## Functions of the Disciplinary Panel

45. The function of the Disciplinary Panel will be:

(i) to consider the summary of evidence, statements of fact, conclusions, and recommendations of the investigation report. The panel will also have access to witness statements and documentary evidence;

(ii) to determine whether the allegation has been substantiated on the balance of probabilities;

(iii) to determine, in cases where the allegation has been substantiated, any penalty to be applied.

## Meetings of the Disciplinary Panel

46. The Chair will present an outline of the case against the student, referring to the evidence which has been submitted for consideration. Panel members may ask questions of the student.

47. The responding student will have the right to hear all the evidence relating to the case before responding to the allegation, and to make a response in person to the Panel. Additional documentary evidence including evidence of special circumstances may not be presented to the panel on the day of the meeting without the express permission of the Chair.

48. When the presentation of the evidence and the student's response are completed, all persons, other than members of the Panel, and the secretary if present, will withdraw.

49. If the panel is satisfied, on the balance of probabilities, that the allegation of has been substantiated, panel minutes will be submitted to the Academic Registry. The Academic Registry will check that procedures have been correctly followed, and will inform the student of the outcome, the penalty which will be applied, and also of the right to request a review.

50. If the panel is satisfied that there is no breach of discipline, a written report will be submitted to the Academic Registry. The Academic Registry will check that procedures have been correctly followed before informing the student of the outcome, and that no further action will be taken.

51. Whether or not the finding of the panel is that the case has been substantiated, the student may be informed orally of the outcome; but there will be no discussion of the decision with the student.

## Investigation Outcome

52. Clear reasons will be given for all decisions, including the penalties imposed, and the reasons why lesser penalties could not be imposed.

53. In cases where allegations have been presented by students, the University will seek to provide a resolution, including a remedy for the impact of the breach of discipline where appropriate. In doing so the University will also

consider its duty of care towards the responding student and may decide not to release details of decisions and penalties.

## Mitigating Circumstances

54. Mitigating Circumstances will not be considered in determining whether a student has breached discipline. They will however be taken into consideration at Category 1 and Category 2 stages in determining penalties. Mitigating circumstances may include personal circumstances which affected the student's judgment, but may also include expressed remorse or early admission of breach of discipline.

## Fitness to Practise

55. Students on courses leading to a professional qualification or accreditation may be required to abide by standards of conduct set by external regulators. Allegations relating to the fitness to practise of such students may also be subject to investigation under the University's Fitness to Practise Procedure (Chapter 16 of the Academic Quality Handbook).

## Student Representation and Support

56. The University will make students aware of support services which are available internally and externally, both for students being accused of breach of discipline and those making allegations of breach of discipline.

## Appeals and Final Review

57. Responding students who are dissatisfied with the outcome of the disciplinary investigation may request a review, to be investigated by a Pro Vice-Chancellor. The Final Review procedure can be found at <https://www.aber.ac.uk/en/academic-registry/handbook/fr/>.

## Records and Confidentiality

58. Academic Registry will maintain anonymised records of disciplinary investigations to enable reflection and review of the procedure. These will include details of the categories of breach of discipline, penalties applied, and mitigating factors.

59. Academic Registry will maintain records of students who are excluded from the University under the disciplinary procedure, and will review such cases in the event of a further application to study at the University.

60. In order to allow students to defend themselves against allegations, it is not normally appropriate to keep the identity of witnesses secret during disciplinary investigations. It may not be appropriate to rely on the evidence of witnesses who do not wish their identity to become known to the responding student.

## Reconsidering the same allegation

61. Under some circumstances the University may reconsider the same allegation, taking account of the following:

- (i) Whether new evidence is available which could not have been disclosed at an earlier stage, and with a good reason.
- (ii) The length of time that has elapsed and the effect of this on the reliability of the evidence.
- (iii) The impact on the responding student of undergoing a second investigation.
- (iv) Whether leaving the matter unaddressed would impact on the University's obligations under its own Rules and Regulations, or the external requirements of professional or regulatory bodies.

- **15.2 Criminal Convictions, Police Investigations, and Temporary Action**

1. Students are required to inform the University if they are convicted of a criminal offence (with the exception of motoring offences for which the penalty was no greater than a fine and/or three penalty points) before entry to the University or whilst registered at the University. Details of the offence and the penalty (pre-entry and post-entry) should be sent to the Academic Registrar either by email to [arconf@aber.ac.uk](mailto:arconf@aber.ac.uk) or by post to Academic Registrar, Academic Registry, 1.02 Cledwyn Building, Aberystwyth University, Penglais, Aberystwyth, SY23 3DD.

2. Any student who is convicted of a criminal offence whilst registered at the University must inform the Academic Registrar immediately (see Rule 28.2). Students are not required to report any motoring offence for which the penalty was only a fine and/or three penalty points.

3. The Academic Registry, in consultation with the Pro Vice-Chancellor as appropriate, will determine on the basis of the information received (or will contact the student for further information and/or permission, as necessary, to approach others for further details) whether to recommend further action by the University in the interest of its students and staff.

4. An assessment of risk will include the following:

(i) whether the criminal offence has any bearing on the student's suitability to be a member of the University (e.g. violent, sexual or racial crimes, drug dealing);

(ii) whether the student has re-offended, and, if so, whether there is a pattern to the re-offences;

(iii) whether the criminal behaviour has any bearing on the safety, rights and freedom of other students and staff at the University.

5. Based on the assessment of risk, the matter may be referred to the Temporary Action Panel.

6. The Temporary Action Panel will be required to establish the level of potential risk to the University community (as far as it is possible to ascertain).

7. Where the Temporary Action Panel decides in the words of the Human Rights Act that it is 'necessary in the interest of ... public safety ... for the prevention of disorder or crime, for the protection of health or morals, or for the protection of rights and freedoms of others' to recommend that conditions should be set, then these conditions will be made clear in writing, and compliance monitored by the University.

8. Where the Temporary Action Panel concludes that the student poses a continued threat to others in the University community and that a clear case for suspension or expulsion exists, the matter shall be referred to the University Disciplinary Panel (see 5.3.57, 5.4 and 5.5 of Rules and Regulations).

### **Criminal behaviour and misconduct allegations**

9. Criminal behaviour may also be a breach of the University's Rules and Regulations for students. Where a student is acquitted of a criminal offence, the University may still take action by conducting an investigation under the student disciplinary procedure.

10. If the police or courts are involved, the University will normally await the outcome of those proceedings before conducting an internal investigation, maintaining contact with the police and with the students involved during this period.

11. Temporary action may be required while a police investigation is underway, which may involve temporary suspension from the University. Further details are provided under section 15.2 Temporary Action

12. Temporary Action by the University is usually associated with Student Discipline or Fitness to Practise investigations, or where a police investigation is

on-going. It is not a penalty, does not imply a breach of Rules and Regulations, and does not imply that a student is unfit to practise.

13. Temporary Action is only taken where the University considers it to be necessary to safeguard students, staff, or the wider community. This includes the safeguarding of students who are under investigation.

14. Where a concern is raised by students, university staff or members of the public, a member of the University Executive may:

(i) Impose an immediate Temporary Action for a period of up to 10 working days, to be reviewed by a temporary action panel;

(ii) Refer the case to a Temporary Action panel, where immediate action is not deemed necessary.

15. The Academic Registrar or Director of Student Services may refer a case to the Temporary Action panel on the basis of a risk assessment.

16. Temporary Action may include one or more of the following: This list is not exhaustive and others forms of temporary action may be imposed:

(i) Suspension of student registration;

(ii) Suspension from attendance at teaching and assessment activities on campus;

(iii) Suspension from specified placements or other academic activities;

(iv) Suspension from specified research activities;

(v) Suspension from campus, specified areas of campus, or other university premises;

- (vi) Suspension or requirement to leave University Accommodation (with alternative accommodation to be provided in accordance with the accommodation licence agreement);
- (vii) Suspension from attendance at University events including Graduation ceremonies;
- (viii) Suspension from specified non-academic student activities;
- (ix) Suspension from other university activities, including employment;
- (x) Restricted contact with named individuals (though it should be noted that responding / reporting students are required to avoid contact as a standard precaution for the duration of student discipline investigations).
- (xi) Restricted access to electronic resources.

17. Responding students will have access to advice and representation from the Students' Union during the Temporary Action process. They will also have access to advice and support from the University's Student Services.

18. The Academic Registrar and the Director of Student Services will be informed of all Temporary Actions which are implemented by members of the University Executive.

## Temporary Action Panel

19. The Temporary Action panel will be convened by Academic Registry for the following purposes:

- (i) To review Temporary Actions imposed by members of University Executive;
- (ii) To consider new temporary action on the basis of risk;



(iii) To review existing cases in light of new developments or additional evidence.

(iv) To consider further action following a criminal conviction.

20. Panel members will include:

(i) Academic Registrar or nominee;

(ii) Director of Student Services or nominee.

21. Students will be invited to attend meetings of the Temporary Action panel, and documentary evidence shall be provided where available.

22. Students may be represented by an advisor from the Students' Union. Representation by other persons will be at the discretion of the Chair, and any requests for such representation should be made in writing to the Chair in advance of the panel meeting. Legal representation at the meeting will not normally be permitted.

23. Where students, without good reason, fails to attend a panel meeting, the meeting may proceed in their absence.

24. Students will have the right to hear information relating to the Temporary Action and to make a response in person to the Panel.

25. Following students' response, all persons, other than members of the Panel, and the secretary if present, will withdraw.

26. The panel may confirm one of the following:

(i) To end temporary action;

(ii) New temporary action;

(iii) Amend existing temporary action;

(iv) Confirm existing temporary action.

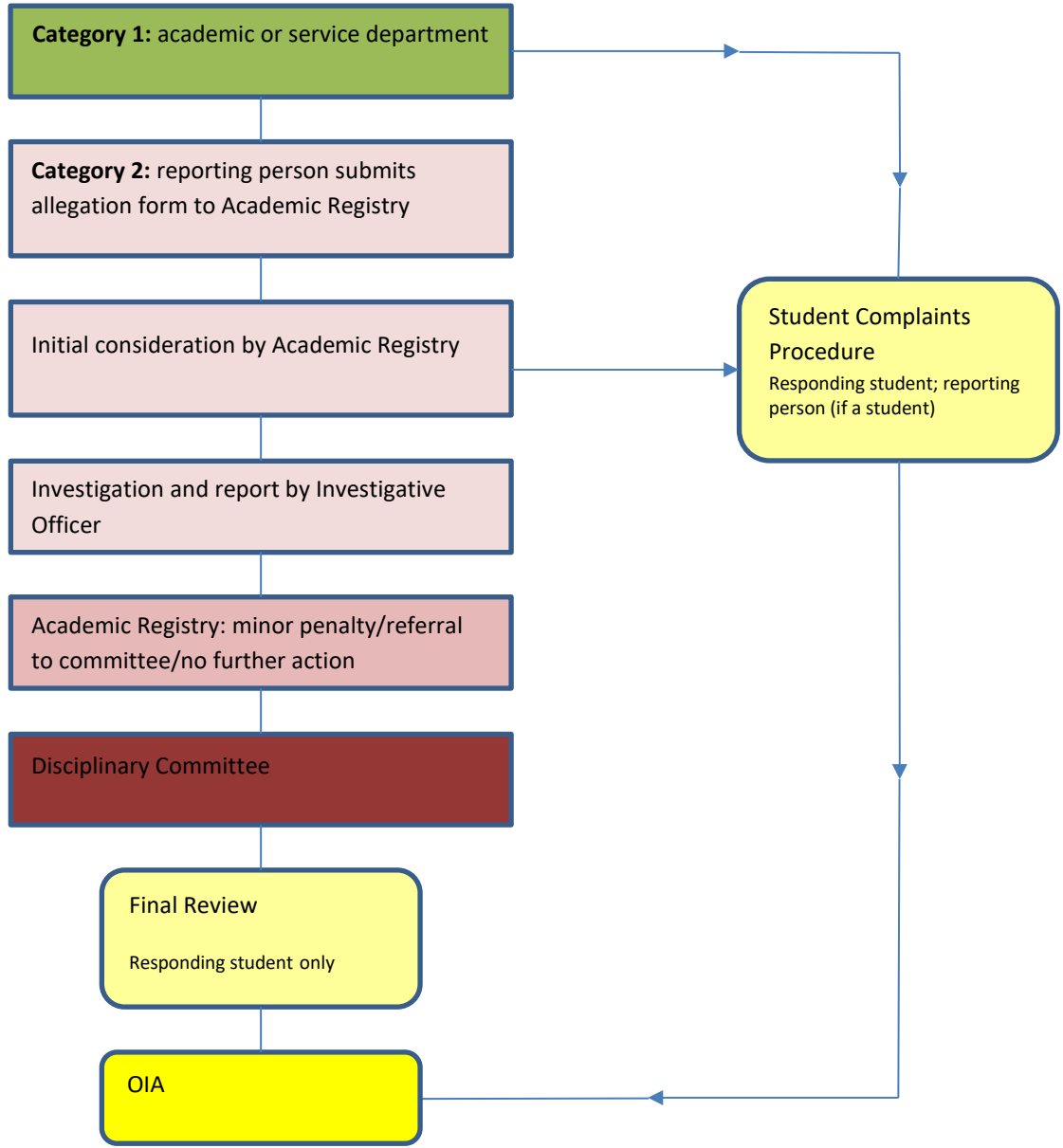
(v) To refer cases involving criminal convictions to the Student Disciplinary Panel for further consideration.

In all cases other than (v) a review date will be confirmed and the student informed of the panel's decisions. The panel secretary will inform students of decisions.

Chapter updated: September 2023

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**Student Discipline Flowchart**



**Student Discipline: Some examples of Category 2 Penalties**

Rule	Example	Possible penalties
2.3 Students must not bring the University into disrepute or incur any liability on behalf of the University.	Giving employers or others false information about academic qualifications awarded by the University	<ul style="list-style-type: none"> <li>• Temporary or permanent exclusion</li> <li>• Removal of academic qualifications conferred by the University</li> <li>• Written warning</li> <li>• A written reflection</li> <li>• Apology to the employer or person who has received the false information</li> </ul>
2.9 Students must not behave in a violent, indecent, disorderly or threatening manner or engage in oral or written abuse towards other students, staff or other individuals. This includes communication via e-mail and social media and students should pay due regard to both the Student Code on Dignity and Respect and the University Guidance on the Use of Social Media.	Physical misconduct, sexual misconduct or abusive behaviour where the activity is brief, unplanned, and the level of physical or emotional harm to the victim is low and there have been no previous concerns.	<ul style="list-style-type: none"> <li>• Formal warning</li> <li>• An apology, if wanted by the reporting person</li> <li>• A written reflection</li> </ul>
	Serious physical misconduct, sexual misconduct or abusive behaviour.	<ul style="list-style-type: none"> <li>• Formal warning</li> <li>• Restrictions on access to facilities or campus</li> <li>• Permanent or temporary exclusion</li> <li>• An apology, if wanted by the reporting person</li> </ul>
2.19.1 Every student is under a legal obligation to take reasonable care of their own health and safety, and the safety of others who may be affected by their actions or inactions whilst studying at the University.	Not following health and safety instructions within a lab setting after being warned of the consequences	<ul style="list-style-type: none"> <li>• Temporary or permanent restrictions or conditions on the right to use University labs</li> <li>• Apology to the staff member of department issuing the health and safety instructions</li> </ul>