

STUDENT DISCIPLINARY PROCEDURE

2026-27

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PART ONE: DISCIPLINARY PROCEDURE

1. Introduction

- 1.1 The Student Disciplinary Procedure (the Procedure) sets out the range of steps the University can take when an allegation, concern or grievance is made against a student (the reported student), or a group of students, to decide whether the Student Code of Conduct has been breached.
- 1.2 The Procedure also sets out the range of sanctions which may be applied where the disciplinary processes have determined that a breach of the Student Code of Conduct has occurred. Where misconduct has occurred, the intention will be to focus on a corrective response, depending on the severity of the misconduct and its consequences.
- 1.3 This Procedure does not attempt to, and cannot, replace or replicate a legal process. It is not a substitute for the criminal justice system and the rules of evidence in English law do not apply. The University cannot decide whether a crime has been committed; it can only decide whether – on the balance of probabilities determined through consideration of the available evidence – a breach of the Student Code of Conduct is more likely to have occurred than not.
- 1.4 The purpose of this Procedure is to provide a constructive framework for dealing with allegations of breaches of the Student Code of Conduct made against students and to ensure that disciplinary action and sanctions, where necessary, are applied fairly and consistently.

2. Scope

- 2.1 The Procedure applies to any alleged breaches of the Student Code of Conduct.
- 2.2 Students enrolled with other institutions will be subject to the disciplinary procedures of their own institution or organisation.
- 2.3 An allegation, concern or grievance may be made against a university student by:
 - Another student or group of students (the reporting student(s)).
 - A member of staff of the University or University representative, including mentors, placement-related staff and other agents of the University.
 - A practice learning/placement partner.
 - A member of the public, service user and/or carer
- 2.4 Allegations by a student should normally be made by the student themselves. Representation by a family member, friend or other 3rd party may be agreed as an assessed reasonable adjustment where a student has a disability, including Specific Learning Differences (SpLD). Written consent will be required from the student.
- 2.5 In programmes governed by a Professional, Regulatory or Statutory Body (PSRB), where an alleged breach of the Student Code of Conduct might also contravene a professional

code of practise, the case is likely to be referred for consideration under the University's Fitness to Practise Policy once it has been considered under this procedure.

3. Principles

- 3.1 This Procedure seeks to meet the core principles identified in the OIA's Good Practice Framework (Discipline):
- Accessibility
 - Clarity
 - Proportionality
 - Timeliness
 - Fairness
 - Independence
 - Confidentiality
 - Improving student experience
- 3.2 All students should be treated fairly and transparently, and all processes should be proportionate to the context and circumstances of any incident which has led to an allegation, concern or grievance being raised.
- 3.2 The Procedure is underpinned by the principle of 'natural justice.' The reported student will have the right to:
- Be informed of the nature of the alleged breach; this will always be in writing (by email to their student email address) and without prejudging the outcome.
 - Be provided with any accompanying evidence or information.
 - Be given an opportunity to respond to the allegation(s); with advance notice of any appointment to provide time to prepare a response.
 - Seek information, advice and guidance before, during and after appointments.
 - Request reasonable adjustments to be made to accommodate any disability/SPLD.
 - A fair and unbiased disciplinary appointment or hearing at which all relevant circumstances are taken into account.
 - Appeal against a disciplinary finding or sanction.
- 3.3 A reporting student will have the right to:
- Provide their account to the investigation so that what they witnessed, and/or what happened to them, is understood.
 - Be offered support for their wellbeing throughout.
 - Receive a summary of the findings of the disciplinary process, as far as this is consistent with the rights to confidentiality of others involved
 - Receive information about any steps the University will take to ensure that they can continue to study in a safe and supportive environment
 - Raise a complaint under the Student Complaints procedure if they believe this Procedure has not been applied or not been applied fairly.
- 3.4 The University will not normally act on allegations made anonymously as it is difficult to investigate such allegations fairly.
- 3.5 The University may not act on allegations made where the reporting party requires the University not to disclose their identity to the reported student. This is because it may be difficult to investigate such allegations fairly. However, this will not prevent the reporting

party being offered pastoral or other support in line with relevant University policies.

- 3.6 As a precautionary measure, the University may take the decision to impose temporary conditions or suspend a student as an initial response to the seriousness of the allegations or concerns that have arisen. Such actions are addressed through the University's Precautionary Actions and Suspension Procedure. A precautionary action may be applied at any point during the process. Precautionary actions are a neutral step and imply no prejudgement as to the eventual outcome of disciplinary proceedings.
- 3.7 The University recognises that allegations of bullying and harassment, sexual misconduct, and violence of all kinds require exceptional arrangements to protect the wellbeing and rights of all students involved (or alleged to be involved). The provisions of the Disciplinary Procedure apply to these allegations with the following additional safeguards:
- Where a disclosure or report is made by the victim of alleged sexual misconduct, harassment, bullying, or violence the reporting student will be advised of their right to make a report to the police and supported if they choose to do so.
 - Pastoral support will be made available to a victim of alleged sexual misconduct, harassment, bullying, or violence in accordance with university policies. Such support sits outside disciplinary proceedings and does not imply any view as to the likely outcome of those proceedings.
 - The University will only investigate whether there has been a breach of the Student Code of Conduct. Any University investigation is not a substitute for a police investigation or criminal proceedings. The University cannot make a determination of criminal guilt
 - A student alleged to have committed an offence of violence or sexual misconduct, whether under investigation by the Police or by the University, will normally be subject to precautionary actions, in line with the Precautionary Actions and Suspension Procedures, which will be determined based on a risk assessment of the case. Where possible, they will be supported to continue to engage with their programme of study.
- 3.8 The University will, wherever possible seek to adhere to the time limits outlined within this Procedure, but there may be circumstances which require variance from these limits. In such cases, students will be advised of the reasons for any delay. Reasons may include the volume of evidence, the number of parties involved, the need to make reasonable adjustments or a dependency on another case/investigation (including a police or employer investigation).
- 3.9 The University reserves the right not to proceed with any disciplinary investigation if it is considered that there are insufficient grounds and/or evidence to do so.
- 3.10 During the application of this Procedure, the University reserves the right to adjourn any disciplinary investigation or committee and reconvene at a later date.

4. Definitions of Disciplinary Offences

4.1 The purpose of this Procedure is to determine whether alleged misconduct amounts to a breach of the University's Student Code of Conduct. In general terms, disciplinary offences are likely fall into one of the following categories and may be considered under the minor or major disciplinary process, depending on the severity of the case:

- Actions which cause actual or potential distress or harm to others, irrespective of whether distress or harm was intended
- Actions which cause actual or potential damage to the property of others, including property belonging to the University
- Actions which disrupt the normal operations of the University including where applicable, reputation damage to the University
- Actions which impede or interfere with the pursuance of work/study of university members, or which impact on normal operations of the University.

4.2 Appendix A sets out examples of offences under each of these categories. Depending on the seriousness of the alleged misconduct, it may be considered under the minor or major disciplinary process set out in this Procedure. The decision of whether the major or minor process should be applied is with the Investigating Officer on the conclusion of their investigation.

5. Equality, Diversity and Inclusion

5.1 The University of Cumbria is committed to providing an inclusive environment, where staff, students and visitors are encouraged to be their true self, to enhance the individual and collective experience. As a university community, we share the social responsibility of enabling this inclusive environment by valuing, respecting and celebrating differences, to ensure that we generate a sense of understanding and belonging.

5.2 The University recognises that our differences are our strength, seeking and valuing different perspectives and ideas, in an environment that is without prejudice and bias.

5.3 We are committed to embracing our responsibility as a facilitator of change and continue to develop our equality agenda in line with and, where appropriate, beyond the Equality Act 2010. We do not tolerate discrimination, bullying or harassment in any form on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.

5.4 This Procedure has been subjected to the University's Equality Impact Assessment (EIA) process. This ensures that due regard to any equalities impact has been considered and that appropriate action has been taken to meet the needs of our community, without unlawfully discriminating.

6. Confidentiality

6.1 An appropriate level of confidentiality is fundamental to the operation of an effective disciplinary process and must balance transparency, the requirements of natural justice,

and the legitimate interests of those involved, against a legitimate expectation of personal privacy. To ensure the integrity of the process all parties involved in the operation of these procedures must ensure that they maintain an appropriate level of confidentiality during the operation of the procedures and afterwards. However, the University recognises that it may be necessary and therefore appropriate for those involved in the operation of these procedures to share certain confidential information with third parties, as set out below.

6.2 The University may disclose information:

- to those who need to know to discharge their responsibilities at work;
- where it considers that disclosure is necessary in the interests of health and safety at work or the welfare of other staff, students or the public interest, this will include but not be limited to disclosure in line with safeguarding duties.
- where it considers sharing of information related to the case with the reporting student(s) is in the legitimate interests of the reporting student(s).
- where disclosure is required by law.
- to witnesses and/or attendees at the meetings within these procedures and any other procedure relating to the case.
- as necessary to ensure the fairness of proceedings.
- to its professional advisers, or subject specific Professional Bodies, for the purpose of obtaining advice or to comply with any specific reporting requirements where these apply;
- to relevant external bodies such as the police, Office of the Independent Adjudicator (OIA) or the University's regulator, the Office for Students (OfS).

6.3 The University has a statutory requirement to inform external agencies of certain outcomes of the Disciplinary Procedure, for example, but not limited to, the DBS, Independent Safeguarding Authorities, HCPC, UK Visas and Immigration and relevant professional organisations. Students will be notified should external reporting be required.

6.4 The University has a statutory requirement to consider the [Safeguarding and Prevent](#) duty guidance of the Counter Terrorism and Security Act 2015 to prevent people from becoming terrorists or supporting terrorism and may therefore be required to disclose information about allegations to the Regional Prevent Co-ordinator or Counter Terrorism agencies.

6.5 The parties raising or responding to the allegation, concern or grievance may disclose information that they have received from the University:

- to professional advisers including Student Services, Trade Union Representatives and University of Cumbria Student's Union for the purpose of obtaining advice and support.
- to family members (on the basis that those family members maintain confidentiality), for the purpose of obtaining support.
- to relevant external bodies such as the police, OIA or the OfS.

- otherwise, only as expressly authorized by the University in writing.

7. Involvement of the Police

- 7.1 If allegations of misconduct have been reported to the police, any University investigation may be adjourned pending the outcome of the police investigation and/or legal proceedings. However, cases will be considered on a case by case basis, and whether or not the University's disciplinary process should proceed concurrently with the police investigation/legal proceedings will be determined based on consideration of all the circumstances of the case, including the need not to prejudice any criminal investigation or trial, the need for disciplinary proceedings to be resolved quickly, and the fairness of disciplinary proceedings.
- 7.2 If the police decide not to proceed with a case, or if criminal proceedings have returned a 'not guilty' verdict, the University may still progress action under these Procedures.
- 7.3 If a student has been convicted of a criminal offence or accepts a police caution in relation to behaviour that would constitute a breach of the Student Code of Conduct, the University will accept this as conclusive evidence that the behaviour took place without further investigation.
- 7.4 Where a finding of misconduct has been made under these Procedures, and a student has also received a penalty because of legal proceedings on the same facts, the penalty imposed through the legal proceedings may be taken into account in deciding the appropriate sanction under these Procedures. However, the purpose of these Procedures and the purpose of other legal proceedings differ, and it is not necessarily the case that a lesser sanction will be imposed only because some other penalty has been applied by a third party.
- 7.5 In the case of a charge or criminal conviction, where criminal proceedings (including bail conditions, period of time spent on remand, period of time served in custody following conviction) results in the reported student being absent from their study for a period of less than 12 months, it will normally be the case that their studies will be interrupted for this period and reported student will be required to intercalate.
- 7.6 In the case of a criminal conviction where criminal proceedings (including bail conditions, period spent on remand, period of time served in custody following conviction) results in the reported student being absent from their study for a period in excess of 12 months, the student will be deregistered from their programme. This does not preclude the student seeking re-entry to the University at a later date subject to meeting Admissions policies and procedures and any requirements of professional, statutory or regulatory bodies associated with the relevant programme.

8. Audio Recording

- 8.1 The covert audio recording of any part, or in furtherance or expectation, of a disciplinary process is strictly prohibited, and where a student engages in this, it will constitute a

breach of the Student Code of Conduct in its own right. Any unauthorised recording will not be accepted as evidence in any part of the disciplinary process.

- 8.2 Audio recording may be agreed where the student requests such a recording as a reasonable adjustment. The student should not share the recording, and any inappropriate sharing may give rise to disciplinary action.
- 8.3 Audio recordings of Disciplinary Committees which take place via MS Teams may be recorded to enable efficient recording of meeting notes or minutes. The recording will be used by the notetaker only and will not be shared. It will be retained only until a confirmed (by the Chair) set of notes has been produced.

9. Information, support, advice and guidance for students

- 9.1 Students who are alleged to have breached the Student Code of Conduct will receive information when this Procedure is initiated. This will explain the nature of the allegation or concerns, what their rights and entitlements are, what is expected of the student and what the student can expect from the procedure.
- 9.2 The Students' Union offers an independent source of information, advice and guidance. Information about the Students' Union Student Support Team can be found online: <http://www.ucsu.me/support>. Students are strongly encouraged to contact the SU if they are required to attend a disciplinary appointment.
- 9.3 Students with a disability/specific learning difficulty: Students who have a disability and/or specific learning difficulty will be offered reasonable adjustments if that is necessary to assist them during the Disciplinary Procedure. Adjustments will be relevant to the disability and/or specific learning disability. Students requiring reasonable adjustments should declare that to the University at the earliest opportunity. Students with mental health conditions can also seek support from the [University's Mental Health and Wellbeing team](#).
- 9.4 If at any time, a student with a disability or mental health condition is unable to engage with the Disciplinary Procedure, consideration will be given to putting the procedure on hold until their support needs have been assessed. Where it is necessary to proceed with the procedure to protect the rights and wellbeing of one or more students involved, consideration will be given to reasonable adjustments which may include allowing third-party representation for one or more students.
- 9.5 The Investigating Officer/Disciplinary Committee Chair may liaise with colleagues in the University's Disability Team to ensure appropriate adjustments are offered or to seek relevant information to help inform decisions.
- 9.6 Students who are sponsored by the University under the UK Visas & Immigration (UKVI) regulations should be aware that non-compliance with their Student Route Visa responsibilities might result in the withdrawal of University sponsorship and therefore termination of their right to remain in the UK. International students should seek visa

advice from the UKVI Compliance team (ukvicompliance@cumbria.ac.uk).

10. Policy Review and Reporting

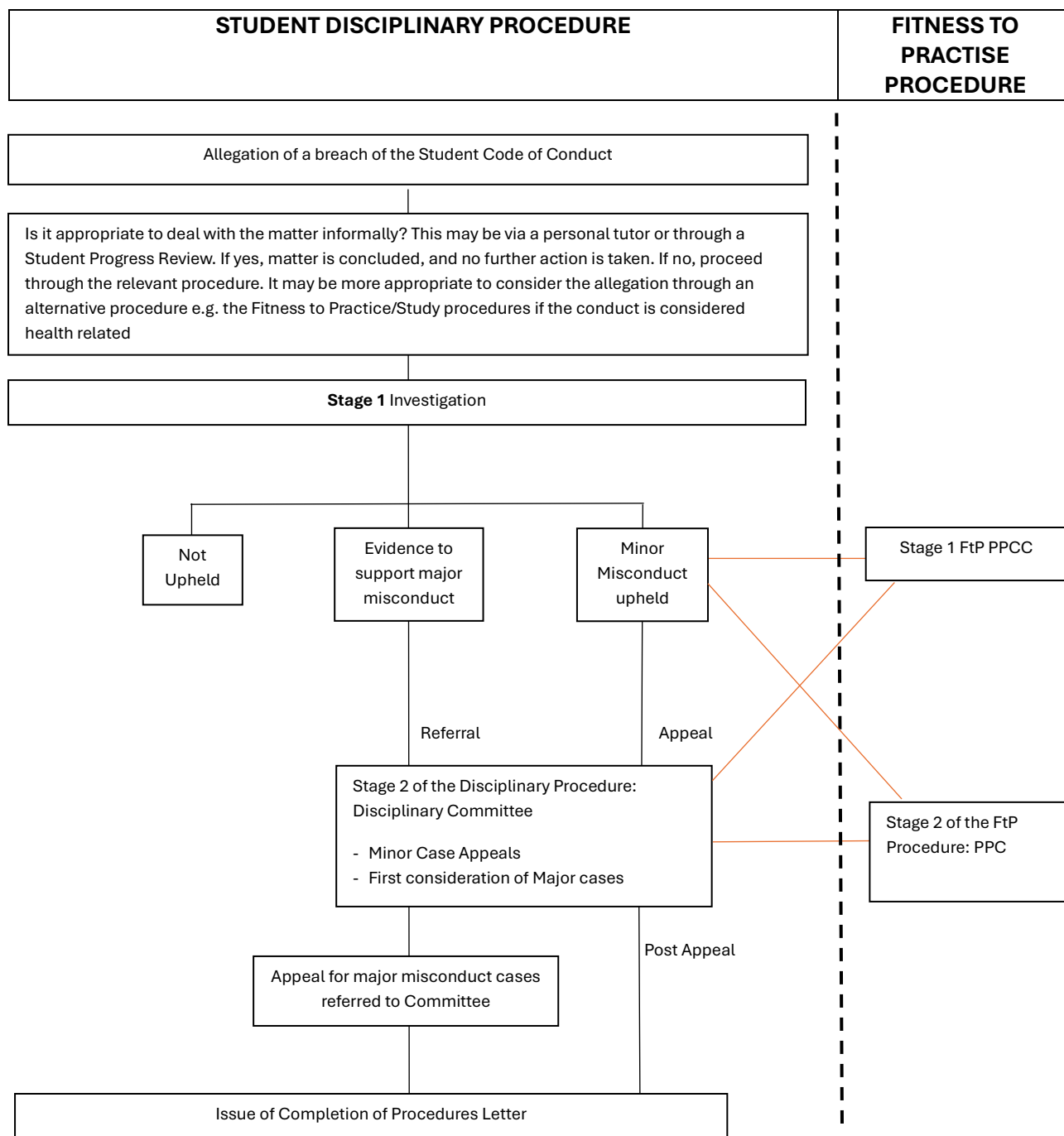
- 10.1 The Disciplinary Procedures are monitored annually. Amendments can be made from time to time to reflect changes in legislation and good practice as appropriate and ensure clarity. An annual report is submitted to Academic Board, reporting on the use of these procedures, disciplinary outcomes and any recommendations. A full review normally takes place triennially.

11. External Redress – Office of the Independent Adjudicator

- 11.1 Students may apply to the Office of the Independent Adjudicator (OIA) should they exhaust the internal Disciplinary Appeal Procedure and remain dissatisfied with the outcome. Specific details of how to pursue redress via the OIA will be provided by the University's OIA contact in the form of the OIA's "Completion of Procedures" letter when all available avenues available have been exhausted.
- 11.2 Policies and procedures governing independent review are as determined by the OIA. Information relating to the OIA is available to all students at any time: [Office of the Independent Adjudicator for Higher Education - OIAHE](#).

PART 2: OPERATIONAL IMPLEMENTATION

Figure 1: General Process for Managing Allegations of Non-Academic Misconduct¹



¹ Non-academic misconduct may give rise to action under the Student Disciplinary Procedure or the Fitness to Practise procedure. The diagram provides an indication of the process that will be followed depending on the nature of the allegation (i.e. are there potential fitness to practise implications) and the seriousness of the allegation. More details regarding the process through the fitness to practise procedure is outlined in the University's Fitness to Practise Policy.

12. Raising an allegation or concern

- 12.1 A disclosure of an alleged breach of the Student Code of Conduct can be made in person or via other means such as telephone or digital communication such as Teams or email. Students may also disclose incidents of bullying harassment or sexual misconduct online via the University's You Report We Support tool ([You Report, We Support | MyCumbria](#)). No formal action against a particular student will be taken about any matter disclosed without a discussion with the person making the report. For formal action to be taken, the reporting person would need to confirm they wished their disclosure to be used as a formal report, unless the notification is of a type that is governed by our statutory Safeguarding duty. In this case, the notifying student will be informed about the action to be taken.
- 12.2 Students can make an anonymous disclosure of misconduct via the University's online reporting tool. However, no formal action will be taken under these Procedures about any matter that has been disclosed anonymously unless it is possible to verify the matter reported from sources that are not anonymous. Anonymous information cannot usually be used in disciplinary proceedings as it would not be fair to the reported student to do so. Anonymous information may be used to identify trends and shape our prevention and support provision.
- 12.3 A reporting party must make a formal report before the allegations can be considered under these procedures. Formal reports regarding alleged breaches of the Student Code of Conduct should be submitted to the Student Procedures team (studentprocedures@cumbria.ac.uk). In addition, as set out above, a reporting student can confirm via email to that address that they wish their disclosure made via You Report We Support to be accepted as a formal report.
- 12.4 If the reported student fails, or chooses not, to engage with the Disciplinary Procedure, findings can, and in most cases will, be made based on the information available. Offering additional time or opportunities to engage with the investigation is at the discretion of the Investigating Officer.

13. Initial Assessment

- 13.1 An allegation, concern or grievance is first assessed to determine whether it is relevant to this process; whether it is trivial or appears to be vexatious; and to determine the basic alleged facts (who is making the notification, who is the subject of the notification, and the place/date/context of the alleged breach). If the initial assessment finds there are grounds to believe a breach of the Student Code of Conduct may have occurred, the process will move to the next stage.
- 13.2 If an informal resolution of the allegation can be made, this should be considered. Cases which cannot be resolved informally – due to meriting consideration of a penalty beyond a Fixed Penalty Notice, Verbal or Written Warning and/or action plan – may proceed to the formal stage 1. A case may also proceed to the Formal Stage where it appears to be a repeated instance of a breach previously addressed informally.

14. Formal Process – Stage 1: Disciplinary Investigation

- 14.1 The disciplinary process is used to determine whether a student has breached the University's Student Code of Conduct. Although an allegation, concern or grievance must be supported by evidence, the investigation is not a legal process. Decisions are made based on the weight of information available and a balance of probabilities (i.e. whether something is more likely than not to have happened). The burden of proof is on the University to establish a breach of the Student Code of Conduct.
- 14.2 An appropriately trained Investigating Officer will be appointed. When the alleged breach of the Student Code of Conduct is potentially criminal behaviour, at the discretion of the University, the Investigating Officer may be someone external to the University with both relevant professional experience and independence from the University.
- 14.3 The primary role of the Investigating Officer is to investigate the facts of the case and to gather all relevant information and evidence.
- 14.4 If the reported student fails, or chooses not, to engage with the investigation, findings can, and in most cases will, be made based on the information available. Offering additional time or opportunities to engage with the investigation is at the discretion of the Investigating Officer.
- 14.5 At the conclusion of the investigation, the Investigating Officer will furnish a report to the Student Procedures team. This will normally be done within 10 working days of the Investigating officer being appointed. The report will provide a summary of the evidence considered and will confirm one of the following:
 - (a) there is insufficient evidence to uphold any alleged breach of the Student Code of Conduct. Informal advice may be provided to the reported student, but the disciplinary process is then concluded at this point; or
 - (b) there has been a minor breach of the Student Code of Conduct (see 14.8 below); or
 - (c) there is sufficient evidence to suggest a major breach of the Student Code of Conduct and thus the matter should be referred to a Disciplinary Committee (see 16.0 below).
- 14.6 Where the Investigating Officer has concluded that there is insufficient evidence to uphold any breach of the Student Code of Conduct, but where the student is registered on a programme that is governed by a Professional, Statutory or Regulatory body, the Investigating Officer may refer the matter for consideration under the Fitness to Practise procedure. This decision will be made by the Student Casework Manager in consultation with the professional lead (or other member of the senior leadership team) in the Faculty of Health or Education. The Investigating Officer's report will be provided to any Fitness to Practice Committee.
- 14.7 Where the Investigating Officer has concluded that there is sufficient evidence to

uphold a minor breach of the Student Code of Conduct, they may apply one or more of the penalties listed in Appendix C. In addition, and where applicable, the matter may be referred for consideration under the Fitness to Practise Policy.

- 14.8 Where the Investigating Officer has concluded that there is a minor breach of the Student Code of Conduct and where a penalty has been applied, the reported student will have a right of appeal, including in circumstances where they have failed to engage with the investigation, on one of the following grounds:
- (a) The reported student has new material evidence that could not be provided earlier. By material, we mean evidence that may alter the decision of the disciplinary investigation, and which could not be provided at the time of the disciplinary investigation.
 - (b) The reported student provides evidence that this Procedure was not followed or that the process followed was unfair.
 - (c) The reported student considers the sanction to be disproportionate or not relevant to the code(s) breached.
- 14.9 A reported student wishing to appeal the decision of the Investigating Officer in relation to alleged minor breaches of the Student Code of Conduct should complete the “**Disciplinary Appeal Form**” available online from: [Student Code of Conduct and Disciplinary Procedure | MyCumbria](#) and identify one or more of the grounds. Outcomes are dependent on the ground(s) evidenced. The submission should include
- all information to be considered as part of the appeal. We may not accept additional information later, unless there is good reason as to why it could not be included with the appeal form.
 - a list of any documents attached to support the disciplinary appeal
 - include the permission of any third party (e.g.: other students, staff etc.) named in any appeal statement
- 14.10 Appeals should be emailed to studentprocedures@cumbria.ac.uk, within 5 working days of the date of notification of the outcome of investigation.
- 14.11 A reporting student will have no right of appeal on the decision of the Investigating Officer. They may however raise a complaint under the Student Complaints Procedure on one of the following grounds:
- (a) They have new material evidence available that could not be provided earlier. By material, we mean evidence that may alter the decision of the disciplinary investigation, and which could not be provided at the time of the disciplinary investigation.
 - (b) They have provided evidence that this Disciplinary Procedure was not followed or that the process followed was unfair.

Disagreement with any sanction applied, or the decision to apply no sanction, is not grounds for appeal.

- 14.12 Whether a ground for appeal is established will be determined by the Student

Casework Manager or, in their absence, the Deputy Academic Registrar/PVC Student Journey and Academic Registrar. Whether grounds for appeal are present will be determined within 5 working days.

- 14.13 Where no grounds for appeal are accepted, a Completion of Procedures letter will be issued to the reported student. This will conclude the University's Disciplinary procedure.
- 14.14 Where a ground for appeal is identified, the matter will be referred to a Disciplinary Committee (see 16 below) which will normally meet within 20 working days of the referral. In these circumstances, no further appeal will be permitted, and a Completion of Procedures letter will be issued following the outcome of the Disciplinary Committee.
- 14.15 The Disciplinary Committee may
 - (a) uphold the decisions of the Investigating Officer
 - (b) overturn the decision of the Investigating Officer and find that there is no breach of the Student Code of Conduct
 - (c) overturn the decision of the Investigating Officer in respect of the penalty only and impose a lesser or more severe penalty

15. Mandatory Training in respect of Harassment and Sexual Misconduct

- 15.1 The Office for Students requires Universities to ensure that all students engage with mandatory training in respect of harassment and sexual misconduct. The training will be available online and students will be given an opportunity to engage with it as part of their induction. A failure to complete the training constitutes a breach of the Student Code of Conduct (para.M).

Students will be given 4 weeks from their start date to complete the training or to formally opt out. Where students have neither completed the training nor formally opted out, a reminder email will be sent reinforcing the need to complete the training within the subsequent 4 weeks. If the training remains uncompleted, students will be sent a second reminder email advising that a fixed penalty will be applied if the training is not completed within the seven days of this second reminder.

In the case of a failure to engage in the training following the final reminder, the Stage 1 investigation will confirm the failure to complete the training and the issue of the reminder emails. Students will then be notified that a fixed penalty has been applied, and they will be given details of how to pay and by when, as well as the consequences of failing to pay.

Students have the right to request a review of the outcome of Stage 1 following which the fixed penalty will either be confirmed or will be paused to provide one further opportunity for the student to complete the training. A Completion of Procedures letter would be issued at this time i.e. the matter would not be

progressed to a disciplinary hearing, and students would be able to raise a complaint to the Office of the Independent Adjudicator.

16. Formal Process – Stage 2: Disciplinary Committee

- 16.1 Stage 2 of the Procedure is invoked when the Investigating officer, in consultation with the Student Casework Manager, has determined that there is an allegation of serious misconduct **and** that there is sufficient evidence for it to be considered by a Disciplinary Committee (the Committee).
- 16.2 The Committee will consist of a Chair, an independent University staff member and a representative of the Students' Union, not previously involved in the case. The Committee Chair may ask a relevant member of the student's Faculty to attend or contribute to the Committee.
- 16.3 The Committee Chair will be a senior member of University staff (G9 or above) who has received appropriate training and who has had no prior involvement in the matter.
- 16.4 No later than 10 working days before the date scheduled for the Committee, which will normally take place via MS Teams, the reported student will be sent a letter (normally via their student email address). This will include information detailing the allegations, the investigation findings, the evidence relied on, and explaining how it is believed the Student Code of Conduct has been breached. This letter will also explain the student's entitlements and the expectations for the Committee. If the student has requested support from the Students' Union and/or from a named contact (as part of an agreed reasonable adjustment), the letter will be copied to those people also.
- 16.5 A student who has a disability/specific learning difficulty should inform the Committee Chair/Secretary of the reasonable adjustments needed to assist them during the Committee meeting. It may be necessary to change the date of the Committee meeting to arrange some adjustments, for example a notetaker. Students are encouraged to seek advice from the Disability Team to ensure that the required adjustments are fully understood.
- 16.6 A reporting student who has notified the University of what they believe to be a breach of the Student Code of Conduct may be asked to take part in the Committee as a witness. It may also be necessary for the Student Procedures team or the Chair to ask the reporting student for information or to clarify an element of the facts found in the investigation.
- 16.7 A reported student is expected to attend the Committee and reply to correspondence. If the student does not attend the Committee, or reply to correspondence, decisions may be made in their absence, including findings that misconduct has occurred and the imposition of sanctions. If the student is unable to attend, with good reason e.g. work commitments, the University will rearrange the meeting. We will do this once and any further rearrangement will be at the discretion of the Chair and dependant on the grounds.

- 16.8 The Committee can be put on hold if the reported student offers sufficient evidence of health-related mitigating circumstances. Such a request must be made without delay and may be refused if there is unexplained delay. The Committee Chair may decide it is necessary to refer the student for an occupational health assessment and/or obtain medical reports before continuing with the hearing.
- 16.9 The reported student may contact the Committee Chair/Secretary to request an alternative appointment time or written response deadline, but changes cannot always be guaranteed.
- 16.10 Where a Committee takes place in the reported student's absence, they may still submit an appeal on one or more of the grounds set out below.
- 16.11 The reported student may take a member of the Students' Union or a University friend, not involved in the allegation, to the Committee for support, or to assist in writing a reply. However, students are expected to engage directly with the Chair/Committee members during the Committee.
- 16.12 The reported student will be asked to provide the name and capacity in which the supporter is attending in advance. It is not normally expected that the student will have legal representation; however, students can request to be accompanied to a Committee by a legal adviser. While the attendance of a legal adviser is not prohibited, their attendance must normally be to act as a supporter and therefore they will not be allowed to address the Committee directly or ask questions of any witness.
- 16.13 If the reported student believes the circumstances justify legal representation and wishes a legal representative to address the Committee directly or ask questions of any witness, the reported student should make these reasons known to the Committee Chair/Secretary at least 5 working days in advance of the Committee meeting. If the Committee has been arranged to take place within 5 working days, the reported student should make their reasons known as soon as possible to the Committee Chair/Secretary. This should be done via the Student Procedures email: studentprocedures@cumbria.ac.uk. If the Chair believes the student has established exceptional circumstances for legal representation, it will be permitted. These grounds may include:
- The seriousness of the allegation(s) and potential consequences
 - Complexities in the evidence likely to be presented
 - The capacity of the individual to understand the case against them
 - Likely procedural challenges
 - The need for fairness in the cross-examination of evidence
 - The need to avoid delay
- 16.14 The University will not pay for a student's legal representation.

- 16.15 The Committee will refer to the Investigation report during the hearing, and the Investigating Officer may be asked to attend the hearing to answer questions from the student and from the panel. If there is no investigation report – for example where the hearing is considering outcomes of a criminal conviction or a malpractice panel – a report will be compiled and shared with the student to summarise the facts as they are understood.
- 16.16 At any point, the Disciplinary Procedure can be adjourned to obtain further information or evidence or to allow a follow-up with a person not present at the Committee. If new information does become available, the reported student will receive a copy and be given time to consider it before the Committee is reconvened

17 Use of witnesses

- 17.1 A witness is defined as someone who can confirm whether all or part of the facts underlying an allegation did occur. A witness may not be called for the purpose of giving a character reference.
- 17.2 Both the reported student and the investigating officer, by way of the Chair can ask one or more witnesses to attend the Disciplinary Committee. The Chair will name any witnesses in the letter sent in advance of the hearing. The student must tell the Chair in advance if they are bringing a witness and give their name. At the Committee meeting, the Chair will ask the witness to confirm that they are willing to act as a witness. Witnesses may be called into the Committee at the relevant point in discussions and are normally not present through the whole of the meeting.
- 17.3 Neither the reported student, nor any legal representative permitted under 16.12, will be permitted to cross-examine witnesses directly; they may address questions to the Chair, who will relay questions to the witness if the Chair believes it is appropriate.

18 Outcomes of Disciplinary and case documents

- 18.1 After consideration of the information available, the Committee will decide, with reasons whether:
- (a) The allegations are not proved (which may include a case where conduct is proved but is too trivial to amount to a breach of the Student Code of Conduct)
 - (b) A breach has occurred, and an appropriate sanction(s) is applied
- 18.2 A range of outcomes and/or sanctions may be applied when a breach is found to have occurred and should be relevant and proportionate to the breach. The list of possible outcomes and sanctions is set out in Appendix C.
- 18.3 Where appropriate, signposting to internal or external services may be recommended e.g. GP, counsellor or occupational health.
- 18.4 Regardless of any decision with respect to an alleged breach of Student Code of Conduct, where the reported student is registered on a programme regulated by a

relevant PSRB, the Disciplinary Committee may refer the matter to a Fitness to Practise Committee for its consideration.

- 18.5 The outcome of the Disciplinary Committee will be formally communicated to the reported students within 10 working days of the date of the hearing.

19. Appealing against the Outcome of a Disciplinary Committee

- 19.1 Where a Disciplinary Committee is held as a consequence of a reported student's appeal against the decision of an Investigating Officer at the end of Stage 1 of this procedure, no further appeal will be permitted. The decision of the Committee in these circumstances is final, and a Completion of Procedures letter will be issued.
- 19.2 Where an Investigating Officer has referred an alleged major breach of the Student Code of Conduct to a Committee, and where the Committee has determined the outcome of that allegation, a reported student may appeal against the decision made on one or more of the following grounds:
- (a) The reported student has new material evidence that could not be provided earlier. By material, we mean evidence that may alter the decision of the Disciplinary Committee, and which could not be provided at the time of the Disciplinary Committee.
 - (b) The reported student provides evidence that this Procedure was not followed or that the process followed was unfair.
 - (c) The reported student considers the sanction to be disproportionate or not relevant to the code(s) breached.
- 19.3 A reported student wishing to appeal the decision of the Disciplinary Committee should complete the **"Disciplinary Appeal Form"** available online from: [Student Code of Conduct and Disciplinary Procedure | MyCumbria](#) and identify one or more of the grounds. Outcomes are dependent on the ground(s) evidenced. The submission should include
- all information to be considered as part of the appeal. We may not accept additional information later, unless there is good reason as to why it could not be included with the appeal form.
 - a list of any documents attached to support the disciplinary appeal
 - include the permission of any third party (e.g.: other students, staff etc.) named in any appeal statement
- 19.4 Appeals should be emailed to studentprocedures@cumbria.ac.uk, within 5 working days of the date of notification of the outcome of the Disciplinary Committee. Whether a ground for appeal is established will be determined by the Student Casework Manager or, in their absence, the Deputy Academic Registrar/PVC Student Journey and Academic Registrar. Clarification and/or additional information may be requested from you if necessary and this may extend the timeframe for considering your appeal. The outcome of the appeal will normally be communicated to you within 10 days of the eligibility decision.

- 19.5 Appeals against the decisions of the Disciplinary Committee will normally be considered by a manager (Grade 9 or above). In cases where the outcome of a Disciplinary Committee is that the student should be deregistered, the appeal will be considered by the Vice Chancellor, or their nominee. The potential outcomes of a Disciplinary Appeal are summarised in Appendix C. The outcome of the appeal against the decision of the Disciplinary Committee is final, and this will conclude the University's Disciplinary Procedure. A Completion of Procedures letter will be issued.
- 19.5 Where no grounds for appeal are accepted, a Completion of Procedures letter will be issued to the reported student. This will conclude the University's Disciplinary procedure.
- 19.6 Once the reported student has received a Completion of Procedures letter, if they are not content with the outcome of an appeal, they may apply to the Office of the Independent Adjudicator (OIA), subject to the OIA's scope and eligibility, to apply for a review of the outcomes of the Disciplinary Procedure. Specific details of how to pursue redress via the OIA will be provided by the University's OIA contact in the form of the OIA's "Completion of Procedures" letter when all available avenues available have been exhausted.

A: MINOR AND MAJOR BREACHES OF THE STUDENT CODE OF CONDUCT

Examples of alleged offences and their severity are outlined below; the examples given are illustrative and are not intended to be exhaustive. In cases where the offence falls under both the minor and major headings, how it is regarded in any given case will depend on the facts of each individual case.

1. Actions which cause actual or potential distress or harm to others irrespective of whether the distress or harm was intended.

MINOR	MAJOR
Sexual misconduct (see the University's Policy for Preventing and Addressing Bullying, Harassment, and Sexual Misconduct)	Sexual misconduct (see the University's sexual misconduct procedure for indicative offences)
Verbal abuse or intimidation	Verbal abuse or intimidation
Assault or causing physical harm	Assault or causing physical harm
Threatening, offensive or indecent behaviour	Threatening, offensive or indecent behaviour
Acts of bullying, harassment or intimidation	Persistent acts of bullying, harassment or intimidation
Inappropriate use of social media	Inappropriate use of social media
Breaches of precautionary action imposed under this or other procedure, such as being on campus when under exclusion	Contacting a member of the University community when under contract not to do so
Distress caused to others through excessive and unacceptable levels of noise in accommodation, either on campus or in the local community	Persistent distress caused to others through excessive and unacceptable levels of noise in accommodation, either on campus or in the local community
Anti-social behaviour which causes distress to others and/or reputational harm and/or damage to the University's relationship with the local community irrespective of the level of intoxication	Persistent anti-social behaviour which causes distress to others and/or reputational harm and/or damage to the University's relationship with the local community irrespective of the level of intoxication
	Theft, fraud, handling stolen goods (on the University's campuses), or deliberate falsification of records
Possession and/or intent to supply illegal substances (including drugs, psychoactive substances, and nitrous oxide)	Possession and/or intent to supply illegal substances (including drugs, psychoactive substances, and nitrous oxide)
Possession and/or misuse of any weapons, illegal items or items which we consider to be offensive or dangerous (including but not limited to, licenced firearms; models, paintball guns; replica, ceremonial or toy weapons; knives)	Possession and/or misuse of any weapons, illegal items or items which we consider to be offensive or dangerous (including but not limited to, licenced firearms; models, paintball guns; replica, ceremonial or toy weapons; knives)
Trespassing and/or unauthorised entry	Persistent trespassing and/or unauthorised entry
Infringement of the University's Health and Safety rules; for example, failure to vacate a building or other areas during fire alarms, lighting fires or barbecues in unauthorised areas, or tampering with safety equipment, or tampering with, or misusing, fire safety equipment; for example,	

covering/removing smoke/heat detectors, propping open fire doors or malicious activation of fire alarms	
Failure to comply with explicit rules or regulations; for example, unauthorised parties in residences, smoking/vaping in non-designated areas, burning candles/incense in University accommodation, causing a disturbance in examinations, repeated unauthorised parking on campuses	
Display or distribution of any material (including posters and leaflets) that the University reasonably deems as being potentially offensive	Display or distribution of any material (including posters and leaflets) that the University reasonably deems as being potentially offensive
Multiple or repeated minor offences	Multiple or repeated minor offences

2. Actions which cause actual or potential damage to property of others

MINOR	MAJOR
Causing minor damage to property	Causing serious and deliberate damage to property
Multiple or repeated minor offences involving damage to property	Multiple or repeated minor offences involving damage to property

3. Actions which disrupt the normal operations, and/or safe use of, the University, including where applicable, reputational damage to the University

MINOR	MAJOR
Sexual misconduct (see the University's sexual misconduct procedure for indicative offences)	Sexual misconduct (see the University's sexual misconduct procedure for indicative offences)
Verbal abuse or intimidation	Verbal abuse or intimidation
Assault or causing physical harm	Assault or causing physical harm
Acts of bullying, harassment or intimidation	Persistent acts of bullying, harassment or intimidation
Inappropriate use of social media	Inappropriate use of social media
Breaches of precautionary action imposed under this or any other procedure, such as being on campus when under exclusion	Contacting a member of the University community when under contract not to do so
Distress caused to others through excessive and unacceptable levels of noise in accommodation, either on campus or in the local community	Persistent distress caused to others through excessive and unacceptable levels of noise in accommodation, either on campus or in the local community
Anti-social behaviour which causes distress to others and/or reputational harm and/or damage to the University's relationship with the local community, irrespective of a student's level of intoxication	Persistent anti-social behaviour which causes distress to others and/or reputational harm and/or damage to the University's relationship with the local community, irrespective of a student's level of intoxication

	Theft, fraud, handling stolen goods (on the University's campuses), or deliberate falsification of records
Possession and/or intent to supply illegal substances (including drugs, psychoactive substances, and nitrous oxide)	Possession and/or intent to supply illegal substances (including drugs, psychoactive substances, and nitrous oxide)
Possession and/or misuse of any weapons, illegal items, or items which we consider to be offensive or dangerous (including but not limited to, licenced firearms; models, paintball guns; replica, ceremonial or toy weapons; knives)	Possession and/or misuse of any weapons, illegal items, or items which we consider to be offensive or dangerous (including but not limited to, licenced firearms; models, paintball guns; replica, ceremonial or toy weapons; knives)
Trespassing and/or unauthorised entry	Persistent trespassing and/or unauthorised entry
Infringement of the University's Health and Safety rules; for example, failure to vacate a building or other areas during fire alarms, lighting fires or barbecues in unauthorised areas, or tampering with safety equipment, or tampering with, or misusing, fire safety equipment; for example, covering/removing smoke/heat detectors, propping open fire doors or malicious activation of fire alarms	
Failure to comply with explicit rules or regulations; for example, unauthorised parties in residences, smoking/vaping in non-designated areas, burning candles/incense in University accommodation, causing a disturbance in examinations, repeated unauthorised parking on campuses	
Display or distribution of any material (including posters and leaflets) that the University we reasonably deem as being potentially offensive	Display or distribution of any material (including posters and leaflets) that the University we reasonably deem as being potentially offensive
Multiple or repeated minor offences	Multiple or repeated minor offences
Actions which are likely to bring the University into disrepute and/or cause interference to the normal operations of the University, for example when the student is acting in connection with University business or participating in a University-organised field trip	Actions which are likely to bring the University into disrepute and/or cause interference to the normal operations of the University, for example when the student is acting in connection with University business or participating in a University-organised field trip

4. Actions which impede or interfere with the pursuance of the work/study of University members, or impact on normal operations of the University

MINOR	MAJOR
Sexual misconduct (see the University's sexual misconduct procedure for indicative offences)	Sexual misconduct (see the University's sexual misconduct procedure for indicative offences)
Verbal abuse or intimidation	Verbal abuse or intimidation
Assault or causing physical harm	Assault or causing physical harm
Threatening, offensive or indecent behaviour	Threatening, offensive or indecent behaviour

Acts of bullying, harassment or intimidation	Persistent acts of bullying, harassment or intimidation
Breaches of precautionary action imposed under this or other procedure, such as being on campus when under exclusion	Contacting a member of the University community when under contract not to do so
Distress caused to others through excessive and unacceptable levels of noise in accommodation, either on campus or in the local community	Distress caused to others through excessive and unacceptable levels of noise in accommodation, either on campus or in the local community
Anti-social behaviour which causes distress to others and/or reputational harm and/or damage to the University's relationship with the local community, irrespective of the level of intoxication	Persistent anti-social behaviour which causes distress to others and/or reputational harm and/or damage to the University's relationship with the local community, irrespective of the level of intoxication
	Theft, fraud, handling stolen goods (on the University's campuses), or deliberate falsification of records
Possession and/or intent to supply illegal substances (including drugs, psychoactive substances, and nitrous oxide)	Possession and/or intent to supply illegal substances (including drugs, psychoactive substances, and nitrous oxide)
Trespassing and/or unauthorised entry	Persistent trespassing and/or unauthorised entry
Infringement of the University's Health and Safety rules; for example, failure to vacate a building or other areas during fire alarms, lighting fires or barbecues in unauthorised areas, or tampering with safety equipment, or tampering with, or misusing, fire safety equipment; for example, covering/removing smoke/heat detectors, propping open fire doors or malicious activation of fire alarms	
Failure to comply with explicit rules or regulations; for example unauthorised parties in University residences, smoking/vaping in non- designated areas, burning candles/incense in University accommodation, causing a disturbance in examinations, repeated unauthorised parking on campuses	
Refusal to respond to reasonable requests from relevant University staff; for example, refusing to confirm identity when requested by a member of staff during the normal course of their duties, failure to attend a disciplinary meeting/workshop without good reason, repeated unauthorised parking on campuses	
Display or distribute any material (including posters and leaflets) that we reasonably deem as potentially offensive	Display or distribute any material (including posters and leaflets) that we reasonably deem as offensive
Multiple or repeated minor offences	Multiple or repeated minor offences
Anti-social behaviour which causes distress to others and/or reputational harm and/or damage to the University's relationship with the local community	Anti-social behaviour which causes distress to others and/or reputational harm and/or damage to

	the University's relationship with the local community
Actions which are likely to bring the University into disrepute and/or cause interference to the normal operations of the University, for example when the student is acting in connection with University business or participating in a field trip	Actions which are likely to bring the University into disrepute and/or cause interference to the normal operations of the University, for example when the student is acting in connection with University business or participating in a field trip
Persistent refusal to pay a fine imposed by the University, or to observe another penalty imposed following a disciplinary hearing	

B: FIXED PENALTY NOTICE PROCEDURE

B1. A Fixed Penalty Notice may be issued where all the following criteria are met:

- i) An incident is reported to the University.
- ii) The reported student identified and approached (face-to-face, electronically or by phone) with details of the allegation and made aware that a sanction may be applied if the breach is admitted.
- iii) The reported student admits to the breach/takes responsibility for the allegation and no investigation is required. The reported student can request a Disciplinary Committee as an alternative to accepting a fixed penalty notice.

B2. Outcomes and sanctions:

Anti-Social behaviour:	Contravention of health and safety regulations:
Noise disturbance (£50.00 fine)	Smoking in unauthorised areas (£50.00 fine) & use of candles etc. (£30.00 fine)
Lack of respect for fellow students and staff (£25.00 fine)	Setting off fire alarm (e.g. unattended cooking etc.) (£50.00 fine)
Vandalism and/or minor damage to property: repair/replacement costs as applicable.	Tampering/misuse of fire equipment e.g. fire extinguishers, fire doors, blankets, fire alarm points, smoke detectors etc. refill/repair costs as applicable.
Littering within or outside of halls, including cigarette butts (£15.00 fine)	Failure/refusal to evacuate in the event of a fire alarm (£50.00 fine)
Cleanliness of flat/halls (£30.00 cleaning charges)	Breaching security within halls of residence (£30.00 fine)
Unauthorised visitors to hall/room/flat (£20.00)	Misuse of first aid box (£25.00 fine plus replacement of items where applicable)
Failure to provide student identification at the reasonable request of a member of University staff or staff working with the University (£10.00 fine)	Misuse of University-provided personal safety equipment e.g. panic alarms (£25.00 fine)
Verbal warning	
Written warning	
Requirement to complete an internal University community based/beneficial activity	
Fines can be suspended (whole or part) at the discretion of the Disciplinary Officer. A suspended fine will be applied if there are further breaches of the code of conduct. Damages to university-managed accommodation and/or cleaning, replacement and repair costs may be charged separately.	
Mandatory Training	
Failure to complete mandatory training in relation to harassment and sexual misconduct (£50)	

B3. More than one incident can be included on one Fixed Penalty Notice form, provided they all comply with A1 above.

B4. A copy of the Notice will be placed on the reported student file.

B5. Where a financial penalty is applied, the reported student is required to pay the fine when they receive an invoice, in line with the University's Finance procedures. Non-payment may be

subject to the University's debt management procedures and may, in some cases, be referred to a debt collection agency. All monies collected from any of the Disciplinary Procedure are paid into the University's student hardship fund.

- B6.** A student who has received a fixed penalty notice may appeal, subject to grounds, as explained on the Fixed Penalty Notice form.

C: OUTCOMES AND SANCTIONS

Sanctions should be proportionate to the breach and can be one or more of the following:

Sanctions for Minor Misconduct which can be applied by an Investigating Officer

- a) Application of a Fixed Penalty Notice
- b) A requirement to fulfil an action plan outlining appropriate performance targets by the Disciplinary or Accommodation Officer.
- c) A requirement to undertake a project or activity, relevant to the nature of the breach (this can be in consultation with other staff within the University/ Students' Union). This could include, but is not limited to, helping to organise and participate in a relevant educational programme or activity, preparing an information bulletin from which other students could learn and/or attending (if available) a special class or lecture (a health and safety class, anger management session, for example)
- d) A recommendation/requirement to undertake personal/professional development/ counselling and/or seek medical advice.
- e) Receiving a formal and recorded oral warning.
- f) Receiving a formal and recorded written warning.
- g) Making a written or oral apology.
- h) A requirement to pay full or partial restitution of the cost of the damage or loss suffered by the University or the property of the person making the allegation. Where the cost of repair or replacement for damage to university accommodation is required, this will be invoiced by the Accommodation office, separately to any fines.
- i) A requirement to move to alternative University residences (where you live in University-managed accommodation and the accommodation contract permits).
- j) A notice being held on file barring future residence within University residences.
- k) Being prohibited from entering specified University residences (whether you are a resident or not).
- l) Receiving a fine up to a maximum of £400 for multiple breaches. All or part of a fine can be suspended. However, if there are further breaches of the Student Code of Conduct, the suspended fine will be activated in addition to any sanctions applied in respect of the new breaches. All fines are paid into the University operated hardship fund for students.

Sanctions which can only be applied by a Disciplinary Committee

- a)-l) above plus
- m) Exclusion or temporary suspension from University residences. This shall mean that you may not continue to live in University-managed accommodation from a specified date or for a specified period.
- n) Temporary or permanent exclusion from a University service(s) (e.g. the library, computer network), or temporary or permanent exclusion from some or all University premises. This may be a general exclusion or a conditional exclusion, for example that you may not come onto University premises except at certain times or for certain purposes.
- o) A fine up to a maximum of £150.00 for breach of the Student Code of Conduct. The total fine amount will be capped at £600. All or part of a fine can be suspended. However, if there are further breaches of the Code of Conduct, the suspended fine will be activated in addition to any sanctions applied in respect of the new breaches. All fines are paid into the University operated

hardship fund for students.

- p) The Committee may also apply one of the following:
- i. Suspend, withhold or withdraw all or part of a University award.
 - ii. Suspend you from the University for a specified period. This will mean that you will not be enrolled as a student from a specified date and will not be allowed to re-enrol for a period to be decided when the sanction is applied, but which will, normally, be no longer than twelve months.
 - iii. Deregistration from the University. This will mean that you will no longer be an enrolled student normally with immediate effect. If you live in university managed accommodation, you will have your contract terminated. Consideration may be given to whether you may be entitled to enrol on any future occasion, either returning to the same or may apply for a new course of study.
- q) Individual outcomes and sanctions may be applied for each Code breached and any combination of the above sanctions may be applied. Exceptionally, where none of the above are deemed to be appropriate, another alternative outcome or sanction can be applied, if the Academic Registrar or designee approves it.

Students on education and health programmes which are governed by professional codes of practise: In addition to the imposition of any sanction listed above, where the alleged misconduct may also give rise to fitness to practise concerns, an Investigating Officer or a Disciplinary Committee will refer the matter for consideration under the Fitness to Practise procedure. There may therefore be circumstances where a penalty applied for a breach of the Student Code of Conduct may not be appropriate when considering a fitness to practise matter. Students not suspended or deregistered by a Disciplinary Committee may still be suspended or deregistered by a Fitness to Practise Committee.

Students with a Student visa: The University will be required to withdraw sponsorship and to report to the UK Visas and Immigration if you are suspended or deregistered from the University through this procedure. This report is not a sanction imposed by the University and will not be considered as part of the University's assessment of proportionality.

Factors to be taken into account in the determination of any sanction

The following non-exhaustive factors will be considered when determining what penalty (or penalties) should be applied:

- i. the reported student has demonstrated genuine insight and/or remorse;
- ii. the reported student demonstrated honesty and integrity during the disciplinary process;
- iii. the reported student cooperated and engaged with the Investigating Officer's enquiries throughout the disciplinary process;
- iv. the reported student can provide independent and credible medical evidence to show that, at the time of the misconduct, their health was impaired to such an extent as to impact their ability to distinguish between acceptable conduct and misconduct;
- v. the misconduct is a first offence, or whether there is a previous finding or findings of similar misconduct;
- vi. the reported student responded positively to any reasonable warnings or concerns about their behaviour prior to the misconduct occurring;
- vii. the misconduct was, to any extent, intended and/or premeditated;

- viii. the misconduct was targeted at an initial responder who was going about their duties;
- ix. the harm and/or impact resulting from the misconduct was of a relatively minor nature/no harm was caused;
- x. the misconduct involved an abuse of position, trust, powers and/or authority;
- xi. whether the misconduct was motivated by the possession, or perceived possession, of a protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation).

D: DISCIPLINARY APPEAL PROCEDURE

Di. A reported student has the option to make a Disciplinary Appeal following conclusion of Stage 1 of the formal process in the case of alleged minor breaches of the Student Code of Conduct, or following the conclusion of Stage 2 of the formal process in the case of alleged major breaches of the Student Code of Conduct. The grounds for a Disciplinary Appeal against the outcome of a formal disciplinary process are:

- i) new material evidence available that could not be provided earlier. By material, we mean evidence that may alter the decision of the disciplinary and which could not be provided at the time of the investigation (minor cases) or the disciplinary committee (major cases).
- ii) evidence that the procedure applied did not follow this process or that the process followed was unfair.
- iii) the sanction is not proportionate or relevant to the code(s) breached.

Students subject to a Fixed Penalty Notice can also appeal against a Fixed Penalty Notice (FPN). The grounds for a Disciplinary Appeal against a **Fixed Penalty Notice (FPN)** are:

- a) mitigating circumstances offered with reasons why they could not be provided when issued with the FPN.
- b) evidence that the Fixed Penalty Notice Procedure has not been applied as set out in "A: Fixed Penalty Notice".
- c) evidence that the penalty is disproportionate to the breach.

Appeal against the outcomes of a Disciplinary Investigation or Disciplinary Committee	
Ground	
i. New material evidence available that could not be provided earlier. By material, we mean evidence that may alter the decision of the disciplinary, and which could not be provided at the time of the investigation (minor cases) or the disciplinary committee (major cases).	Grounds for Appeal accepted – resulting in either: a) The matter will be referred to the original Investigating Officer or Committee Chair, or b) A new investigation/Committee will be arranged at the earliest opportunity to consider the new evidence. The outcome may or may not result in any changes to the outcomes and any sanction imposed may be more/less severe. Grounds for Appeal not accepted- There will be no changes made to the decision or outcomes. A Completion of Procedures letter will be issued.
ii. Evidence that the procedure did not follow this process or that the process followed was unfair.	Grounds for Appeal accepted – resulting in a new investigation/Committee to consider the concerns afresh, with new people involved. The outcome may or may not result in any changes to the outcomes and any sanction imposed may be more/less severe. Grounds for Appeal not accepted- No procedural error is identified, and the original outcomes are confirmed as correct. A Completion of Procedures letter will be issued.

iii. The sanction is not proportionate or relevant to the code(s) breached.	Grounds for Appeal accepted resulting in the sanction(s) being reduced, amended or removed. Grounds for Appeal not accepted: No change to the sanction(s). These decisions will be reached via referral to the Investigating Officer/Disciplinary Chair, or a new investigating/Committee will be arranged at the earliest opportunity. The outcome of the consideration may or may not result in any changes to the outcomes.
Appeal against a Fixed Penalty Notice (FPN)	
a) Mitigating circumstances offered with reasons why they could not be provided when issued with the FPN.	Grounds for Appeal upheld resulting in the decisions being changed. Grounds for Appeal not accepted - There will be no changes made to the decision or outcomes. A Completion of Procedures letter will be issued.
Evidence that the Fixed Penalty Notice Procedure has not been applied as set out in "A: Fixed Penalty Notice".	Grounds for Appeal accepted resulting in: a) Decisions altered e.g.: dismiss the breach or amend the outcomes or sanctions. b) The FPN is removed and no further action is taken. c) A new FPN issued. d) Referral to a Disciplinary Committee to consider the concerns afresh. This may or may not result in any changes. Grounds for Appeal not accepted – No procedural error is identified; therefore no changes made to the decision or outcomes. A Completion of Procedures letter will be issued.
b) Evidence that the penalty is disproportionate to the breach.	Grounds for Appeal accepted resulting in: a) Sanction(s) reduced or amended b) Sanction(s) removed and no further action taken c) An outcome may be applied as an alternative to a sanction. Grounds for Appeal not accepted: No change to the sanction(s). A Completion of Procedures letter will be issued.

Dv. Where no grounds are evidenced: The appeal will not be progressed, and the reported student will be notified of this decision.

Dvi. Where grounds are evidenced: The information offered will be reviewed to decide if the appeal can be upheld or not.

Dvii. Where a new investigation/Committee is required, this will be arranged at the earliest opportunity, taking into account the minimum notice period for students.

Dviii. In all appeals, the decision of the manager regarding the grounds for appeal is final. You can expect to receive a decision within 10 working days of the date of receipt of your appeal.

Dix. **External Redress – Office of the Independent Adjudicator:** You will be provided with a Completion of Procedures letter when the internal appeal procedure is exhausted, explaining your right to appeal to the Office of the Independent Adjudicator (OIA) should you not be

content with the outcome of the internal appeal. Further information can be found at [Office of the Independent Adjudicator for Higher Education - OIAHE](#).

POLICY SCHEDULE	
Policy title	Student Disciplinary Procedure
Service responsible	Academic Registry
Policy lead contact (operational)	Student Casework Manager
Approving body	Academic Board
Date of first approval	July 2007 (for University of Cumbria)
Date of implementation	1 st August 2007
Version no.	2024/25
Related Procedures	Student Code of Conduct Prevention of Bullying Harassment and Sexual Misconduct Policy Precautionary Action and Student Suspension Procedure Fitness to Practise Procedure
Amendments approved and implemented	April 2026/August 2026
Review interval	3 years

Latest Revision:

December 2024	Triennial review: • Separation of Student Code of Conduct from Disciplinary Procedure • Removal of the disciplinary by correspondence option • Development of a separate Precautionary Actions and Suspension Procedure • Emphasis on Professional Body Codes of Conduct and alignment to Fitness to Practise Policy • Review of Disciplinary Appeal procedure to make grounds for appeal and decision making more explicit
June 2025	• Widening the pool of potential investigators from a registrant in the same field as the student to any registrant • Amending the consultation with/approval of the PSRB Lead to the PSRB Lead or member of the Institute's senior leadership team. • Adding a fixed penalty process for failure to complaint mandatory training relating to harassment and sexual misconduct.
June 2026	Significant changes to the procedure based on lessons learned including through OIA decisions, including • divorcing it completely from the Fitness to Practise procedure • Removing the three separate hearing at Stage 2 • Extending the powers of Investigating Officers • Clarifying rights of appeal