



# **STUDENT DISCIPLINARY PROCEDURE**

**2024/25**

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## **PART ONE: DISCIPLINARY PROCEDURE**

### **1. Introduction**

- 1.1 The Student Disciplinary Procedure sets out the range of steps the University can take when an allegation, concern or grievance is made against a student, or a group of students, to decide whether or not the Student Code of Conduct has been breached.
- 1.2 The Procedures also set 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.
- 1.3 These Procedures do not attempt to replace or replicate the law and are not a substitute for the criminal justice system. 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 these Procedures 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.
- 1.5 The Student Disciplinary Procedure will also form part of the Institute of Health & Institute of Education, Arts and Society's Fitness to Practice Policy when concerns are raised regarding fitness to practice due to conduct, behaviour or attitude of students/apprentices studying professionally regulated programmes.

### **2. Scope**

- 2.1 The Student Disciplinary Procedures apply, but may not be limited to:
  - Any alleged breaches of the Student Code of Conduct
  - Any alleged breaches of a relevant Professional, statutory and regulatory body Code of Conduct (where these apply) or other requirement (where this is within the University's remit)
  - Alleged breaches of the Student Code of Conduct or PSRB code of conduct (where these apply) arising from the outcomes of a Fitness to Practice Professional Practice Case Conference, in respect of issues of "Good Character": behaviour, conduct or professionalism.

- 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;
  - A member of staff of the University;
  - A 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 3<sup>rd</sup> party may be agreed as an assessed reasonable adjustment where a student has a disability, including Specific Learning Differences (SpLD). Written consent will be requested from the student.

### **3. Principles**

- 3.1 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 Disciplinary Procedure is underpinned by the principle of 'natural justice.' If an allegation is made against a student, they 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 pre-judging 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 including 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 If a student has notified the University of what they believe to be a breach of the Student Code of Conduct and/or the relevant PSRB Code of Conduct

(where this applies), they 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 (students, staff, and members of the public).
- Receive information about any steps the University will take to ensure that they can continue to study in a safe and supportive environment

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 that the University does not disclose their identity to the student(s) alleged to be in breach. 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. See 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 and/or the relevant PSRB Code of Conduct (where this applies). 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

#### **4. Equality, Diversity and Inclusion**

- 4.1 The University of Cumbria is committed to providing an inclusive environment, where staff, students and visitors are encouraged to be their true self, in order 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.
- 4.2 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.
- 4.3 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.
- 4.4 The Student Disciplinary Procedure and its implementation 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.

## 5. Confidentiality

- 5.1 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.
- 5.2 The University may disclose information:
- to those who need to know in order 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 purposes 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).
- 5.3 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.
- 5.4 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.

- 5.5 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.

## **6. Involvement of the Police**

- 6.1 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.
- 6.2 In the event that the police decide not to proceed with a case or that criminal proceedings have returned a 'not guilty' verdict the University may still progress action under these Procedures.
- 6.3 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.
- 6.4 Where a finding of misconduct has been made under these Procedures, and a student has also received a penalty as a result 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. Information, support, advice and guidance for students**

- 7.1 Students who are alleged to have breached the Student Code of Conduct and/or the relevant PSRB Code of Conduct (where this applies) will receive information when the University's Disciplinary 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.
- 7.2 Students' Union: 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.
- 7.3 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](#).
- 7.4 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.
- 7.5 The Investigating/Disciplinary Officer, (the staff member leading the disciplinary appointment), 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.
- 7.6 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](mailto:ukvicompliance@cumbria.ac.uk)).

## **8. Policy Review and Reporting**

8.1 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.

## **9. External Redress – Office of the Independent Adjudicator**

9.1 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.

9.2 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**

### **10. Raising an allegation or concern**

10.1 A disclosure of an alleged breach of the Student Code of Conduct and/or the relevant PSRB Code of Conduct (where this applies) 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 | MyCumbria](#) You Report We Support tool. 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.

- 10.2 Students can make an anonymous disclosure of misconduct via the University's online reporting tool. However, no formal action under these Procedures against a particular student will be taken 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 student subject to the proceedings to do so. Anonymous information may be used to identify trends and shape our prevention and support provision.
- 10.3 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 and/or the relevant PSRB Code of Conduct (where this applies) should be submitted via email to the Student Procedures team ([studentprocedures@cumbria.ac.uk](mailto: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.
- 10.4 If the responding 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/Disciplinary Officer (and IOH FTP Lead where the student is studying an Institute of Health programme subject to PSRB regulations).

## **11. The Disciplinary Procedure operates in clearly defined stages:**

- 11.1 **Initial assessment:** 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).
- 11.2 **Outcome of initial assessment:** If the initial assessment finds there are grounds to believe a breach of the Student Code of Conduct and/or the relevant PSRB Code of Conduct (where this applies) may have occurred, the process will move to the relevant next stage.
- 11.3 **Informal resolution:** If the allegation is such that an informal resolution may be reached 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 with the student.

## **12. Formal Process part 1: Disciplinary Investigation**

- 12.1 A disciplinary investigation is used to determine whether or not a student has breached the University's Student Code of Conduct and/or the relevant PSRB Code of Conduct (where this applies). Although an allegation, concern or grievance must be supported by evidence, the investigation is not intended to replicate a legal process. Decisions are made based on:
- the weight of information available and
  - balance of probabilities (ie, whether something is more likely than not to have happened)
- 12.2 The burden of proof is on the University to establish a breach of the Student Code of Conduct. and/or the relevant PSRB Code of Conduct (where this applies).
- 12.3 An appropriately trained Investigating Officer will be appointed. If the student is studying on a professionally regulated programme, and the allegation concerns or could concern the relevant PSRB Code of Conduct the Investigating Officer must be a registrant from the same profession. When the alleged breach of the Student Code of Conduct and/or relevant PSRB 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.
- 12.4 The role of the Investigating Officer is to investigate the facts of the case, and to gather all relevant information and evidence and to make recommendations as to findings and outcome. This will include information and evidence from the student subject to the allegation.
- 12.5 Where the reported student is studying a programme subject to PSRB regulations the Investigating Officer will ensure that the investigation includes evidence and guidance from the (internal) PSRB academic lead and evidence/statements/reports from the relevant practice/placement lead (if the alleged breach occurred in the practice learning setting).
- 12.6 At the conclusion of the investigation, the Investigating Officer will furnish a report to the Student Procedures team.
- 12.7 The Student Procedures team will review the outcome of the investigation and

take into account any considerations from external bodies involved (Police, LADO and professional bodies) and then determine the appropriate outcome, giving reasons. This may be:

- no further action
- informal advice
- the issuing of a Fixed Penalty Notice, where the reported student admits to the breach/takes responsibility for the allegation and no further investigation is required (see Procedure section A)
- proceed to Formal Stage 2 (Disciplinary Procedure).

- 12.8 Where the reported student is studying on a programme subject to PSRB regulations, the Student Procedures team will include input from the relevant internal FTP/PSRB lead prior to determining the appropriate outcome.
- 12.9 The student who is subject to the allegation has the right to request a review of the outcome of Formal Process part 1, including the conduct and outcome of the investigation and the decision of the Student Procedures Team. The student against whom the allegation is made still has the right to request a review of the outcomes of Formal process part 1 if they have not engaged with the process. A review will be carried out by an impartial manager in the Academic Registry team and will consider whether Formal Process part 1 has been applied in accordance with these procedures and fairly. If it has, no further action will be taken. If it has not, the manager will determine what action is needed to remedy the defect identified.
- 12.10 If the student has notified the University of what they believe to be a breach of the Student Code of Conduct, the student may be asked to take part in a disciplinary hearing following a formal investigation, as a witness. It may sometimes be necessary for the Student Procedures team or the Disciplinary Officer to ask the student for information or to clarify an element of the facts found in the investigation.
- 12.11 A student who is subject to a Disciplinary process following the outcome of a formal investigation is expected to attend the appointment, or reply to correspondence, to offer their response as part of the process of investigation. The student can offer mitigating circumstances for consideration at the investigation stage.
- 12.12 If the responding 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 Disciplinary

Officer. The student against whom the allegation is made still has the right to request a review of the outcomes of Formal process part 1 if they have not engaged with the process.

### **13. Formal Process part 2: Disciplinary Hearing**

- 13.1 The Formal process part 2 is invoked when the Student Procedures team has determined at the conclusion of Formal process part 1 that it is proportionate to require the student to participate in a formal disciplinary hearing. This may be because of the seriousness of the alleged breach, or because it is not possible fairly to make the necessary findings of fact (or determination of sanction) without a hearing.
- 13.2 The way that disciplinary hearings are conducted, and the seriousness of the penalties they may impose, have been designed to enable decisions to be taken fairly and in proportion to the behaviour being addressed.
- 13.3 There are three levels of disciplinary hearing. The Student Procedures team, with input from the relevant FTP Lead/PSRB lead (where the reported student is studying on a programme subject to PSRB regulations), will determine which of these is appropriate for the Formal process Part 2, using the criteria below and based on the findings of the Formal Process part 1 investigation findings:
- Disciplinary Meeting (Procedure section B). Used to address minor programme-related misconduct, minor concerns about meeting professional body requirements or minor accommodation-related allegations.
  - Disciplinary Interview (Procedure section C). Used to consider more significant or disruptive misconduct, more significant concerns about meeting professional body requirements, non-compliance with other procedures and/or an accumulation of minor breaches.
  - Disciplinary Committee (Procedure section D). Used to consider allegations/notifications of serious misconduct, breach of professional body standards including implications for public safety, highly disruptive non-compliance with other procedures and/or a large and persistent accumulation of minor breaches.

### **14. Principles for disciplinary hearings**

- 14.1 A Disciplinary Officer will be appointed to convene the hearing and,

when convening a disciplinary committee with FTP considerations, will liaise with the relevant FTP Lead to ensure the panel is composed of the required members (refer to 14.13 - 14.15) This will be a member of University staff, the seniority of whom will be appropriate to the level of the disciplinary hearing and who was not the Investigating Officer. Where the reported student is studying a programme subject to PSRB regulations the Disciplinary Officer will be a senior academic and current registrant (Principal Lecturer or above). The Disciplinary Officer should not be from the same profession as the student (in the Institute of Health). Disciplinary Officers must be fully conversant of PSRB requirements with regards to conduct and behaviour and will liaise with the relevant (internal) FTP/PSRB academic lead to ensure that the process meets any specific PSRB requirements.

- 14.2 Administrative support for the disciplinary hearing is provided by the Academic Registry for Disciplinary Committees.
- 14.3 In advance of any level of disciplinary hearing, the responding student will be sent a letter (normally via their student email address) which may include additional information detailing the allegations, the investigation findings, the evidence relied on, and explaining how it is believed the Student Code of Conduct and/or the relevant PSRB Code of Conduct (where this applies) has been breached. This letter will also explain the student's entitlements and the expectations for the hearing. 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.
- 14.4 A student who has a disability/specific learning difficulty should inform the Disciplinary Officer of the reasonable adjustments needed to assist them during the Disciplinary hearing. It may be necessary to change the date of the hearing 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.
- 14.5 The Disciplinary hearing can be put on hold if the 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 Disciplinary Officer may decide it is necessary to refer the student for an occupational health assessment and/or obtain medical reports before continuing with the hearing.
- 14.6 The student alleged to have breached the Student Code of Conduct and/or

the relevant PSRB Code of Conduct (where this applies) is required to attend the hearing. It is possible for the disciplinary hearing to be held by Teams or phone if, for example, the student is on placement, on a course that does not take place on a university campus, or is abroad at the time of the hearing. The decision will be made by the Disciplinary Officer.

- 14.7 The student may contact the Disciplinary Officer/Committee secretary to request an alternative appointment time or written response deadline, but changes cannot always be guaranteed.
- 14.8 If the student does not attend the appointment or does not reply to Correspondence decisions may be made in their absence, including findings that misconduct has occurred and the imposition of sanctions.
- 14.9 The student may take a member of the Students' Union or a University friend, not involved in the allegation, to the disciplinary hearing for support, or to assist in writing a reply. However, it is expected that the student will engage directly with the Disciplinary Officer and panel or committee members during the hearing.
- 14.10 The 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 any disciplinary meetings or hearings 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 hearing directly or ask questions of any witness.
- 14.11 If the student believes it is justified in the circumstances to have legal representation and wishes them to address the hearing directly or ask questions of any witness, the student should make these reasons known to the Disciplinary Officer at least 5 working days in advance of the meeting or hearing. If the meeting has been arranged to take place within 5 working days, the student should make their reasons known as soon as possible to the University Disciplinary Officer. This should be done via the Student Procedures email: [studentprocedures@cumbria.ac.uk](mailto:studentprocedures@cumbria.ac.uk). If the Disciplinary Officer believes the student has established exceptional circumstances for legal representation, it will be permitted. These grounds may include:
- The seriousness of the allegation(s)



- 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

14.12 The University will not pay for a student's legal representation.

14.13 The Disciplinary Officer may ask a relevant member of the student's academic institute and/or professional/ regulatory body\*\* to attend or contribute to the disciplinary hearing. Any additional people (not including witnesses – see section 15 below):

- Will be relevant to the allegation and are invited to help inform discussions
- May sit in for the whole or only part of the hearing as relevant
- May form part of the final decision making.

14.14 Where the reported student is studying a programme subject to PSRB regulations, and the Disciplinary hearing is at Committee level, the representation on the Disciplinary Committee should be a standard membership to include:

- Disciplinary Officer (Chairing) (senior Institute academic and current registrant: Principal Lecturer or above). The Chair should not be from the same profession as the student, however they must be fully conversant of PSRB requirements with regards to conduct and behaviour
- A representative of the Students' Union, not previously involved in the case
- Relevant academic PSRB lead or a relevant member of the student's academic Institute (for example the Principal Lecturer) who has knowledge and expertise in their programme's PSRB requirements
- Academic registrant from a different field of practice to that of the student

\*\*An external representative from the student's field of practice will be in attendance where the Disciplinary Officer has identified that there are alleged professional body compliance/expectation implications if either: a) it is alleged that the relevant PSRB student Code of Conduct (where these are present, for example HCPC) has been breached; or b) it is alleged that the student has not upheld the expectations/standards of the relevant PSRB Code of Conduct. This person:

- Will be impartial and have no prior knowledge of the student or the events leading to the allegation
- Will be an active committee member, will contribute to the final decision

making process and will be invited to inform discussions from the perspective of the field of practice/employment

- Will be required to attend for the whole of the Committee as relevant.

14.15 The Disciplinary Officer (and committee members in the case of a Disciplinary 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.

14.16 An additional note taker may be present, to take notes to inform the Action Plan or Short Report.

14.17 At any point, the Disciplinary Procedure can be adjourned:

- So further information can be obtained before decisions can be made, including follow up with a person not present at the appointment
- To obtain further information/evidence

14.18 If new information does become available, the student will receive a copy of the new information and be given time to consider it before the Committee is reconvened.

## **15. Use of witnesses**

15.1 A witness is defined as someone who can confirm whether or not all or part of the facts underlying an allegation did occur. A witness is not called for the purpose of giving a character reference.

15.2 Both responding student and the investigating officer by way of the Disciplinary Officer can ask one or more witnesses to attend the disciplinary hearing. The Disciplinary Officer will name any witnesses in the letter sent in advance of the hearing. The student must tell the Disciplinary Officer in advance if they are bringing a witness and give their name. At the appointment, the Disciplinary Officer will ask the witness to confirm that they are willing to act as a witness. Witnesses may be called into the appointment at the relevant point in discussions and are normally not present through the whole of the appointment.

15.3 The responding student will not be permitted to cross-examine

witnesses directly; they may address questions to the Disciplinary Officer, who will relay questions to the witness if the Disciplinary Officer believes it is appropriate.

## **16. Outcomes of Disciplinary and case documents**

- 16.1 After consideration of the information available, the hearing 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
  - (c) To escalate to the next level disciplinary hearing for further consideration, or a more serious sanction
- 16.2 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 may be amended periodically (see section "E. OUTCOMES AND SANCTIONS" below).
- 16.3 Where appropriate, signposting to internal or external services may be recommended e.g. GP, counsellor or occupational health.
- 16.4 If it is found that the Student Code of Conduct and/or the relevant PSRB Code of Conduct (where this applies) has been breached, the student involved will receive an Action Plan or Short report for reference. A further copy will be placed on their student file. In some cases, it may be copied to a relevant external body. The student will be given information about the Disciplinary Appeal Procedure (see also section "F: DISCIPLINARY APPEAL PROCEDURE" below).
- 16.5 If no codes are found to have been breached, the student will receive a copy of the Action Plan or Short Report but a copy will not be placed on their student file. A copy will be stored by the Academic Registry for anonymous statistical purposes and in time, destroyed in accordance with the University's records retention policy.

## **17. Appealing against the outcomes and the Office of the Independent Adjudicator**

- 17.1 A student may appeal against the decisions made through a disciplinary hearing, Formal Process part 2, subject to the grounds set out in Section F.
- 17.2 If all internal appeal routes have been exhausted the student will

receive 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. See section "F: DISCIPLINARY APPEAL PROCEDURE" below and Procedure section 9. External Redress – Office of the Independent Adjudicator."

## A: FIXED PENALTY NOTICE PROCEDURE

In the tables that follow, “you” means a student who is alleged to have breached the Student Code of Conduct.

A1. A Fixed Penalty Notice may be issued where all of the following criteria are met:

- i) An incident is reported to the University.
- ii) You are 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) You admit to the breach/take responsibility for the allegation and no investigation is required. You can request a Disciplinary Meeting as an alternative to accepting a fixed penalty notice.

A2. Outcomes and sanctions:

<b><i>Anti-Social behaviour:</i></b>	<b><i>Contravention of health and safety regulations:</i></b>
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 activated 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.

- A3. More than one incident can be included on one Fixed Penalty Notice form, provided they all comply with A1 above.
- A4. A copy of the Notice will be placed on your student file.
- A5. Where a financial penalty is applied, you are required to pay the fine when you 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.
- A6. You may appeal, subject to grounds, as explained on the Fixed Penalty Notice form.

## **B: DISCIPLINARY MEETING PROCEDURE**

Disciplinary hearings – part of Formal process part 2, following a formal investigation of an allegation:

### **Sections 14, 15 and 16 of the Disciplinary Procedure above all apply to the procedure for a Disciplinary Meeting.**

- B1. Minor misconduct may be addressed by a Disciplinary Officer (without any other panel members) who is for example, but not limited to:
- a member of your academic team – (addressing poor/non-attendance, minor unprofessionalism, disruptive behaviour)
  - an Accommodation Officer – (addressing minor breaches of health and safety regulations or anti-social behaviour if you have received a Fixed Penalty Notice and prefer to meet face to face).
- B2. A Disciplinary Meeting will be conducted and you will be given a chance to put your account of events to the Disciplinary Officer. Outcomes and/or sanctions may be applied from a Disciplinary Meeting and will be set out on an Action Plan.
- B3. If you do not attend the appointment and have not offered reasons in advance, decisions can be made in your absence.
- B4. If you do not comply with the Action Plan you may be referred to a Disciplinary Interview or Disciplinary Committee for further consideration.

## **C: DISCIPLINARY INTERVIEW PROCEDURE**

**Sections 14, 15 and 16 of the Disciplinary Procedure above all apply to the procedure for a Disciplinary Interview.**

C.1 A Disciplinary Interview is chaired by a Disciplinary Officer who convenes a panel including one other member of university staff and a representative of the Students' Union. The case will be presented by either the Investigating Officer, a Principal Lecturer, or a senior member of staff from Student Services or Academic Registry.

Where the reported student is studying a programme subject to PSRB regulations the Disciplinary Officer will be a relevant senior academic PSRB lead or a relevant member of the student's academic Institute (for example the Principal Lecturer) who has knowledge and expertise in their programme's PSRB requirements.

An external representative from the student's field of practice will be in attendance where the Disciplinary Officer has identified that there are alleged professional body compliance/expectation implications if either: a) it is alleged that the relevant PSRB student Code of Conduct (where these are present, for example HCPC) has been breached; or b) it is alleged that the student has not upheld the expectations/standards of the relevant PSRB Code of Conduct.

C2. A Disciplinary Interview may be arranged in, but is not limited to, the following circumstances:

- a) As a result of a determination at the end of the Formal process part 1 that a formal investigation has found sufficient evidence of a breach of the student code of conduct and the allegation if proved is more serious than one which could be dealt with by a Meeting
- b) As a result of non-compliance with the requirements of a Disciplinary Meeting or Fixed Penalty Notice
- c) To review a University initiated suspension.

C3. You will be given a minimum of 3 working days' notice of the Interview. You may be required to give apologies to prior engagements, including lectures, placement, work and commitments if the appointment is during term time. A Disciplinary Interview will be conducted and you will be given a chance to put your account of events to the panel. If you do not attend the appointment and have not offered reasons in advance, decisions can be made in your absence.



C4.If you are found to have breached the code of conduct and/or the relevant PSRB Code of Conduct (where this applies), outcomes and/or sanctions may be applied and you will be sent information explaining the Disciplinary Appeal Procedure.

C5. If you do not comply with the outcomes or sanctions, you may be referred to a further Disciplinary Interview or Disciplinary Committee for further consideration.

## **D: DISCIPLINARY COMMITTEE PROCEDURE**

**Sections 14, 15 and 16 of the Disciplinary Procedure above all apply to the procedure for a Disciplinary Committee.**

The Disciplinary Committee will consist of a Chair (the Disciplinary Officer), an independent University staff member and a representative of the Students' Union, not previously involved in the case, unless the committee is to consider fitness to practice issues in which case it will be constituted in accordance with clause 14.14 above.

The Investigating Officer will prepare and present the case, except where the hearing arises from another process. Where the appointment is convened to consider the outcome of a professional practice case conference, a major malpractice finding, a criminal conviction, if there are professional body concerns in respect of the future protection and safeguarding of the public, or as a consequence of non-compliance with previous disciplinary processes, the case will be presented by a Principal Lecturer, or a senior member of staff from Student Services or Academic Registry.

You will be given a minimum of 10 working days' notice of the Committee. You may be required to give apologies to prior engagements, including lectures, placement, work and commitments if the appointment is during term time.

### **D1. Disciplinary Committee**

- a) The Committee will normally, although not exclusively, be arranged, for example:
  - Where an allegation is believed to be more serious than one which could be dealt with at a Disciplinary Interview
  - Where there is evidence of an accumulation of concerns
  - To consider the implications of the outcome of a Major Malpractice Panel
  - To consider the implications of the outcome of an external investigation (criminal or professional body etc.)
  - To consider if there are professional body concerns in respect of the future protection and safeguarding of the public.
  
- b) The Disciplinary Panel will determine its own procedure but this will; usually consist of the presentation of the case against the student, including evidence from any witnesses called by the presenting officer, followed by presentation of the responding student's case, including evidence from any witnesses called by that student. The presenting officer and the student may be allowed to make short closing

presentations which may include submissions on appropriate sanction, if misconduct were found to be proved.

- c) If you do not attend the appointment and have not offered reasons in advance, decisions can be made in your absence.
- d) If you are found to have breached the code of conduct and/or the relevant PSRB Code of Conduct (where this applies), outcomes and/or sanctions may be applied and you will be sent information explaining the Disciplinary Appeal Procedure.

## **E: OUTCOMES AND SANCTIONS**

### **E1. Disciplinary Meeting**

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

- a) A requirement to fulfil an action plan outlining appropriate performance targets by the Disciplinary or Accommodation Officer.
- b) 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).
- c) A recommendation/requirement to undertake personal/professional development/ counselling and/or seek medical advice.
- d) Receiving a formal and recorded oral warning.
- e) Receiving a formal and recorded written warning.
- f) Making a written or oral apology.

For Meetings that take the place of a Fixed Penalty Notice, the same outcomes and sanctions can be applied as for a Fixed Penalty Notice.

### **E2. Disciplinary Interview**

Examples of outcomes and sanctions include:

- a) to f) above
- g) 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 cost of repair or replacement for damage to university accommodation is required, this will be invoiced by the Accommodation office, separately to any fines.
- h) A requirement to move to alternative University residences (where you live in University-managed accommodation and the accommodation contract permits).
- i) A notice being held on file barring future residence within University residences.

- j) Being prohibited from entering specified University residences (whether you are a resident or not).
- k) Receiving a fine up to a maximum of £75.00 (Disciplinary Interview) for each breach of the Student Code of Conduct or the relevant PSRB Code of Conduct (where this applies).

The total fine amount will be capped at £400 (Disciplinary Interview) for multiple breaches.

All or part of a fine can be suspended. However, if there are further breaches of the Student Code of Conduct or the relevant PSRB Code of Conduct (where this applies), 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.

### **E3. Disciplinary Committee**

Examples of outcomes and sanctions include:

a) to k) above.

- l) 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.
- m) 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.
- n) A fine up to a maximum of £150.00 for breach of the Student Code of Conduct or the relevant PSRB Code of Conduct (where this applies). 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.

- o) 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 of time. 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 of time to be decided when the sanction is applied, but which will, normally, be no longer than twelve months.

- iii. Withdraw you from the professional element of your programme of study, with a recommendation to consider alternative academic options for example, but not limited to, an exit award without the professional element, transfer to a non-professional route where regulations allow.
- iv. 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.

- p) 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 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.

## F: DISCIPLINARY APPEAL PROCEDURE

Fi. You have the option to make a Disciplinary Appeal following conclusion of part 2 of the formal process (covering Disciplinary meeting, Disciplinary investigation and Disciplinary committee).

The grounds for a Disciplinary Appeal against the **outcome of a formal disciplinary process** are:

- i) You have 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 your disciplinary.
- ii) You have provided evidence that the procedure for your Disciplinary did not follow this process or that the process followed was unfair.
- iii) You believe the sanction is not proportionate or relevant to the code(s) breached.

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

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

Fii. You should complete the "**Disciplinary Appeal Form**" available on line 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. You must:

- Include all information you wish to be considered when submitting your Disciplinary Appeal. We may not accept additional information later, unless you can tell us good reasons why it could not be included with your appeal form.
- List any documents attached to support your disciplinary appeal if applicable.
- Have the permission of any third party (e.g.: other students, staff etc.) before naming them in a statement.

Fiii. Appeals should be emailed to [studentprocedures@cumbria.ac.uk](mailto:studentprocedures@cumbria.ac.uk), within 10 working days of the date of notification of the outcome.

Fiv. Grounds for Appeals are normally considered by a manager (Grade 7 or above) within the Academic Registry. On receipt of all appeals, an initial

assessment will confirm whether grounds have been identified and evidenced and make a material difference to the original decision. Clarification and/or additional information may be requested from you if necessary and this may extend the timeframe for considering your appeal.

The potential outcomes of a Disciplinary Appeal are summarised in the table below. Decisions will be reached via referral from the Academic Registry Manager to either the original Disciplinary Officer or Committee Chair, or to a new Disciplinary.

<b>Appeal against the outcomes of a Disciplinary Meeting, Disciplinary Interview or Disciplinary Committee</b>	
<b>Ground</b>	
i. You have 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 your disciplinary.	<p><b>Grounds for Appeal accepted</b> – resulting in either:</p> <p>a) The Disciplinary will be referred to the original Disciplinary Officer or Committee Chair, or</p> <p>b) A new full, new Disciplinary will be arranged at the earliest opportunity (referred to a new Disciplinary Officer or Committee) to consider the new evidence. The outcome of the consideration may or may not result in any changes to the outcomes.</p> <p><b>Grounds for Appeal not accepted-</b> There will be no changes made to the decision or outcomes.</p>
ii. You have provided evidence that the procedure for your Disciplinary did not follow this process or that the process followed was unfair.	<p><b>Grounds for Appeal accepted</b> – resulting in:</p> <p>a) A new disciplinary to consider the concerns afresh, with new people involved will be arranged. The outcome of the new disciplinary may or may not result in any changes to the outcomes.</p> <p><b>Grounds for Appeal not accepted-</b> No procedural error is identified and the original outcomes are confirmed as correct.</p>
iii. You believe the sanction is not proportionate or relevant to the code(s) breached.	<p><b>Grounds for Appeal accepted-</b> resulting in either:</p> <p>a) Sanction(s) being reduced or amended.</p> <p>b) Sanctions being removed.</p> <p><b>Grounds for Appeal not accepted:</b> No change to the sanction(s).</p> <p>These decisions will be reached via referral to</p>



	<ul style="list-style-type: none"> <li>the original Disciplinary Officer or Committee Chair, or</li> <li>a new full, new Disciplinary will be arranged at the earliest opportunity. The outcome of the consideration may or may not result in any changes to the outcomes.</li> </ul>
<b>Appeal against a Fixed Penalty Notice (FPN)</b>	
a) You can offer mitigating circumstances and reasons why they could not be provided when issued with the FPN.	<p><b>Grounds for Appeal upheld</b> – resulting in:</p> <p>a) Decisions are changed or amended.</p> <p><b>Grounds for Appeal not accepted</b> - There will be no changes made to the decision or outcomes.</p>
b) You have evidence that the Fixed Penalty Notice Procedure has not been applied as set out in “A: Fixed Penalty Notice”.	<p><b>Grounds for Appeal accepted</b> – resulting in:</p> <p>a) Decisions altered e.g.: dismiss the breaches or amend the outcomes or sanctions.</p> <p>b) The FPN is removed and no further action is taken.</p> <p>c) A new FPN issued.</p> <p>d) The concerns are referred to a Disciplinary Interview to consider the concerns afresh. This may or may not result in any changes.</p> <p><b>Grounds for Appeal not accepted</b> – No procedural error is identified, therefore there will be no changes made to the decision or outcomes.</p>
c) You have evidence that the penalty is disproportionate to the breach.	<p><b>Grounds for Appeal accepted</b> – resulting in:</p> <p>a) Sanction(s) reduced or amended</p> <p>b) Sanction(s) removed and no further action taken</p> <p>c) An outcome may be applied as an alternative to a sanction.</p> <p><b>Grounds for Appeal not accepted:</b> No change to the sanction(s).</p>

Fv. Where no grounds are evidenced: The appeal will not be progressed and you will be notified of this decision.

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

Fvii. Where a new disciplinary is required, the appointment will be arranged at the earliest opportunity, taking into account the minimum notice period for students, as described in Sections C, D and E above.

Fviii. In all appeals, the decision of the Academic Registry 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.

Fix. **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](#).

<b>POLICY SCHEDULE</b>	
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 <sup>st</sup> 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
Amendments approved and implemented	January 2025
Review interval	3 years

**Latest Revision:**

December 2024	<p>Triennial review:</p> <ul style="list-style-type: none"> <li>• Separation of Student Code of Conduct from Disciplinary Procedure</li> <li>• Removal of the disciplinary by correspondence option</li> <li>• Development of a separate Precautionary Actions and Suspension Procedure</li> <li>• Emphasis on Professional Body Codes of Conduct and alignment to Fitness to Practise Policy</li> <li>• Review of Disciplinary Appeal procedure to make grounds for appeal and decision making more explicit</li> </ul>
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