

# STUDENT PRECAUTIONARY ACTIONS AND SUSPENSION PROCEDURE

<b>POLICY SCHEDULE</b>	
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# University of Cumbria

## Student Precautionary Actions and Suspension Procedure

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# University of Cumbria

## Student Precautionary Actions and Suspension Procedures

### 1. Introduction

- 1.1. This document sets out the University of Cumbria's Student Suspension Procedure within the context of the Student Code of Conduct, Disciplinary Policy and Procedure and the Fitness to Study and Fitness to Practise Policies and Procedures. The Procedure applies to all students delivered by the University (including learners registered on a University of Cumbria Apprenticeship). Students enrolled with other institutions will be subject to the Disciplinary procedures of their own institution or organization.
- 1.2. The University reserves the right to risk assess concerns about, or allegations against, a student at any point and impose any precautionary action we consider appropriate. If, after receiving information about an allegation, there is a concern about risk to any party involved, the University has an obligation to consider the risk and implement measures before a full investigation can take place. Any actions taken to manage risk are known as precautionary actions.
- 1.3. Sections 3.6 and 3.7 of the University's Disciplinary Procedure explain that as a precautionary measure, the University may take the decision to suspend a student, either fully or in part, as an initial response to the seriousness of allegations or concerns that have arisen. Precautionary action and suspension refer to the application of certain restrictions to either studies and/or access to services, facilities and activities whether on campus, University accommodation or placement.
- 1.4. Precautionary actions and suspensions are implemented "without prejudice". Without prejudice means that we have not made any decisions, at the time of the suspension, about what the outcome may be or any investigation into the concerns

raised. However, suspension “without prejudice” does not mean there will be no impact on the student.

- 1.5. Other procedures can be used to instigate a break in learning for reasons other than disciplinary and conduct, such as intercalation. These should be considered alongside risks to others, academic continuity, accommodation and finances, and the student’s health and wellbeing.
- 1.6. Precautionary actions are based on a risk assessment of the known circumstances. This includes risk to/from the student who is subject to the precautionary action, other students, University staff, or the wider community. Every effort will be made to maintain academic continuity where possible.

## **2. Risk assessment**

- 2.1. The University will assess every situation individually and where possible, reasonable notice will be given of any precautionary action decision. However, on occasion it may be necessary to take some precautionary actions immediately.
- 2.2. If a member of staff should become aware of circumstances that may necessitate precautionary action, they should make contact with the Student Procedures Team and/or the Head of Student Support.
- 2.3. Where possible, requests for precautionary action should be supported with material evidence. Evidence supports the University to establish a timeline of events and is used to inform the risk assessment process.
- 2.4. Evidence can include, but is not limited to:
  - Emails, screenshots, timelines, written summaries of meetings, etc.
  - Audio and/or video recording can be submitted with the full and written consent of all individuals in the recording to have it shared with the University.
  - Information provided either verbally or in writing by the Police.

- 2.5. If the information about the student concerned has come through a report from another student or third party, who has an involvement in the issue raised, then the reporting student's and third party consent should be sought for any sensitive personal data to be included [and a risk assessment conducted].
- 2.6. On receipt of the request for precautionary action, Student Procedures will check if the student is subject to United Kingdom Visas and Immigration (UKVI) compliance and seek advice from either the Head of Admissions or the Admissions Manager (Compliance) on any potential visa implications.
- 2.7. A Precautionary Action risk assessment (see Appendix A) will be undertaken by a panel of at least 2 of the following roles:
- Student Casework Manager
  - Head of Student Support\*
  - Director of Student Services\*
  - Pro-Vice Chancellor (Student Journey and Academic Registrar)
  - Dean for Student Success

\*for cases involving safeguarding concerns the Head of Student Support or Director of Student Services must be involved in the risk assessment panel.

2.7.1. Other colleagues, e.g. senior staff responsible for the student's academic programme, may also be consulted as part of the risk assessment process.

2.7.2. The Student Casework Officer/Student Procedures Team representative should also be in attendance for notetaking and communication of outcomes with the student.

2.7.3. Precautionary action risk assessments should be considered a priority as vital University business, and attendance at a panel may override other scheduled meetings or activity.

2.8. The risk assessment will consider:

- the nature of the concerns raised;
- the relationship between the reporting student (who is reporting the concerns) and the reported student (who the concerns are about) (where relevant);
- any evidence from third parties;
- the nature of the programme the student is on;
- any Professional, Statutory and regulatory body requirements associated with the programme;
- the living arrangements of the relevant students;
- any known disability or mental health considerations;
- how a repetition of the circumstances which led to the allegation can be avoided;
- the risk of any alleged victims or potential witnesses being subject to interference;
- the risk of the student's continued presence being a source of disruption to the University or any part thereof;
- any risks to the University community;
- any police action being taken;
- any potential visa implications in relation to engagement
- any potential impact on the university's reputation.

### **3. Precautionary actions**

3.1. Temporary Conditions

3.1.1 Following the risk assessment process, the University may impose immediate conditions to ensure that a full and proper investigation can be carried out and/or to safeguard the student or others while the incident is being considered.

3.1.2 Temporary conditions may include the student:

- Being required to move to an alternative room/flat/block in university accommodation or to leave their accommodation on campus
- Being given specific arrangements for when they can attend campus
- Being required to temporarily pause attendance at a placement setting
- Being told not to contact certain students or staff,

either in person or via social media or other messaging service (directly or indirectly)

- Being prevented from entering some university premises, such as halls of residence, Sports facilities, the library or the Students' Union offices.

- 3.1.3 This is not an exhaustive list of the conditions that may be imposed.
- 3.1.4 The details of any conditions imposed, together with the reasons for the decision, will be communicated to the student as soon as is reasonably practicable. Where possible the decision and the conditions will be communicated in person, however the student will also receive a written notification. The Conditions Notice will be shared with staff involved in the disciplinary investigation process and, where appropriate, with the student's academic institute and/or Accommodation staff. If the student is on a regulated programme, any concerns that a student's fitness to practice may be impacted will be considered under the University's Fitness to Practice Policy.
- 3.1.5 The academic profile of a student subject to one or more Temporary Conditions may be presented to assessment boards and the outcomes communicated to the student.
- 3.1.6 Where the Temporary Conditions require the student to move out of University Accommodation, the Conditions Notice will detail whether the University will support the student to find alternative accommodation.
- 3.1.7 Where appropriate, the University may also inform the reporting party of any relevant conditions imposed. The University expects that there will be no contact between the reporting party and the reported student during the investigation, and any subsequent disciplinary process.
- 3.1.8 The University will review the Conditions Notice on a monthly basis, as set out at section 5, or in the event of a material change in the circumstances of the case. The length of the suspension will also be kept under review. The student will be informed in writing of the review outcome together with the reasons for the decision within 10 working days of the decision being made.



## 3.2. Suspension

3.2.1 It may be considered necessary to move to formally suspend the student from their studies and the University and/or placement if the risk assessment determines:

- there is a serious risk to the reporting or reported student's health, safety or wellbeing, or that of others, which may only be mitigated by a suspension of studies;
- such action is required to support any bail conditions set as part of a police investigation;
- the student has been accused of a serious allegation or concern which may be a breach of the disciplinary policy or a criminal offence
- suspension is an appropriate action in accordance with the Professional, Statutory or Regulatory requirements of the programme's Professional body;

or

- the student has failed to abide by the Temporary Conditions previously notified to them.

3.2.2 In all cases the relevant Dean or Director of Institute must be made aware of any plan to suspend a student.

3.2.3 Where the risk assessment has determined suspension to be the appropriate precautionary action a Suspension Request, including the risk assessment documentation, will be escalated to a Pro Vice Chancellor (PVC) who has not been involved previously) for approval by the Student Procedures representative.

3.2.4 Whilst all precautionary measures are implemented without prejudice it is acknowledged that suspension may impact on a student's ability to continue with study in the same way.

3.2.5 The decision to suspend the student, together with the reasons for the decision, will be communicated to the student as soon as is reasonably practicable. Where possible the decision and rationale will be communicated in person, however the student will also receive a written notification. The Suspension Notice will be shared with staff involved in the disciplinary investigation process and, where appropriate, with the student's academic Institute and/or Accommodation staff. If the student is on a professionally regulated

programme, there may also be a link to fitness to practise procedures.

- 3.2.6 The suspension may impact on a student remaining in study, financial funding including bursaries and billing, living arrangements or other aspects of University/student life. Therefore, the Suspension Notice will outline support available for students for any of these applicable areas.
- 3.2.7 The Suspension Notice Letter will be delivered via email from the Student Procedures team and may:
- Detail what the student may need to consider in terms of financial impact, particularly if they receive a bursary or funding to study, and where to seek advice and support regarding their finances;
  - Detail what impact the suspension will have on their academic study and whether they are able to access learning materials online during their period of suspension; and
  - If the student is subject to United Kingdom Visas and Immigration (UKVI) compliance, the impact of their suspension on their visa status should be detailed in the Letter.
- 3.2.8 Where possible, the academic profiles of students who are suspended may be presented to Assessment Boards, with any assessment results released to students.
- 3.2.9 Where appropriate, the University may also inform the reporting party of the suspension of the reported student. As set out at 3.1.4 the University expects that there will be no contact between the reporting party and the reported student during the investigation, and any subsequent disciplinary process.
- 3.2.10 The terms of suspension may be subject to change as required, and updated terms will be provided to the student in writing via email from the Student Procedures team as per section 5.

## **4. Appeal**

- 4.1. The initial suspension will be for a period of 14 days. During this period, the student has the right to request a suspension review or submit a suspension appeal. This should be done in writing to

the Student Procedures team. An appeal may be requested on the following grounds:

- 4.1.1. The precautionary action and suspension procedure was followed or applied incorrectly.
  - 4.1.2. The student has new material evidence to present to support their case.
  - 4.1.3. The suspension is disproportionate to the allegation(s) and/or associated risks.
- 4.2. The appeal will be forwarded to a PVC who has not been involved in previous stages. The PVC will write to the student via the Student Procedures Team within 10 working days of receipt of the appeal to inform them of the outcome, which will be one of the following.
- 4.2.1. The student will remain suspended until further notice, in accordance with internal procedures.
  - 4.2.2. The student will have their suspension amended to appropriate Temporary Conditions and will still be subject to the internal procedures relevant to the circumstances relating to their initial suspension.
  - 4.2.3. The student will have their suspension removed but will still be subject to internal procedures relevant to the circumstances relating to their initial suspension.
  - 4.2.4. The student will have their suspension removed and the relevant internal procedures will be ceased.

## **5. Monthly review of precautionary actions**

- 5.1. The Temporary Condition(s) or Suspension will be reviewed by 2 members\* of the Risk Assessment Panel every calendar month from the date of the issue of the initial notification letter. The Panel members will consider any new evidence that may come to light and the length of the suspension.

\*1 member to be the Head of Student Support or Director of Student Services in cases involving Safeguarding concerns.

- 5.2. Reviews will be confirmed in writing via email from the Student Procedures team and will set out the terms of the precautionary action, whether these terms have been changed or have been lifted, and the named point of contact.
- 5.3. The review will consider any new developments in the case and any written representations submitted by the student.
- 5.4. Reviews may be issued at any time where it is necessary to update the student on the terms of their Temporary Condition(s) or Suspension. Reviews will confirm whether a precautionary action remains in effect in accordance with the last review letter, whether the terms are subject to amendment, and/or whether other internal procedures should be enacted (as per section 6 of this procedure).

## **6. Next steps and internal procedures**

- 6.1. **Disciplinary procedures:** If the student has been suspended due to misconduct (and Fitness to Practise concerns where applicable), the University may initiate its formal Disciplinary procedures:
  - 6.1.1. Disciplinary Meeting.
  - 6.1.2. Disciplinary Interview.
  - 6.1.3. Disciplinary Committee.
- 6.2. **Health and wellbeing concerns:** Where a student has been suspended on the grounds of health and wellbeing – for example, if the student has been offered but has refused intercalation on health grounds, and there is concern for the safety and wellbeing of the University community, those they may interact with on placement, or a concern to themselves if they remain on programme – the University may initiate any of the following procedures:

6.2.1. Professional Practice Case Conference (where there are Health related Professional, Statutory and Regulatory Bodies considerations).

6.2.2. Fitness to Study

6.3. **Criminal offences:** Where a student has been suspended because of allegations of a criminal offence, or a decision by the Police or courts is pending, suspensions will remain in place until the conclusion of their criminal case. Once this decision has been reached, any of the procedures referred to in 6.1 or 6.2 may be applied as required.

6.4. **No further action:** If a suspension is lifted and the student has not been referred for disciplinary action or for health and wellbeing measures, the relevant members of the risk assessment panel may make recommendations to the student based on the circumstances of the case. These recommendations may include, but are not limited to:

6.4.1. Referral to University support services.

6.4.2. Requiring the student to agree to an undertaking as to good future conduct at the University, including any conditions such as not to contact a named person or engage in a particular activity.

6.4.3. Arranging a return to study meeting with the student's course team.

## Appendix A: PRECAUTIONARY ACTION RISK ASSESSMENT FORM

### (TO DETERMINE WHETHER TEMPORARY REMOVAL OR SUSPENSION IS REQUIRED)

Reported student's details	
First name, SURNAME	
Student ID	
Date of Birth	
University email address	
Personal email address if necessary	
Local address	
Permanent address	
Programme of study	
Fitness to Practice issue?	
Year of study	
Current status	
Student Visa?	
Known to MHWB team?	
Known to Disability team?	
Emergency Contact and Trusted Contact Details (if applicable)	
Any known relationship/issues with emergency contact/Trusted Contact	
<b>Summary of concerns:</b> Brief description of incident/circumstances; location (campus/placement/off campus etc)	
<b>Further Evidence Considered (Security reports, Clinical Risk Assessments etc)</b>	
<b>Relevant case history (please provide an executive summary/bullet points)</b>	

<b>External support services involved? If so please summarise their risk management involvement here</b>			
<b>Risk Details (Please summarise/bullet point)</b>			
<b>Risk to Self</b>			
	<b>High</b>	<b>Medium</b>	<b>Low</b>
<b>Risk to other students or staff</b>			
	<b>High</b>	<b>Medium</b>	<b>Low</b>
<b>Risks relating to academic studies</b>			
	<b>High</b>	<b>Medium</b>	<b>Low</b>
<b>Risks relating to the public (inc. patients for clinical students)</b>			
	<b>High</b>	<b>Medium</b>	<b>Low</b>
<b>Risk to University (eg. property, reputation, resources)</b>			
	<b>High</b>	<b>Medium</b>	<b>Low</b>
<b>Have alternatives to Temporary Removal or Suspension been explored? If so, please summarise and indicate why these are not effective to mitigate risk</b>			
<b>OUTCOME</b>  <b>In reviewing this case the Panel acknowledged ....., and therefore assessed the risk on this basis. The panel considered the following relevant information:</b>			

<b>Temporary Removal recommendations</b>	
Temporary removal from studies	
Temporary removal from campus	
Temporary move to an alternative room/flat/block in university accommodation or temporary removal from university-owned accommodation	
Temporary removal from specific facilities, buildings or events	
Temporary removal pending FTS process	
Temporary pause on attendance at placement setting	
<p>Other:</p> <p>Specific arrangements for when they can attend campus</p> <p>Being told not to contact certain students or staff, either in person or via social media or other messaging service (directly or indirectly)</p> <p><b><i>This is not an exhaustive list of the conditions that may be imposed</i></b></p>	
<b>Suspension required?</b>	
<p><b>Risk Management Plan (to be reviewed on a case by case basis)</b></p> <p>Points to consider*:</p> <ul style="list-style-type: none"> <li>• The nature of the concerns raised;</li> <li>• The relationship between the reporting student (who is reporting the Concerns) and the reported student (who the concerns are about) (where relevant);</li> <li>• Any evidence from third parties;</li> <li>• The nature of the programme the student is on;</li> <li>• Any Professional, Statutory and regulatory body requirements associated with the programme;</li> <li>• The living arrangements of the relevant students;</li> <li>• Any known disability or mental health considerations;</li> <li>• How a repetition of the circumstances which led to the allegation can be avoided;</li> </ul>	



- The risk of any alleged victims or potential witnesses being subject to interference;
- The risk of the student’s continued presence being a source of disruption to the University or any part thereof;
- Any risks to the University community;
- Any police action being taken;
- Any potential visa implications in relation to engagement
- Any potential impact on the university’s reputation
- Where does the University plan to send the student (family home, friend, hostel etc) through this temporary removal process.
- Will Emergency Contact?TC be contacted prior to notifying the student? /Are parents or emergency contact available to collect the student (if known)
- How will out of hours emergency contact collection be facilitated (security,out of hours support)
- How will the student’s risk be managed while we wait for emergency contact collection?
- Will adult social services/local authority/third party referrals be made?
- Is a potential alternative residence known to the service (other family, friends etc?)
- Have emergency housing contact details been secured (e.g. council emergency housing?)
- Have staff explored travel options if the student isn’t able to be collected?

Please note that some elements of the Risk Management Plan are unknown until staff share the intention to conduct a temporary removal with a student. Every effort will be made to ensure the students safety is managed throughout the process.

<b>Details of Risk Assessment</b>	
<b>Date Completed</b>	
<b>Risk Assessment Completed by</b>	