

## **Student Disciplinary Regulations 2015/16**

### **1. Preliminary Matters**

#### **1.1. Authority for the Regulations**

These Regulations are made under Statute 21.11 of the University of Bristol, by which Senate has the power to provide for the discipline of the students of the University.

#### **1.2. Other disciplinary procedures**

Once disciplinary proceedings have been taken against a student under these Regulations, no disciplinary action may be taken against the student under other disciplinary rules or regulations within the University (other than professional fitness to practise procedures) for the same misconduct. For the avoidance of doubt, where disciplinary proceedings have been taken against a student under other disciplinary rules or regulations within the University (such as professional fitness to practise procedures), disciplinary action may be taken against the student under these Regulations for the same misconduct.

#### **1.3. The Vice-Chancellor may act through a nominee**

Unless the context indicates otherwise, references within these Regulations to the Vice-Chancellor shall be construed to refer either to the Vice-Chancellor or to a person or persons nominated by them to act on their behalf, usually the Pro-Vice-Chancellor (Education).

### **2. Misconduct**

#### **2.1. Right of the University to take disciplinary measures**

Any student studying or registered at the University of Bristol shall be subject to disciplinary measures if they are found to be guilty of misconduct as defined below.

#### **2.2. Definition of misconduct**

Any act or omission, whether occurring on University premises or elsewhere, which improperly interferes with the functioning or activities of the University or of those who work or study in the University, or otherwise improperly damages the University or its reputation, shall constitute misconduct under these Regulations, including but not limited to the following:

- a. Any conduct which constitutes a criminal offence;
- b. Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University;
- c. Obstruction of, or improper interference with, the functions, duties or activities of any student or member of staff of the University, or any visitor to the University;
- d. Violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language, whether expressed verbally or in writing, including in electronic form;

- e. Bullying, harassment or unacceptable behaviour of any student or member of staff of the University, or any visitor to the University, on the grounds of sex, race, religion or belief, disability, sexual orientation, gender reassignment, age or other grounds;
- f. Fraud, deceit, deception or dishonesty in relation to the University or its staff, students or visitors;
- g. Cheating or plagiarism in academic course work or in examinations;
- h. Theft, misappropriation or misuse of University property, or the property of the University's staff, students or visitors, including computer misuse;
- i. Misuse or unauthorised use of University premises;
- j. Damage to University property, or the property of the University's staff, students or visitors, caused intentionally or recklessly;
- k. Action likely to cause injury or impair safety on University premises, at University organised events or on any other site associated with the University;
- l. Failure to respect the rights of others to freedom of belief and freedom of speech;
- m. Breach of the provisions of any University code, rule or regulation, including any student code of conduct;
- n. Failure to disclose personal details to a member of staff of the University in circumstances in which it is reasonable to require that such information be given;
- o. Failure to comply with a reasonable instruction relating to discipline, issued by the Vice Chancellor or the Registrar, or by a member of staff acting with the authority of the Vice Chancellor or the Registrar.

### **3. Misconduct in student residences and in the community**

#### **3.1. Local rules and regulations**

The Deputy Registrar (Academic Services) and the Director of Residential and Hospitality Services are authorised to draw up and publish local rules and regulations for student behaviour in University residences and in the community.

#### **3.2. Breaches of local rules and regulations**

The following persons are authorised to exercise summary disciplinary jurisdiction and to impose penalties for breaches of local rules and regulations for student behaviour in University residences and in the community:

- a. The Head of Student Residential Life and the Head of Accommodation Services in respect of misconduct in accommodation in the community;

[www.bristol.ac.uk/accommodation/community](http://www.bristol.ac.uk/accommodation/community)  
[http://www.bristol.ac.uk/accommodation/community/]

- b. The Head of Student Residential Life and Wardens in respect of misconduct relating to University residences;

c. The Head of Student Residential Life in respect of misconduct in the community outside of accommodation, such as misconduct due to intoxication, violent and disorderly behaviour.

Only the persons listed above have the authority to issue formal written warnings in relation to their respective areas of responsibility.

The persons listed above will report annually at the end of each academic year to the Secretary's Office with details of all misconduct dealt with and penalties imposed under this section.

The Secretary's Office may provide guidance to assist these persons to deal with disciplinary matters within their jurisdiction.

### **3.3. Penalties for breaches of local rules and regulations**

If a student is found guilty of a breach of local rules and regulations for student behaviour in University residences and in the community, the persons described in section 3.2 of these Regulations may impose one or more of the following penalties:

- a. A written reprimand;
- b. A caution, which means that no penalty is imposed, but if the student is found guilty of misconduct on a subsequent occasion in the following twelve months (or some other specified period), they will then be dealt with for both offences;
- c. A fine not exceeding £100;
- d. The requirement to pay a reasonable sum by way of compensation for identified and quantified loss;
- e. The requirement to give and comply with a written undertaking as to future behaviour;
- f. Exclusion, either permanently or for a specified period, from the use of a specified University service or facility (including specified residential facilities) to which the misconduct relates;
- g. The requirement to perform unpaid services for the University or local community for a maximum of 20 hours;
- h. In the case of serious misconduct, referral to a Disciplinary Committee appointed under section 7 of these Regulations, which in addition to the penalties above may exclude, suspend or expel a student;
- i. In the case of a breach or misconduct which is also a criminal offence, referral to the police;
- j. The requirement to attend a specified course or programme and to pay the reasonable cost as determined at the relevant time by the University.

Where the breach or misconduct is also a breach of the terms of residence of University accommodation, the student may be referred to the Director of Residential and Hospitality Services, who may take steps to evict the student.

### **3.4. Referral of cases to the Vice-Chancellor**

The following cases will be referred to the Vice-Chancellor for consideration:

1. Any second act of misconduct;
2. Any misconduct constituting a criminal offence or where a student has been arrested by the Police.

### **3.5. Right of appeal**

A student on whom a penalty is imposed under section 3.3 of these Regulations may appeal against the finding of guilt or the imposition of the penalty. Appeals must be submitted in writing to the University Secretary within fourteen calendar days of notification of the penalty. Upon receipt of the appeal, the Secretary's Office will arrange for it to be considered by a University Officer or a member of the academic staff who is also a member of Senate or a senior administrative officer not previously associated with the case. The person considering the appeal may reject the appeal and confirm the original penalty, uphold the appeal, or refer the case to a Council Committee established under the procedures set out in Section 10 of these Regulations.

## **4. Involvement of the Police and Criminal Courts**

### **4.1. Misconduct which is also a criminal offence**

The following procedures apply where alleged misconduct is reported to the Vice-Chancellor, and the misconduct, if proved, would also constitute an offence under the criminal law.

### **4.2. Offences that may be dealt with internally**

Where the Vice-Chancellor considers it appropriate, having regard to the seriousness of the alleged misconduct, the matter may be dealt with internally. If the offence is reported to the police, the Vice-Chancellor may at their discretion defer action until the police and courts have dealt with the matter.

### **4.3. Other offences**

In all other cases, no internal disciplinary action other than suspension from the University pending hearing or trial under Section 5 of these Regulations will normally be taken until the matter has been reported to the police, and either a prosecution has been completed or a decision not to prosecute has been taken.

Students who are subject to a police investigation and prosecution are required to inform the University if charged with a criminal offence or once police or court involvement has come to an end and also of the outcome of the investigation or prosecution. Failure to do so may be treated as misconduct and may be dealt with under these Regulations.

### **4.4. Offences which are not reported to the police**

The University has the right to report any criminal offence to the police. However, if a person claims to be the victim of an offence committed by a student, but does not wish the police to be involved, the Vice-Chancellor may at their discretion agree not to report the matter to the police. In such circumstances the University will not normally proceed with internal disciplinary measures for the offence, although it may take disciplinary action over other related offences.

#### **4.5. Imposition of penalty after sentence imposed by a criminal court**

Where a finding of misconduct has been made under these Regulations, and a student has also been sentenced by a criminal court on the same facts, the penalty imposed by the criminal court will be taken into account in deciding the penalty under these Regulations.

### **5. Suspension pending hearing or trial**

#### **5.1. Power to suspend**

A student who is the subject of a complaint of misconduct, or against whom a criminal charge is pending, or who is the subject of police investigation, may be suspended from the University by the Vice-Chancellor, pending the conclusion of the disciplinary or any criminal process.

#### **5.2. Definition of suspension pending hearing or trial**

A student who is suspended from the University pending hearing or trial has restricted rights to enter University premises and to take part in University activities. The terms of the suspension will be notified in writing to the student. An order of suspension may include a requirement that the student shall have no contact with a specified person or persons. The order of suspension shall identify the extent (if any) to which the student's status as a member of the University is affected.

#### **5.3. Orders to be made for protection only**

Orders of suspension pending hearing or trial are to be used only where the Vice-Chancellor considers it necessary to protect a member or members of the University community, or the property of the University or the property of a member or members of the University community. Written reasons for the decision will be recorded and made available to the student.

#### **5.4. Representations**

Unless the matter is deemed to be urgent by the Vice-Chancellor, no student shall be suspended pending hearing or trial unless they have been given an opportunity to make representations to the Vice-Chancellor. The representations may be made in person or in writing, as the student chooses, and may be put forward by the student or by the student's adviser, friend or representative. In cases deemed to be urgent by the Vice-Chancellor, a student may be suspended with immediate effect. An opportunity will be given to the student to make representations as soon as reasonably practicable.

#### **5.5. Initial review**

A decision to suspend a student pending hearing or trial shall be subject to review at the request of the student after four weeks. Such a review will not involve a hearing, but the student, either personally or through their adviser, friend or representative, will be entitled to make written representations. The review will be conducted by the Vice-Chancellor and the outcome of the review will be communicated to the student.

#### **5.6. Periodic review**

In addition to the initial review, the Vice-Chancellor shall review the suspension on receipt of evidence of altered circumstances which might affect the order.

## **6. Summary Procedure**

### **6.1. Dismissal**

Allegations made by staff, students or members of the public of misconduct under these Regulations should be made to the University Secretary, who will refer them to the Vice Chancellor. The Vice-Chancellor may dismiss the complaint immediately if they believe that there is no case for the student to answer, or that it is for some other reason appropriate to do so.

### **6.2. Preliminary interview**

If the complaint is not so dismissed, the Vice-Chancellor will interview the student before any other steps are taken under these Regulations. The student will normally be made aware of the allegations before the interview. At the interview the student may be accompanied by a friend or representative. The purpose of the preliminary interview is for the Vice-Chancellor to hear the student's initial response to the allegations of misconduct. Following the preliminary interview, the Vice-Chancellor may decide to take no further steps under the disciplinary procedures in respect of the allegations, or may find that there is no case for the student to answer, and will write to the student accordingly.

### **6.3. Failure to attend a preliminary interview**

If a student fails to attend a preliminary interview without good reason for their failure to attend, the Vice-Chancellor may deal with the case summarily in the student's absence.

### **6.4. Decision to deal summarily**

If following the preliminary interview the Vice-Chancellor decides to take further action in respect of the allegations of misconduct, the following principles shall apply:

- a. If the student agrees, the Vice-Chancellor may deal with the case summarily, without recourse to a Disciplinary Committee, provided that they consider that it is appropriate to do so. The Vice-Chancellor will normally decide to deal with a case summarily only where there is an admission of guilt from the student.
- b. In all other cases the Vice-Chancellor will refer the case to a Disciplinary Committee under section 7 of these Regulations.

### **6.5. Procedure**

If the matter is dealt with summarily, the Vice-Chancellor will consider written or oral evidence as they think fit. The Vice-Chancellor will find the student guilty of misconduct if, on the balance of probabilities, they are satisfied of the student's guilt. If a finding of guilt is made, they may impose any of the penalties set out in Section 8.3 of these Regulations, other than expulsion from the University.

### **6.6. Report**

At the termination of the proceedings, the Vice-Chancellor will write a short report. In the event of a finding of guilt, the report will set out the misconduct alleged, a brief summary of evidence received, the grounds for the finding of guilt, the penalty imposed, and the factors taken into account in deciding the penalty. A copy of the report will be sent to the student. Where the misconduct relates to examinations or other assessed work the report may contain recommendations under Section 8.4

of these Regulations, and a copy of the report will also be sent to the appropriate Board of Examiners.

### **6.7. Referral to a Disciplinary Committee**

If the Vice-Chancellor does not consider it appropriate to deal with the matter summarily, or if the student does not agree to its being dealt with in that way, then it shall be referred to a Disciplinary Committee, under the procedure set out in Section 7 of these Regulations.

## **7. Disciplinary Committee**

### **7.1. Composition**

The Vice-Chancellor will appoint the members of the Disciplinary Committee, and invite one of them, who shall not be a student member, to act as its Chair. The Committee will have three or five members, at the discretion of the Vice-Chancellor. The members will normally include both a member of the academic staff of the University and a student of the University. If a student is appointed to the Committee they will usually be an officer of the Students' Union. If it is inappropriate or impractical to appoint a Union officer, the student member will be a representative on Senate. Members of the Committee may be appointed from outside the University. The Vice-Chancellor shall have regard to the need to ensure that all members of the Committee are impartial. The Disciplinary Committee should not normally include members of Council, as an appeal from a decision of the Disciplinary Committee is heard by a Committee of Council under Section 10 of these Regulations.

### **7.2. Assistance to the Committee**

The University Secretary or their nominee will act as clerk to the Committee, to give advice and to assist the Committee as it thinks fit. The Secretary will arrange for a note of the proceedings to be taken. The Committee may seek advice from a qualified lawyer.

### **7.3. Representation for the student**

The student may be present at all disciplinary hearings, and may be represented by an adviser, friend or other representative. If a student does not attend without good reason for their failure to attend, the hearing may take place in the student's absence.

### **7.4. New hearing**

The Committee will rely only on evidence presented at the hearing. The deliberations and decisions of anyone previously considering the matter shall be irrelevant for the Committee's purposes.

### **7.5. Standard of proof**

The Committee will find a student guilty of misconduct if, on the evidence before it, it is satisfied on the balance of probabilities of the student's guilt. This means that the Committee must be satisfied that, on the evidence available, the student's guilt is more likely than not.

### **7.6. Majority verdict**

If the members of the Committee cannot agree, the verdict of the Committee will be that of the majority of its members.

### **7.7. Procedure**

Subject to the provisions of these Regulations, the order of proceedings shall be at the discretion of the Committee. Members of the Committee may ask questions of any witness. The Committee may ask for additional enquiries to be undertaken, and may call for additional witnesses to attend.

### **7.8. Joint hearings**

If two or more students are involved in related misconduct, the Committee may at its discretion deal with their cases together.

### **7.9. Witness evidence**

Witness evidence presented at the hearing will normally be oral, given by witnesses appearing in person. The Committee may accept a witness's written statement in evidence where the student agrees that the witness need not attend, or where it is impracticable for the witness to attend, or where in the opinion of the Committee it is for some other reason in the interests of justice to do so.

### **7.10. Presentation of the case**

The Vice-Chancellor will appoint a member of the academic staff or a lawyer to present the allegation against the student.

### **7.11. Written allegations**

The Secretary or their nominee, on behalf of the Committee, will ask the case presenter to set out the allegation or allegations in writing in advance of the hearing. A copy will be sent to the student at least two weeks before the hearing.

### **7.12. Written witness statements in advance of the hearing**

The Secretary or their nominee, on behalf of the Committee, may call for written witness statements in support of the allegation in advance of the hearing. If such statements are obtained, members of the Committee will be entitled to see them in advance of the hearing and copies will be made available to the student and to the case presenter at least one week before the hearing.

### **7.13. Documentary evidence**

Any documentary evidence must be submitted in advance of the hearing and copies will be made available to members of the Committee and to all parties at least one week before the hearing. Evidence submitted late will only be admitted with the permission of the Committee on the advice of the Secretary.

### **7.14. Opening and closing addresses**

The case presenter shall be entitled to address the Committee before calling witnesses, and at the conclusion of the evidence called on behalf of the student. The student, or their representative, may address the Committee before calling witnesses and after the case presenter's final address.

### **7.15. Submission that there is no case to answer**

At the conclusion of the evidence in support of the allegation against the student, the student, or their representative, may submit that no case has been made out against the student which requires an answer. The case presenter has the right to reply. If the Committee finds on the evidence that there is no case for the student to answer, it must dismiss the allegation.



### **7.16. Time limits**

The Committee may impose time limits on oral addresses and submissions.

### **7.17. Witnesses in support of the allegation**

The allegation against the student will be put first. The case presenter will ask questions of each witness giving evidence in support of the allegation. These must not be leading questions. The witness may be cross-examined by the student or their representative. Witnesses may be re-examined, but concerning only those matters raised in cross-examination, for the purpose of clarification.

### **7.18. Witnesses against the allegation**

If the case proceeds, the student may then give evidence. At the conclusion of the student's evidence they may be cross-examined by the case presenter. The student may give evidence to clarify matters raised in cross-examination. The student, or their representative, may then call further witnesses, who may be similarly cross-examined and re-examined.

### **7.19. Recall of witnesses**

A witness may be recalled to give further evidence only with leave of the Committee.

### **7.20. Relevance**

The Committee will refuse to admit evidence that is in its opinion irrelevant to the issues raised

### **7.21. Adjournments**

The Committee shall have power to adjourn a hearing to another date, as it thinks fit.

### **7.22. Report**

At the termination of the proceedings, the Chair will write a report on behalf of the Disciplinary Committee. In the event of a finding of guilt, the report will set out the misconduct alleged, a brief summary of evidence received, the grounds for the finding of guilt, the penalty imposed, and the factors taken into account in deciding the penalty. A copy of the report will be sent to the student and to the Vice-Chancellor. Where the misconduct relates to examinations or other assessed work the report may contain recommendations under Section 8.4 of these Regulations, and a copy of the report will also be sent to the appropriate Board of Examiners.

### **7.23. Vice-Chancellor's right to stop the proceedings**

The Vice-Chancellor has the power to suspend the activity of the Disciplinary Committee at any time, and to stop the proceedings against the student, if they believe it to be appropriate to do so.

## **8. Penalties**

### **8.1. Imposition of penalties**

If a student is found guilty of an allegation of misconduct, one or more penalties may be imposed by the Vice-Chancellor in the case of matters dealt with summarily, or by the Disciplinary Committee in other cases. The penalties are set out below. A student may not be expelled following an allegation heard under the summary procedure. The student or their representative shall be entitled to make representations in mitigation before the penalty is decided.

## 8.2. Matters to be considered

When determining penalties, consideration will be given to the seriousness of the misconduct, the circumstances of the misconduct, and the means and general personal circumstances of the student.

## 8.3. Types of penalty

A student found guilty of misconduct may be:

- a. Absolutely discharged, which means that although the student may be technically guilty of the misconduct alleged, no blame should be attached to their actions;
- b. Admonished;
- c. Cautioned, which means that no immediate punishment is imposed, but if the student is found guilty of misconduct on a subsequent occasion in the following twelve months, or some other specified period, they will then be dealt with for both offences;
- d. Conditionally discharged, which means that no immediate punishment is imposed, subject to the student fulfilling certain stipulated conditions including future good behaviour over the following twelve months or some other specified period. If the conditions are not met, a punishment may be imposed following a further hearing;
- e. Fined up to a maximum of £800. This maximum figure will be subject to periodic review by Senate;
- f. Required to write a letter of apology to a specified person or persons;
- g. Required to attend a specified course or programme and to pay the reasonable cost as determined at the relevant time by the University.
- h. Required to pay a reasonable sum by way of compensation for identified and quantified loss;
- i. Required to perform unpaid services for the University community to a maximum of 40 hours;
- j. Required to have no contact, or restricted contact, with a specified person or persons;
- k. Suspended from enjoying specified privileges for a fixed period of time;
- l. Excluded from the University for a fixed period of time, up to a maximum of twelve months. A student who is excluded from the University has restricted rights to enter University premises, and to participate in University activities. The terms of the exclusion will be notified to the student in writing. An order of exclusion does not affect the student's status as a member of the University;
- m. Suspended from the University for a fixed period of time, up to a maximum of twelve months. A student who is suspended ceases to be a member of the University for the duration of the suspension and is prohibited from entering University premises, and from participating in University activities. Suspension may be subject to qualification, such as permission to take an examination. The terms of the suspension will be notified to the student in writing;

n. Expelled from the University, which means that the student ceases to be a member of the University, and loses all rights and privileges of membership;

#### **8.4. Suspended Penalty**

Any of the above penalties may be suspended for a fixed period of time. If the student is found guilty of subsequent misconduct within that period the suspended penalty will immediately take effect.

#### **8.5. Additional penalties relating to misconduct in connection with examinations or other assessed work**

Where misconduct relates to examinations or other assessed work, a recommendation may be made to the appropriate Board of Examiners that it should impose one or more of the following additional penalties:

- a. Award the student lower marks than those which they would otherwise have been awarded, or award no marks, for the examination or assessed work in which the student committed the offence;
- b. Award the student lower marks than those which they would otherwise have been awarded, or award no marks, for the unit of which the examination or assessed work was part;
- c. Award the student a lower class of degree or other academic award than that which they would otherwise have been awarded;
- d. Exclude the student from the award of a degree or other academic award. This may be either permanent or for a stated period, and may be absolute or subject to compliance with stipulated requirements.

#### **8.6 Recording and reporting of penalties**

If found guilty of misconduct, details of the misconduct and the penalty imposed will be sent to the student's school and faculty. A record will also be made on the student's central university file. The record will be kept on the student's files for at least one year after graduation and may be referred to for the purpose of references.

The Secretary's Office will keep a record of student misconduct and penalties imposed and will report to Senate annually.

### **9. Mental illness**

#### **9.1. Adjournment for a medical report**

If it appears to those considering an allegation of misconduct that the student in question is experiencing mental illness, the proceedings may be adjourned for the preparation of a medical report.

#### **9.2. Evidence of mental illness**

If there is medical evidence that the student is experiencing mental illness, those dealing with the case may suspend or terminate the proceedings, if it is felt appropriate to do so. It may be made a condition of suspension or termination of the proceedings that the student seek medical treatment.

### **9.3. Fitness to Study Policy**

If disciplinary proceedings are suspended or terminated under section 9.2, the Fitness to Study policy may be invoked and used as appropriate.

## **10. Appeals**

### **10.1. Right to appeal against a finding of guilt**

A student may appeal against a finding of guilt. The appeal must be made to the University Secretary within fourteen calendar days of the conclusion of the proceedings. The student must set out in writing the grounds on which the appeal is based. The student is encouraged to seek assistance from the Students' Union Advice Service when preparing the letter of appeal. The appeal will be heard by a Committee of Council constituted under the provisions set out in the Student Complaints Procedure.

### **10.2. Nature of appeal against a finding of guilt**

There will be no entitlement to a rehearing of the case, which will be allowed only in exceptional circumstances. Those hearing the appeal may overturn the finding of guilt where they consider it just to do so. In particular, a finding may be overturned in the light of new evidence; or where it is considered that the original hearing was not conducted fairly; or where the finding of guilt was unreasonable in the light of the findings of fact. The student may present the appeal in person or in writing, and may be represented by an adviser, friend or other representative.

### **10.3. Right to appeal against imposition of penalty**

A student may appeal against a penalty imposed following a finding of guilt. The appeal must be made to the University Secretary within fourteen days of the conclusion of the proceedings. The student must set out in writing the grounds on which the appeal is based. The appeal will be heard by a Committee of Council constituted under the provisions set out in the Student Complaints Procedure.

### **10.4. Nature of appeal against imposition of penalty**

Those hearing an appeal against penalty may impose a lesser or greater penalty, having considered whether the original penalty imposed was fair and reasonable in the light of all the circumstances of the case, and the student's means and general personal circumstances.

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