



**Cardiff**  
Metropolitan  
University

Prifysgol  
Metropolitan  
Caerdydd

**Policy Owner - Dean of Students**

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# **Student Disciplinary Procedure**

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# **CARDIFF METROPOLITAN UNIVERSITY**

## **STUDENT DISCIPLINARY PROCEDURE**

### **1.0 Introduction**

- 1.1 Cardiff Metropolitan University is committed to providing high quality programmes and services for students, staff and the general public. It has in place a variety of mechanisms to ensure all stakeholders can enjoy the facilities it offers within a safe and harmonious environment and that all have the opportunity to participate fully in the development and improvement of the provision. The Student Disciplinary Procedure (SDP) is one of these mechanisms.
- 1.2 Good working relationships between students and the University are an essential ingredient for success of the academic and residential community. The need for disciplinary action should be rare and the University will always consider the need for giving advice and guidance to improve discipline and behaviour. The SDP is not only designed to act as a disincentive to inappropriate behaviour, but also to provide an incentive for improvement by discussion and positive action where behaviour falls short of required standards.
- 1.3 The SDP should be read in conjunction with the relevant Human Resources policies, where staff are involved in any potential student disciplinary situation. In matters of allegations of Child Protection or Protection of Vulnerable Adults, the Cardiff Metropolitan University policies on those subjects take precedence.
- 1.4 At all stages of the Procedure the student has the right to present his/her case in either English or Welsh, as long as prior notice of the preferred language is given

### **2.0 Purpose and Application**

- 2.1 The Student Disciplinary Procedure is designed to provide a clearly formulated, effective and impartial process for dealing with non-academic problems of student discipline and behaviour. Its purpose is to ensure that, in taking disciplinary action against a student, Cardiff Metropolitan University acts fairly and consistently.
- 2.2 Disciplinary action may be taken if a student engages in activities or inappropriate behaviour on or off campus that are likely to disrupt, damage or otherwise adversely affect the normal functioning and/or reputation of Cardiff Metropolitan University and its academic or residential community, hereinafter referred to as 'misconduct'.

2.3 The following constitutes a **non-exhaustive** list of the types of misbehaviour or misconduct that this Code is intended to cover:

- *Behaviour that constitutes a criminal offence.*
- *Possession or misuse of prohibited substances or weapons*
- *Violent, indecent, disorderly, threatening or offensive behaviour or language*
- *Fraud, deceit, deception or dishonesty in relation to Cardiff Metropolitan University or its staff or in connection with holding any office in the University or in relation to being a student of the University.*
- *Action likely to cause or impair the health, safety, and well-being of any student, member of staff or other employee of Cardiff Metropolitan University or any authorised visitor to the University.*
- *Verbal abuse, bullying or any form of harassment, intimidation, victimisation or discrimination of any student, member of staff or authorised visitor to the University*
- *Damage to, or defacement of, Cardiff Metropolitan University property or the property of other members of the University community caused intentionally or recklessly and misappropriation of such property.*
- *Misuse or unauthorised use of Cardiff Metropolitan University premises or items of property, including misuse of computers or other electronic devices to transmit, receive, view or display offensive, defamatory, discriminatory, obscene or otherwise illegal material or to introduce any virus, worm or other harmful or nuisance programme or file into any IT facility.*
- *Failure to disclose a name and other relevant details to an employee of Cardiff Metropolitan University in circumstances when it is reasonable to require that such information is given.*
- *Failure to comply with a previously imposed penalty under this Code.*

*Plagiarism is regulated under the Academic Handbook, Unfair Practice Procedure, and not the Student Disciplinary Procedure.*

**(Student Code of Conduct, see Appendix 1)**

2.4 The Procedure applies to every enrolled student of Cardiff Metropolitan University.

2.5 The Procedure, however, does not cover:

- academic misconduct;
- matters where the Students' Union Disciplinary Procedure specifically applies;
- matters where the Halls of Residence Disciplinary Procedure specifically applies, unless referred on from that procedure;
- students enrolled on franchised programmes with partner institutions;
- staff disciplinary issues;
- Freedom of Information and Environmental Information Regulations, where separate procedures apply.

**N.B. Where there may be doubt or areas of conflict with other disciplinary procedures, the Student Disciplinary Procedure will take precedence.**

### **3.0 Policy Ownership**

- 3.1 Under the Articles of Government the Vice-Chancellor is ultimately responsible for the maintenance of student discipline and for the suspension and permanent exclusion of students on disciplinary grounds or other causes. The Vice Chancellor will normally delegate these powers to the Deputy Vice either generally or in respect of a particular case, who will have responsibility for reviewing, monitoring and reporting on the implementation of the Procedure.
- 3.2 The Dean of Students has day to day responsibility for the delivery and management of the Student Disciplinary Procedure.
- 3.3 The Dean of Students is the point of contact for advice on disciplinary procedural matters at all stages. A student against whom an allegation of misconduct has been made or who is involved in a disciplinary investigation will be encouraged to seek advice from the Students' Union and where relevant, Student Services.

### **4.0 Confidentiality**

- 4.1 In all disciplinary proceedings privacy and confidentiality will be maintained within Cardiff Metropolitan University, subject to exceptions contained within the Data Protection Act 1998, Freedom of Information Act 2000 or where a criminal offence is alleged to have been committed. Third parties will be kept informed of the outcomes of the proceedings, as long as this does not contravene the Data Protection Act 1998.
- 4.2 Any person(s) against whom an allegation is made will be informed of the allegation and will be informed of the identity of the person making the allegation.
- 4.3 If allegations are made about unidentified persons, for example as part of a group, and there is no evidence identifying the individuals, then it will not be possible to pursue the case further. However, where a defined group is identified as being involved (e.g. tenants of a house), but it is not possible to identify the individuals concerned, a letter may be issued to the members of the group, warning of potential disciplinary action, should individuals be identified.
- 4.4 The person making the allegation must be prepared to be interviewed by an Investigating Officer, give a signed dated statement and to give evidence at a disciplinary hearing, if required (provision of evidence by video link from a

separate room will be considered in appropriate cases). The statement will be made available to the subject of the allegation. In appropriate cases, an investigating officer of the same gender or ethnicity will be appointed, where possible.

- 4.5 All witnesses must be prepared to be interviewed by an Investigating Officer, give a signed dated statement and give evidence at a disciplinary hearing, if required. The statement will be made available to the subject of the allegation.
- 4.6 If a witness is not prepared to give a signed statement or is not prepared for the statement to be shared with the subject of the allegation, s/he cannot be forced to do so. However, in those circumstances, that witness testimony cannot subsequently be used in the investigation.
- 4.7 No student will be penalised by reason of having been the subject of a disciplinary investigation, unless and until the allegations are proven. Only staff who need to know the details of the allegations and sanctions will be informed of the investigation and outcome.
- 4.8 At all stages of the Procedure, any decisions that are reached will be communicated to the subject(s) of the allegation. The decision letter will include brief details of the alleged misconduct, a brief summary of the evidence received, the grounds for the finding of innocence or culpability, the penalty or sanction imposed if relevant, and any factors taken into account in determining the sanction. The terms and timeframe of any penalty or sanction will also be notified to the student. Third Parties will also be advised of the conclusion of the investigation.
- 4.9 Where allegations are proved, the sanction will be both proportionate to the behaviour and will be one of the sanctions available under this procedure. The sanction will be communicated in writing to the student and relevant members of staff.
- 4.10 Cardiff Metropolitan University reserves the right not to investigate or take action on anonymous disciplinary complaints or those raised on behalf of an anonymous third party.
- 4.11 If any party is under the age of 18, subject to legal restrictions in force at the time, Cardiff Metropolitan University will notify the parent(s)/guardian(s) in writing and keep them informed of the progress of the complaint. The University will allow them to act on behalf of that student, provided the student agrees to this in writing.
- 4.12 If a student accused of a disciplinary issue declines to participate in the process or fails to respond to the first attempt to make contact, three further attempts will be made: by letter, sent by recorded delivery, by email sent to the University email address, and by telephone.

- 4.13 In each case the student will be advised that failure to respond will lead to the investigation continuing on the basis of the evidence available and may lead to disciplinary sanction being imposed, without their input.

## **5. Timescales**

- 5.1 Allegations of misconduct should be made promptly, confirmed in writing, and should include the identity of the person(s) against whom the allegations is/are made and potential witnesses, where possible, the nature of the misconduct, the time and location of the alleged offence and the details of any action already taken.
- 5.2 The timescales laid down in the procedure may need to be extended in certain circumstances, for example where witnesses or the Investigating Officer are unavailable. Where this need arises, the University will inform all parties in writing.
- 5.3 Cardiff Metropolitan University reserves the right not to consider any misconduct allegation that is submitted more than three months after the event, unless there are exceptional circumstances, and to set a final deadline at any stage.
- 5.4 All persons involved in the formal stages should have access to any relevant written materials at least **5** working days before any interview or hearing. This right can be waived by any party, by giving notice in writing.

## **6. Health Considerations**

- 6.1 If at any stage it is considered by the Investigating Officer **and** Dean of Students or his/her nominee that a student involved in disciplinary procedures might be suffering from mental illness or instability, then adjournment of the investigation in order to obtain a medical report is permitted as long as adequate arrangements for the health and safety of all concerned have been taken into account.

## **7. Suspension pending Disciplinary Investigation**

- 7.1 The Vice-Chancellor or his/her nominee may suspend a student from attendance at Cardiff Metropolitan University for a specified period of time pending investigation in the following circumstances:
- Where allegations of serious breaches of discipline have been made; or
  - Where there is a risk that the student may interfere with witnesses; or
  - Where the student is deemed to pose a risk to the health, safety or welfare of him/herself or others.
- 7.2 Such a suspension should only be instituted in exceptional circumstances and should be reviewed on a weekly basis. A student who is suspended is prohibited from entering Cardiff Metropolitan University's premises and from participating in the University's activities, although exceptions can be allowed,

such as taking examinations, and arrangements for continued learning should be made.

- 7.3 The Investigating Officer must consult the Disability Services team prior to the suspension of any student to ensure any reasonable adjustments that may be required are in place.
- 7.4 The terms of the suspension should be notified to the student in writing and may include a requirement that no contact is made with a named person(s). If the allegation is subsequently dismissed so that no disciplinary action is taken, then Cardiff Metropolitan University will ensure, as far as possible, that the student has not been disadvantaged in any way by the suspension.
- 7.5 Where a student under suspension pending disciplinary investigation is deemed to be in a state of health that is perceived to pose a threat to themselves or others, may affect the welfare of students or staff or disrupt the learning and teaching process, Cardiff Metropolitan University reserves the right to refer the student for medical or occupational health assessment before any recommencement of studies can be considered.

## **8 Possible Outcomes and Sanctions?**

- 8.1 The outcome of the investigation will be one of the following:
  - Case dismissed, as there is insufficient evidence to substantiate the allegation.
  - The matter to be resolved in another way, for example through counselling, advice, apology or a compromise agreement.
  - Where the allegation is upheld, an appropriate type of sanction (see 8.2 below) will apply including, in serious cases of misconduct, utilisation of a higher stage of the procedure.
- 8.2 If the allegation is upheld, the person investigating the alleged offence can recommend one or more of the following sanctions (in increasing order of severity) as deemed appropriate to the gravity of the offence, the context of the misconduct, the means and personal circumstances of the student and whether the allegation is a first or repeated offence:
  - First written warning
  - Final written warning
  - Reparation payment for quantifiable costs incurred
  - Permanent Exclusion
- 8.3 The outcome of any disciplinary (or appeal) hearing will be determined on the balance of probability after considering all the evidence. Any appeal will review whether the decision reached at the previous stage was a reasonable outcome in the circumstances.

8.4 At the end of each stage the student will be informed of the outcome. Any sanction to be applied must be agreed by the Deputy Vice Chancellor and the Dean of Students, and will be endorsed by the relevant Dean or Head of Unit. Written warnings remain on the student's file for a specified period of time, normally one year and usually state the consequences if the offence is repeated.

Reparation payments must be quantifiable, supported by receipts, must pay due regard to the means of the student and may allow time for the payment to be made or to be discharged in instalments.

If the recommendation involves permanent exclusion, then verification must be sought from the Vice Chancellor or in his absence a nominee, other than the Deputy Vice Chancellor, appointed for this purpose.

8.5 At any stage in the disciplinary procedure Cardiff Metropolitan University reserves the right to take appropriate action to recover from the student any losses that it has incurred as a result of the student's actions.

8.6 A student has the right of appeal at the conclusion of any stage of the Procedure and against any form of recommended sanction (see Appendix 2 below).

8.7 If any allegations are found to be frivolous, vexatious or motivated by malice, Cardiff Metropolitan University reserves the right not to proceed with the disciplinary process and, if appropriate, take action against the person who made the allegations, where appropriate.

## **9. Procedures**

9.1 In all cases, a student accused of misconduct will be informed of the allegation(s) against him/her in writing. All investigations will be conducted in accordance with the guidance provided at Appendix 2.

9.2 An interview will be arranged with an Investigating Officer to provide an opportunity for the student to answer the allegation and to make representations on his/her behalf. S/he will also be informed of Cardiff Metropolitan University's Student Disciplinary Procedure.

9.3 The Investigating Officer will be a member of staff from the School in which the student studies, but who is independent from the matter complained of. Training is provided to Investigating Officers through the Dean of Students and Complaints Officer and individual support is available to Investigating Officers in relation to the procedure throughout any investigation.

9.4 All potential witnesses will be contacted to determine whether they are prepared to be interviewed and provide a signed statement, unless the subject of the allegation admits the allegation in full, in which case the Investigating Officer may move directly to consider appropriate sanctions.



- 9.5 All parties, including witnesses, have the right to be accompanied at any time by a friend, representative or colleague, but not by a legally qualified representative acting in a professional capacity, unless this is agreed by both parties. If any party is considering legal action, Cardiff Metropolitan University reserves the right to take necessary steps to ensure that its legal position is fully protected.
- 9.6 The nature and gravity of the alleged misconduct will be used to determine whether the informal or formal procedure will be used. However, alleged criminal offences must also be reported to the police.

## **10 Procedure**

### **10.1 Investigation Stage:**

- 10.1.1 Where a student's misconduct is repeated or is considered to breach this procedure or Student Code of Conduct, the relevant Dean of School/Unit should be informed. The nominee of the Dean of School/Unit will be responsible for arranging the investigation of the allegation(s) of misconduct, drawing on advice from the Dean of Students, and for making a written record of the investigation and its outcomes normally within **30** working days of the alleged misconduct being reported to him/her (See Appendix 2 below).
- 10.1.2 If the student admits the misconduct or there is sufficient evidence to conclude that the student acted in the manner alleged, then the investigating officer will recommend the sanction to be imposed, if any.
- 10.1.3 If the investigating officer does not consider it necessary to invoke any sanctions, s/he must discuss the matter with the student and, if appropriate, provide advice about standards required in the future. The student will be informed that at this stage no further disciplinary action will be taken. A note of the discussion and any agreements made must be placed on the student's file for future reference, but does not represent a disciplinary sanction.
- 10.1.4 Where a sanction is recommended, the investigating Officer will lodge the report with the Dean of Students. The Dean of Students will then discuss the recommendations with the Dean of School, prior to seeking agreement of the Deputy Vice Chancellor. Once agreement has been reached on an appropriate sanction, this will be confirmed to the student in writing.
- 10.1.5 The student has a right of appeal against any sanction imposed. The appeal must be lodged in writing with the Dean of Students within 30 working days of the notification of the outcome of the investigation being posted. The appeal letter must provide grounds for appeal and appeals will only be accepted on the following grounds:
- that there has been a procedural error in the constitution and/or conduct of the Procedure;
  - that new evidence is available, which the student could not reasonably have been expected to produce at the original hearing;
  - that the penalty imposed could reasonably be seen as excessive.

10.1.6 Where an appeal on the stated grounds is received within the time limit, a further investigation will be undertaken at the Review Stage of the procedure, by a different Investigating Officer. Where these criteria are not met, the case will be closed and the student will be informed of the reasons in writing. Once the case is closed, the Student will be issued with a Completion of Procedures letter, which will allow the University's decision to be reviewed by the OIAHE.

## 10.2 Review Stage:

10.2.1 In each case where review is required, an independent Investigating Officer(s) will be appointed by the Dean of Students. Such persons will normally be members of Cardiff Metropolitan University's Management Board or of another School's Management and Planning Team, having no involvement with the alleged incident/misconduct.

10.2.2 As soon as practicable, the student(s) against whom the allegations are made will be informed in writing of the identity of the Investigating Officer(s) and the procedure to be followed.

10.2.3 The Investigating Officer will conduct a review of the investigation into the allegation(s). The Investigating Officer may also conduct further interviews with parties in accordance with Appendix 2. At the end of the enquiry, the Investigating Officer(s) will produce a report of his/her findings, normally within **30** working days, which will be lodged with the Dean of Students.

10.2.4 As at the investigation Stage, the investigating officer will have the authority to recommend whether the allegation is upheld or not and whether the sanction imposed following the investigation is reasonable, based on the available evidence.

10.2.5 The Investigating Officer will lodge the report with the Dean of Students. The Dean of Students will then discuss the recommendations with the Dean of School, prior to seeking agreement of the Deputy Vice Chancellor. Written notification will be given to the student as soon as agreement has been reached on an appropriate sanction.

10.2.6 The student has a right of appeal against any sanction imposed at the review stage of the procedure. The appeal must be lodged in writing with the Dean of Students within 30 working days of the notification of the outcome of the review outcome being posted. The appeal letter must provide grounds for appeal and appeals will only be accepted on the following grounds:

- that there has been a procedural error in the constitution and/or conduct of the Procedure;
- that new evidence is available, which the student could not reasonably have been expected to produce at the original hearing;

- that the penalty imposed could reasonably be seen as excessive.

10.2.7 Where these criteria are not met, the case will be closed and the student will be informed of the reasons in writing. Once the case is closed, the Student will be issued with a Completion of Procedures letter, which will allow them to have the University's decision reviewed by the OIAHE.

10.2.8 Where an appeal on the stated grounds is received within the time limit, the Dean of Students will arrange a hearing under the Appeal Stage of the procedure.

### 10.3 Appeal Stage:

10.3.1 This involves establishing a Student Disciplinary Panel, which will normally have three members and be constituted as follows:

- One member of the Vice Chancellor's Board (VCB), who will chair the Committee, normally the Deputy Vice Chancellor;
- One student member nominated by the Students' Union, who does not have any prior knowledge of the case or any association with the student(s) concerned;
- One external representative experienced in disciplinary matters.

10.3.2 The Terms of Reference of the Panel are as follows:

- to establish, as far as possible, the facts of the case;
- to consider the report(s) of the Investigating Officer(s) at earlier Stages of the Procedure, where available;
- to receive any new evidence;
- to determine, on the balance of probabilities, whether or not the allegations have been substantiated;
- to decide what action should be taken and what sanctions should be applied, if necessary.

10.3.3 The Panel will normally meet no more than **30** working days after formal notification to the student(s) that such a hearing is to take place.

10.3.4 If the student or the student's chosen representative is not available, then the student must notify the Dean of Students as soon as possible in order that a suitable alternative date can be arranged.

10.3.5 If a student fails to attend without good reason on the first occasion, provided all reasonable steps have been taken to contact the student (recorded delivery post and email), the hearing may proceed on that day if the Chair is satisfied that it is fair and reasonable to do so. The hearing will be adjourned and a new date set if it is not considered fair and reasonable to proceed on that day.

10.3.6 If a student fails to attend on a second occasion, and all reasonable steps have been taken to contact the student (recorded delivery post and email), then the Panel may, at its discretion:

- conduct the hearing in the absence of the student and/or his/her representative;
- adjourn the hearing to a later date.

10.3.7 Not less than **10** working days before the hearing the Dean of Students will inform the student and his/her official representative, in writing, of the following:

- the date, time and place of the hearing;
- the membership of the Panel and the procedure to be adopted;
- who will be presenting the case on behalf of Cardiff Metropolitan University;
- the evidence that is to be submitted, including full details of the allegation(s) and written statements in support of the allegation(s);
- the right of the student(s) to submit details of any challenge to the allegations and/or details of any mitigating circumstances;
- the right of the student(s) to be accompanied and/or represented by a friend or adviser at the hearing. If the representative is to be a Solicitor or other legally qualified person, then the student must notify the Dean of Students not less than **3** working days before the hearing. In the event of such notification, Cardiff Metropolitan University reserves the right to postpone the scheduled hearing in order to obtain appropriate legal advice.

10.3.8 When all available evidence has been considered, the panel will retire to consider its decision. The student will be informed of the outcome of the hearing in writing within **5** working days of the date of the hearing.

10.3.9 Where a sanction other than permanent exclusion is imposed, this will conclude the internal disciplinary procedure and a Completion of Procedures letter will be issued to the student by the Dean of Students, advising of the right to take the matter to the Office of the Independent Adjudicator.

10.3.10 A further appeal will be available to the student where a sanction of permanent exclusion is imposed.

#### 10.4 Appeal to Governors (Permanent Exclusion only)

10.4.1 Where a sanction of permanent exclusion is imposed at any of the previous stages, the student may appeal to the Board of Governors. The appeal must be lodged in writing with the Clerk to the Governors within 30 working days of the notification of the outcome of the Appeal hearing being posted. The appeal letter must provide grounds for appeal and appeals will only be accepted on the following grounds:

- that there has been a procedural error in the conduct of the Procedure;

- that new evidence is available, which the student could not reasonably have been expected to produce at the original hearing;
- that the penalty imposed could reasonably be seen as excessive.

10.4.2 The appeal shall be heard by a specially convened Appeals Panel of the Board of Governors. The appeal panel will conduct the hearing as a re-hearing or review of the reasonableness of the outcome and/or sanction as appropriate.

10.4.3 In this case the Clerk to the Board of Governors shall put the appeal before the Panel; the membership will comprise three governors appointed by the Board, but will exclude staff and student governors. The governors may confirm, vary or rescind the decision of the Appeal Panel, substituting any alternative sanction available under the procedure or no sanction at all, as appropriate, or refer the matter back to the panel for re-hearing.

10.4.4 The decision of the Appeals Panel shall be final and shall be notified to the student within a period of five working days. If the appeal is successful, Cardiff Metropolitan University will ensure, so far as is possible, that the student has not been disadvantaged by any disciplinary action.

## **11 Misconduct that is also a Criminal Offence**

11.1 Any incident that affects Cardiff Metropolitan University's members, property or reputation or that may amount to the commission of a criminal offence will in all circumstances be reported to the police by Cardiff Metropolitan University.

11.2 Conduct that might constitute a criminal offence may also be dealt with as misconduct under this Procedure if that conduct took place on Cardiff Metropolitan University premises and/or affected other members of the University and/or damaged or was likely to damage the reputation of the University.

11.3 The following clauses apply where the alleged misconduct would also constitute an offence under criminal law, if proved in a court of law:

- where the offence under the criminal law is considered by Cardiff Metropolitan University to be insufficiently serious, action under this Procedure may continue, but such action may be deferred pending any police investigation or prosecution;
- in the case of all other offences under the criminal law, a letter instituting disciplinary proceedings will be sent, which will also explain that the internal proceedings will be deferred (other than investigatory suspension pursuant to Section 4.13 of this Procedure) until the matter has been reported to the police and either prosecuted or a decision not to prosecute has been taken, at which time the Vice Chancellor (or nominee) may decide whether disciplinary action under this Procedure may be taken;

- where a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining any penalty by Cardiff Metropolitan University under this Procedure.

## **12 Monitoring and Review**

12.1 The Student Disciplinary Procedure will be reviewed at the end of each academic year. This is the responsibility of the Dean of Students.

Monitoring of the process is undertaken by:

- maintaining a complete tracking system and record of each disciplinary case;
- feeding back details of actions and outcomes to relevant Schools and Units;
- ensuring all staff responsible for dealing with cases of student discipline are aware of the Procedure and receive training;
- establishing a rigorous and effective system of dealing with any proven culpability or risks to prevent the same situation happening again.

### Student Code of Conduct

1. All students are expected to observe Cardiff Metropolitan University regulations, policies and procedures including, but not restricted to, those relating to financial requirements, health and safety the use of IT and other facilities. Copies of the regulations, policies and procedures can be obtained from the Cardiff Metropolitan University web site.
2. The following constitutes a **non-exhaustive** list of the types of misbehaviour or misconduct that this Code is intended to cover, wherever this occurs (although, alleged criminal offences must be reported to the police immediately):
  - Behaviour that constitutes a criminal offence.
  - Possession or misuse of prohibited substances or weapons
  - Violent, indecent, disorderly, threatening or offensive behaviour or language
  - Fraud, deceit, deception or dishonesty in relation to Cardiff Metropolitan University or its staff or in connection with holding any office in the University or in relation to being a student of the University.
  - Action likely to cause or impair the health, safety, and well-being of any student, member of staff or other employee of Cardiff Metropolitan University or any authorised visitor to the University.
  - Verbal abuse, bullying or any form of harassment, intimidation, victimisation or discrimination of any student, member of staff or authorised visitor to the University
  - Damage to, or defacement of, Cardiff Metropolitan University property or the property of other members of the University community caused intentionally or recklessly and misappropriation of such property.  
Misuse or unauthorised use of Cardiff Metropolitan University premises or items of property, including misuse of computers or other electronic devices to transmit, receive, view or display offensive, defamatory, discriminatory, obscene or otherwise illegal material or to introduce any virus, worm or other harmful or nuisance programme or file into any IT facility.
  - Failure to disclose a name and other relevant details to an employee of Cardiff Metropolitan University in circumstances when it is reasonable to require that such information is given.
  - Failure to comply with a previously imposed penalty under this Code.

Plagiarism is regulated under the Academic Handbook, Unfair Practice Procedure, and not the Student Disciplinary Procedure.

### Procedures for Undertaking Investigations

1. The Investigating Officer shall seek to establish the facts associated with the allegations of misconduct promptly. Wherever relevant, witness statements should be obtained and taken into account and, reasonable steps must be taken to interview all witnesses using the Interview form (Appendix 3)
2. The Investigating Officer should arrange an interview with the student(s) to provide opportunity to answer the allegations and to make representation in her/his defence. The student(s) should have not less than **3** working days notice of the interview and should be informed of the right to be accompanied by a friend or representative. If paperwork is to be reviewed as part of the interview, this needs to be provided at least 5 working days prior to interview.
3. The Investigating Officer should aim to complete the investigation within **30** working days.
4. Where possible interviews undertaken by the Investigating Officer should be conducted in the presence of another person. In any event, a contemporaneous written statement of the points made by the interviewee must be made during the interview. All those interviewed will have the opportunity to review their statement before signing and dating it as an assurance that the statement is a true and accurate record of their answers. This does not need to be done in the interview. Notes can be typed and sent to the student afterwards for his/her agreement. Cardiff Metropolitan University may need to disclose any information gathered during the course of an investigation in response to a request made under the Data Protection Act (1998) or the Freedom of Information Act (2000). This would include information held in any form, such as handwritten notes, tape recordings, word documents or e-mails. 'Off the record' comments should not be made.
5. The Investigating Officer will produce a report outlining the extent and findings of the investigation, together with recommendations as to appropriate sanctions, if any. The report will include copies of witness statements and all other documentary evidence reviewed by the investigating officer, which may be relevant to a future investigation or hearing.
6. **Interviewing Technique**
  - Investigator must remain objective
  - Interviews record should be written contemporaneously (by another where possible)
  - The investigation should be based on evidenced facts rather than unsupported opinions.
  - Names, dates, times, acts and witnesses are the key details
  - Only what the interviewee saw, heard and said should



- form part of a statement
- Only facts relating to the issue under investigation are relevant, not history, unless behaviour is a repetition of similar behaviour, which has led to disciplinary action previously
- All witnesses must be interviewed
- If it becomes apparent during an interview that a criminal offence may have been committed, the interview must be suspended and the matter referred to the police
- Interviewee must be asked to agree sign and date statement (this can be done after the interview has been completed, by sending the notes to the student).

## **7. Guidance on report writing**

Reports should include:

- an introduction & background,
- descriptions of allegations,
- chronology of events,
- findings including evidence to back up or contradict each allegation or conclusion
- Recommendations (which should include a sanction if applicable and the timescale this sanction is to last for (usually 12 months or until graduation).

The report should be submitted to the Dean of Students within 30 working days from the date the student was notified of the investigation taking place. Any sanction to be applied must be agreed by the Deputy Vice Chancellor and the Dean of Students, and will be endorsed by the relevant Dean or Head of Unit.

The outcome of the investigation will be provided to the student.

## **8 Guidance on dealing with Students with Disabilities/Mental Health conditions**

Investigating Officers will need to recognise the stress that the Student Disciplinary Procedure may cause and its potential impact upon students with mental health issues. Reasonable adjustments in the form of breaks during interview or sending typed notes to be agreed following interview should be considered, and ensuring that the students preferred method of communication is used.

Student Services should be consulted throughout the process and consideration given to including the mental health advisor or nominee in interviews where the student requests their presence. The student's medical condition should also be taken into consideration where considered relevant to the incidents being investigated.

### Appendix 3

Witness Statement Cardiff Metropolitan University Student Disciplinary Procedure <i>NB Fields may be expanded as necessary</i>	
Name of Person	
Date of Interview	
Location of Interview	
Name of Investigating Officer	
Name(s) and roles of other person(s) present	
When did incident(s) occur?	
Where did incident(s) occur?	
What happened (including who did what to whom)?	
Who else was there (names and other identifying information)	
Any other information that may be relevant?	

**Guidelines on the Conduct of an Appeal Stage Disciplinary Panel**

The Dean of Students or his/her nominee will act as Clerk to the Committee and arrange for a formal record to be made of the proceedings.

The Order of Panel Proceedings will be as follows:

- Chair to introduce all present
- Chair to explain the purpose of the hearing
- Chair to make reference to documentation received
- A4 synopsis summarising the main points of their case distributed by all parties involved
- Cardiff Metropolitan University's case presenter makes oral presentation
- Opportunity for Panel and student and/or representative to ask questions of case presenter
- Student makes oral presentation
- Representative, if present, makes oral presentation
- Opportunity for Panel members and case presenter to raise questions of student and/or representative
- Case presenter summarises. No new evidence can be presented at this time
- Student and/or representative summarises. No new evidence can be presented at this time
- Panel to consider their verdict in private (Either side may be required to be available to provide further information or clarification of matters. If recall is necessary, then all parties should be in attendance)

The Panel will decide the outcome. Where a unanimous decision cannot be reached, a majority vote will be permissible. In the event of a split decision the Chair will have a casting vote. In certain circumstances the Panel may adjourn to reconvene at a later date.

Witnesses are not permitted to appear at the hearing. However, the student and the School/Unit are permitted to provide written witness statements in advance of the Panel hearing, which will be considered with the previous documentation.

The decisions/recommendations of the Panel will be communicated to the student in writing, as well as to the Vice Chancellor and Clerk to the Governing Body, as soon as possible and certainly within **5** working days.