



**City, University of London**

**Guidance to support the use of Regulation 13 (Student Discipline) - 2017/18**

**Section 1. GENERAL GUIDANCE – applicable for all Stages of disciplinary process**

**Section 2. SPECIFIC GUIDANCE for Stage 1 and Stage 2**

**Guidance for Disciplinary Panels - refer to separate “Guidance for Disciplinary Panels” available from Student & Academic Services**

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**Section 1. GENERAL GUIDANCE – applicable for all Stages of disciplinary process**

**1. Emergency action**

Appropriate to consider immediate, temporary suspension or exclusion where a risk assessment determines there to be evidence to suggest an immediate, significant threat to themselves, City students, staff or other community members.

Any Risk Assessment will be managed by Student & Academic Services.

Only the President is permitted to approve immediate, temporary suspension or exclusion pending further action under the procedure outlined in Regulation 13. The exception would be where a suspension/exclusion is applied under the Fitness to Practice procedure for those students to whom that procedure applies.

**Immediate, temporary suspension/exclusion:** paragraph 17 of Regulation 13 specifies that where a student’s conduct is considered to represent potential immediate, serious and significant threat to their or others’ personal safety or to that of City premises, City may apply a temporary immediate suspension or exclusion to that student. Any request for a suspension or exclusion to be applied under these circumstances, must be supported by sufficient evidence to demonstrate the suspension or exclusion would be reasonable.

**2. Criminal convictions or potential criminal activity**

Notification from police about convictions/police investigations into students should be channeled via City’s Police Liaison. Sharing information with police will normally be managed via the Police Liaison.

Protocols for managing information/ making decisions about police notification of student being investigated, or charged should be managed via the Police Liaison.

Please refer to the flow chart for more detail on how City manage;

- i) activity by a student which may represent possible criminal act(s)/ offence(s)
- ii) notification of police investigation and/ or legal proceedings against a student taking place
- iii) a criminal conviction which City becomes aware of during the course of a student’s registration

If the alleged misconduct is subject to any criminal investigation or legal proceedings, the disciplinary process will be suspended until these have been concluded. Action under ‘Emergency Action’ is precluded from this process suspension.

**3. Other policies that may interact with Disciplinary action**

- Student Charter

- Fitness to Study
- Bullying & harassment Policy
- Interruption of Studies
- Complaint – note that students may not submit complaints under Regulation 26 regarding use of disciplinary procedure
- Fitness to Practice (School of Health Sciences, Department of Psychology)

The management of a student's case may be referred from one procedure/regulation to another. Any decision to refer a student's case should be recorded clearly in the records of both processes and the rationale made clear. Any referral should be communicated clearly to the student, again with a clear rationale.

#### **4. Codes of Conduct**

Regulation 13 includes a list of Codes of Conduct. Where the student's conduct represents a breach of one of these Codes, action should be taken in accordance with the relevant Code as Stage 1 of the process. Where the student's misconduct could be considered to fall under the Code and general misconduct as outlined in Regulation 13, Student & Academic Services should be contacted for advice.

#### **5. Complaints against staff members**

The investigator is encouraged to contact HR (i) to alert HR to the fact that a complaint has been made against a staff member, and (ii) for advice about handling a complaint against/ involving a staff member.

Liaison with HR should be instigated from the commencement of any investigation – but a referral to HR is usually only necessary where the outcome of the complaint investigation upholds the complaint against the staff member.

Staff members subject to a complaint investigation may wish to contact the HR Advisor for their area for advice and support.

#### **6. Supporting complainant or victim**

The complainant or alleged victim should routinely be made aware of support services available to them at the earliest opportunity.

For staff, this could include:

- Bullying & Harassment Advisors – see HR webpages for further information.
- HR Advisor for area or service
- Occupational Health

For students, this could include:

- Students' Union – see [www.culsu.co.uk](http://www.culsu.co.uk)
- Bullying & Harassment Advisors – see <http://www.city.ac.uk/student-administration/if-things-go-wrong/bullying-and-harassment/harassment-advisers>
- Student Support Services: <http://www.city.ac.uk/current-students/health-wellbeing-sport>

#### **7. Supporting alleged perpetrator**

It is not considered appropriate for alleged perpetrator to be supported by their Personal Tutor whilst suspended or excluded pending Disciplinary Panel, as this may represent a potential conflict of interest – we would recommend that student be referred to Students' Union

#### **8. Evidence**

City does not normally accept anonymous complaints against students for consideration.

Where fraudulent evidence has been provided by a student in support of an extenuating or mitigating circumstances claim or appeal:

- the area responsible for the consideration of the submission may consider referring the student for consideration under the disciplinary process

- (In support of EC claim) the relevant School could consider just rejecting evidence with result that student's claim may fail.

City does not normally anonymise complaints or witness statements before sharing with alleged perpetrator. Only where there is a significant concern for the health and safety of the complainant/witness would this be considered – the rationale for such action would need to be recorded and held on file.

## 9. Alumni

Alumni can only be considered under Disciplinary Policy/ Regulation 13 where the complaint relates to possible plagiarism in a student's work leading to their award.

Liaison with the Alumni Office is important – the outcome of investigation may lead to the individual's alumni privileges being removed. Where this is the likely outcome, or has been decided by a Disciplinary Panel, the Alumni Office should be contacted as soon as possible.

## 10. Sharing information

City's Disciplinary Regulation will be operated in accordance with City's duties under the Equality Act 2010 and the Data Protection Act 1998. Staff can refer Information Compliance for further information about student confidentiality.

Information disclosed under Extenuating Circumstances Procedure, Complaint or similar that may be considered under Disciplinary where appropriate.

## Section 2. SPECIFIC GUIDANCE for Stage 1 and Stage 2

### 1. Referral of complaint against a student to within Stage 1 (ie. from Code of Conduct to School or from School to Code of Conduct); or from Stage 1 to Stage 2

*Within Stage 1 (i.e. from Code of Conduct to School, or from School to Code of Conduct)*

A report referring a complaint between a Code of Conduct and a School should include the following information: the student's full details (name, student registration number, programme); what section of the Code of Conduct or Regulation 13 defines the student's conduct as a breach or misconduct, the particulars of the student's misconduct, what action has been taken by the owner of the Code of Conduct/School; the rationale for the referral.

*Referrals of complaints from Stage 1 to Stage 2*

The staff member responsible should complete and submit, with evidence, a *Referral to Reg13 Stage 2 Form*. A copy of this form can be obtained from Student & Academic Services.

### 2. Remedies available to School Officer under Stage 1 (B.19.ii)

Where a complaint is considered substantiated, and the student accepts the complaint against them, the School Officer may propose a remedy. The matter can be considered resolved if both the School Officer and student agree on the remedy. The remedies the School Officer could consider include: a letter of apology from the student to the victim (it is recommended that this is sent to the School directly, and the School pass this onto the victim); the student attends training, or other development session; the student agree to seek support from counselling, mentoring or other support service.

If the student fails to act in accordance with the agreed remedy, this may be considered misconduct, and the matter may be referred to Stage 2 on this basis.

### 3. Referring a complaint to a Disciplinary Panel

Regulation 13 stipulates that the following complaints should be referred directly to a Disciplinary Panel for consideration:

- where a student is subject to immediate, temporary exclusion or suspension, the complaint should be.
- where the complaint relates to academic misconduct

Where the complaint has been discussed with the student via a Preliminary Interview, and the student

disputes the complaint against them, disagrees with the proposed remedy or the Officer is not persuaded that the student is responding appropriately to the complaint against them, the Officer is entitled to refer the complaint to a Disciplinary Panel.

Where the same or a similar complaint against the student has been considered previously at Stage 2, the matter may be referred directly to a Disciplinary Panel.

### Useful Contacts

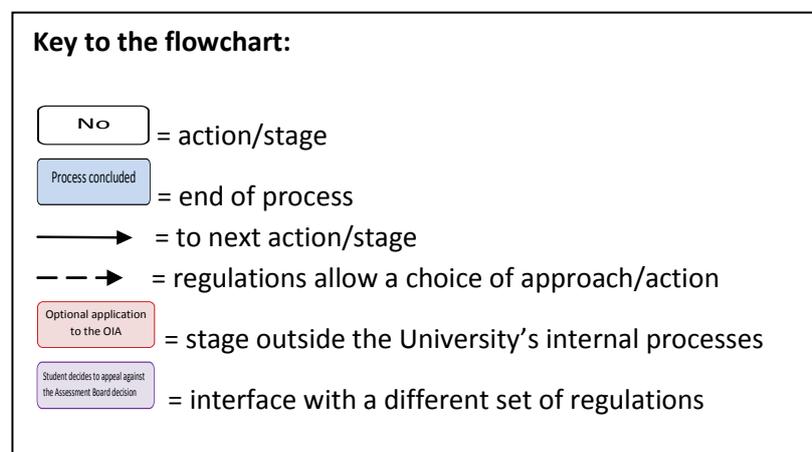
Query	Contact
<ul style="list-style-type: none"> <li>• Concern regarding a student’s conduct and whether disciplinary action would be appropriate or necessary</li> <li>• General query about the Student Disciplinary Policy and Regulation</li> <li>• Query about seeking an immediate, temporary suspension or exclusion of a student</li> </ul>	<ul style="list-style-type: none"> <li>• School Quality Team in which the student concerned is registered</li> <li>• Nerida Booth, Student &amp; Academic Services;</li> <li>• Shereen Sally, Dep. Head of Student Experience;</li> <li>• Maggie Cunningham, Head of Student Experience</li> </ul>
<ul style="list-style-type: none"> <li>• Concerns that a student’s well-being may be related to or the cause of the alleged misconduct;</li> <li>• Where there is clear concern for a student’s well-being, you are unsure which support service to initially refer a student to</li> </ul>	<ul style="list-style-type: none"> <li>• Student Health Service;</li> <li>• Student Counselling &amp; Mental Health Service</li> </ul>

## FLOWCHART OF THE STUDENT DISCIPLINE REGULATIONS

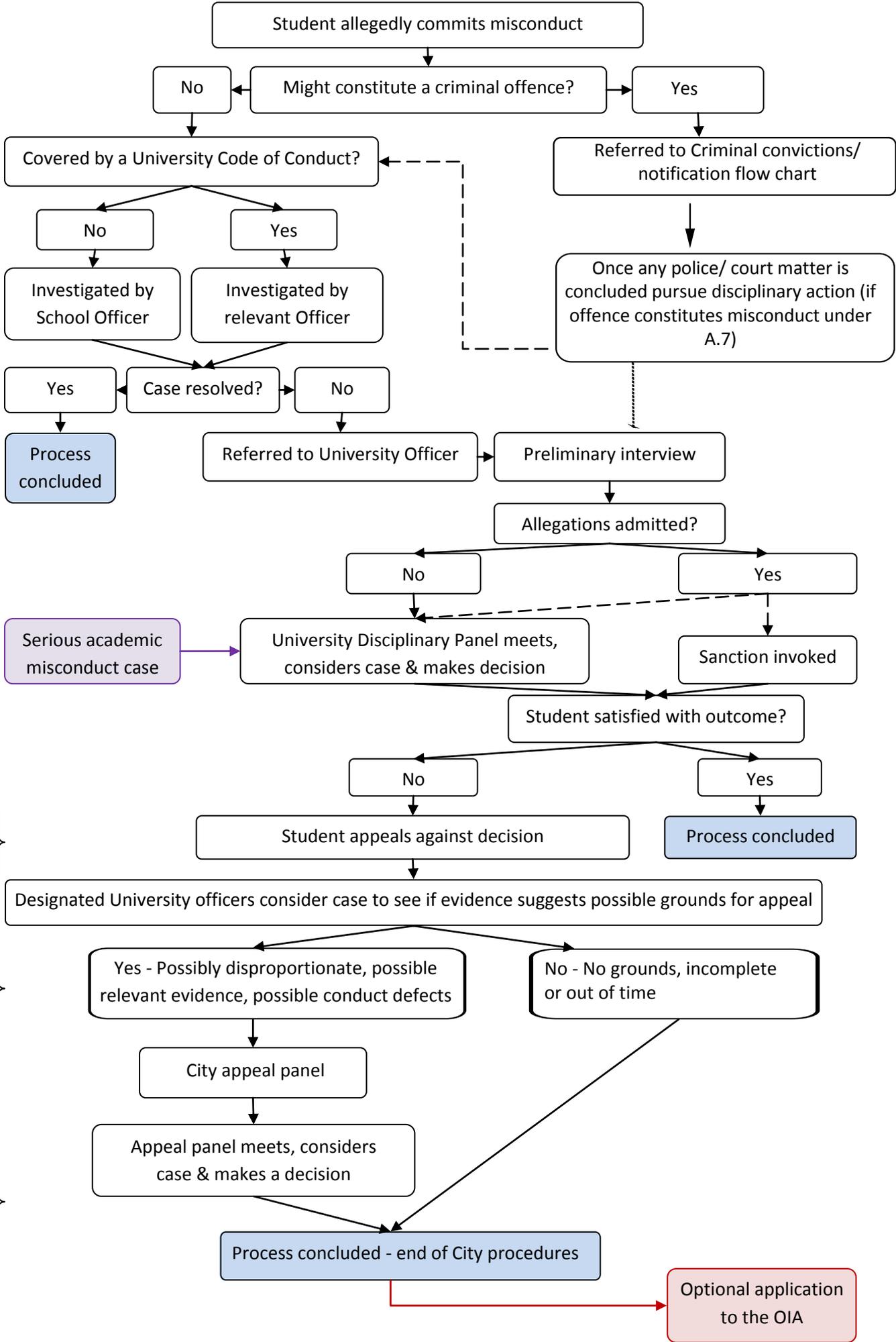
This flowchart is designed to detail the main stages of the disciplinary process. It is not designed to provide a complete set of information on the way in which cases of alleged misconduct are managed at City.

Please use this flowchart alongside the Student Discipline Regulations [<http://www.city.ac.uk/about/city-information/governance/constitution/senate-regulations> ], the Student Discipline Policy [[http://www.city.ac.uk/adu/dps/student\\_discipline\\_policy.pdf](http://www.city.ac.uk/adu/dps/student_discipline_policy.pdf)] and any information provided in your Programme Handbook.

Support for students facing a disciplinary charge is available from the Union Support Service at <http://www.culsu.co.uk/advice> and the Appeals, Complaints and Enhancement Office at [www.city.ac.uk/ace](http://www.city.ac.uk/ace).



# STUDENT DISCIPLINE REGULATIONS FLOWCHART



{ 21 days }  
 { 7 days }  
 +  
 { 21 days }  
 { 28 days }  
 +  
 { 14 days }

Appendix B

