

## STUDENT NON-ACADEMIC DISCIPLINE CODE OF PRACTICE

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## 1. Introduction

- 1.1 This Code of Practice defines what constitutes non-academic student discipline at Keele University and sets out the procedures the University will follow to investigate such cases. Where a student is found to have committed an offence following an investigation or hearing, the Code provides a framework for applying fair and proportionate penalties. It also outlines the roles and responsibilities of University staff and committees involved in investigating allegations, conducting hearings, and imposing outcomes.

## 2. Purpose

- 2.1 The purpose of the Code of Practice for Student Non-Academic Discipline is to set out a clear, fair and equitable framework for how the University will investigate allegations of student misconduct and where appropriate, apply disciplinary penalties. This Code of Practice is underpinned by the University's [Regulation B1: Student Discipline](#), which sets out the principles and procedures for managing student discipline.
- 2.2 All members of the University community are expected to treat each other with dignity and respect. This includes students, members of staff, visitors to the University or other members of the community. In accordance with its legal and regulatory obligations, the University is committed to the fair treatment of all individuals regardless of age, disability, gender reassignment, pregnancy and maternity, sex, sexual orientation, race, religion or belief. By accepting an offer of a place at the University, students agree to abide by all relevant policies and regulations of the University which have been designed to support the University's key values.

## 3. Scope

- 3.1 This code of practice applies to all registered students at the University including but not limited to Undergraduate, Postgraduate and Postgraduate Research students. It also applies to those who have accepted the offer of a place to study at Keele. It applies to behaviour wherever and whenever it may have taken place, when it is considered by the University to be detrimental to another member of the University, University property, or the interests and reputation of the University. It includes, but is not limited to, behaviour arising at any time when the student may be regarded as representing the University as an individual or as part of a team or group. It also applies when the student is living or studying on campus or at a location away from the University, either as part of their studies or following an arrangement made through the University or the Students' Unions.
- 3.2 Keele Students' Union (SU) has internal procedures for addressing offences against its constitution, policies, and processes. Where such offences do not involve a violation of University regulations or affect a student's status, the SU reserves the right to investigate and act in line with its governance framework. However, if the alleged offence may involve a violation of University regulations or

impact a student's standing, the University has primary jurisdiction. This reflects the Education Act 1994, which recognises students as members of the University, placing ultimate duty of care and oversight with the institution. The University typically leads in such cases, particularly where the matter affects a student's status or the wider community. The SU may refer concerns and support the process but will not act independently on issues under University remit until investigations conclude or action is required under SU procedures. Allegations that may involve a violation of University regulations or impact a student's standing will be jointly assessed to decide the lead authority and necessary measures during any investigation. Further information on the SU's constitution and policies is available from the Students' Union. Both the SU and University commit to regularly sharing updates to procedures affecting this framework

- 3.3 As a registered provider with the Office for Students, the University is responsible for all students pursuing a Keele award, regardless of location or delivery method (on-campus or via a partner institution). Students enrolled in Keele programmes at partner institutions are expected to comply with both this Code of Practice and the policies of the partner institution.
- 3.4 Where there are significant concerns that mental or physical illness may have directly impacted on behaviour and/or conduct, an allegation may also be referred to the University's [Support to Study policy](#) or [Regulation B4 Fitness to Study](#) for consideration. This could be as well as, or instead of, disciplinary action.

#### 4. General Approach

- 4.1 University members of staff are entitled to take immediate risk mitigation action to deal with disruptive or dangerous student behaviour. Action may be in response to breaches of local codes of behaviour or conduct, such as those related to health and safety requirements, and sanctions will usually consist of requesting that the student remove themselves for the duration of a specific activity. Such reasonable and proportionate immediate action may also be taken by university officers, such as Campus Safety Officers, to protect the safety of the campus community, prevent harm, restore order, safeguard the University's reputation, or gather evidence to support further disciplinary investigation under this code of practice.
- 4.2 The University seeks to operate in a fair and transparent manner in accordance with the principles of natural justice. It does not seek to replicate or replace criminal law and is not a formal legal process.
- 4.3 Whilst this is not a legal procedure the University still adheres with its wider legal obligations which apply to this code of practice: for instance, the duty to act fairly and reasonably in relation to all parties in the application of this code of practice. The standard of proof required is the balance of probabilities: that is, it is more likely than not that the alleged misconduct occurred.
- 4.4 If an investigation into an alleged offence raises concerns for the welfare of an individual, the staff member will ensure an appropriate internal specialist member of staff is consulted with regarding recommended support.

- 4.5 If a concern is raised regarding a child or an adult at risk, or if an allegation indicates that a child or adult at risk may be at risk of harm, it is essential that this is referred to the University Designated Safeguarding Officer. If there is an immediate risk of harm to any individual, the emergency services must be contacted without delay. See [Safeguarding policy](#) and [procedure](#) for more information.

## 5. Confidentiality and Sharing of Data

- 5.1 Cases will be handled with an appropriate level of confidentiality and due consideration for data protection. Personal information is shared with or released normally only to those who are part of the University's disciplinary and fitness to practise procedures, and other relevant staff of the University as appropriate. Further information regarding how the University collects and uses personal student information can be found in the [Student Privacy Notice](#).
- 5.2 If it is determined that an offence has been committed, the outcome of the disciplinary process will be placed on the student's electronic record and will also be sent to the student concerned, the relevant head(s) of school and other relevant officers of the University.
- 5.3 Where the discipline case was the result of a complaint from a student, the University can determine whether it is appropriate to inform the reporting student of the outcome of the case and any penalty applied. The University will balance this in each case with its obligations under [data protection legislations](#) and in alignment with [The Office for Students Condition E6 Harassment and Sexual Misconduct](#).
- 5.4 In some rare cases, the University may be required to share information with third parties as laid out in the [Student Privacy Notice](#). Also see section 4.5 and the [University Safeguarding Policy](#).
- 5.5 To facilitate sharing of information, Keele University is a signed member of the [One Staffordshire Information Sharing Protocol](#). The University may share information under the One Staffordshire protocol to help protect people, support those in need, or respond to emergencies. For example, it might share information with the NHS or local council if someone is at risk and needs help under safeguarding processes. The University may also share information with the police to help prevent or investigate crime or provide data to the government or NHS during public health emergencies—information will always be in line with the law and with respect for privacy.

## 6. Risk Mitigation

- 6.1 At any point in the disciplinary process, and/or during a police investigation the University may impose temporary restrictions. Temporary restrictions are not disciplinary actions but are meant to protect individuals and the University community, maintain the University's operations and ensure a fair process while an investigation is underway.

- 6.2 If a student is enrolled on a programme that requires practical training in a professional role involving patients, pupils, clients, or service users—or where the final qualification provides a direct licence to practise or is a requirement for such a licence—the level of professional risk will be evaluated to determine any necessary additional risk measures. This applies, for example (but is not limited) to programmes in Medicine, Pharmacy, Nursing and Midwifery, Physiotherapy, Veterinary Medicine, and Social Work. Depending on the outcome of the evaluation, this could result in a suspension from studies and/or the practical elements of the programme under this Code of Practice. Alternatively, the case may be referred to a School Health and Conduct Committee or the University Fitness to Practise Committee under [Regulation B5: Fitness to Practise](#). The University will endeavour not to run multiple processes simultaneously and may pause or close a case under one regulation while another is active.
- 6.3 In situations where immediate risk mitigation is necessary to protect individuals, University property, or the wider University community, emergency measures may be authorised before a Risk Assessment Panel is convened. This authorisation can be made by the Deputy Vice-Chancellor (or nominee), the Director of Student Support and Success (or nominee), or the Academic Registrar (or nominee). The student will be informed of the emergency measures by telephone, email, written communication, or in person, depending on the nature of the incident.
- 6.4 Following the implementation of emergency measures, a Risk Assessment Panel will be convened as soon as possible to review the measures and determine any that should be retained as ongoing temporary restrictions. The student will be updated on the outcomes of the Risk Assessment Panel. Appeals will not be accepted for emergency measures but any information a student wishes to submit following emergency measures will be reviewed by the subsequent Risk Assessment Panel.

## 7. Temporary Restrictions

- 7.1 When an allegation is received an Investigating Officer will be appointed. The Investigating Officer will assess any potential risk in liaison with the Head of Student Discipline Investigations (or nominee) when required. If it is agreed that temporary restrictions may be necessary to manage risk, a risk assessment form will be completed, detailing the circumstances of the allegation and any risk indicator's present. A decision will be made on whether the information about potential risk warrants a case being referred to the Risk Assessment Panel for consideration, or if the temporary restrictions that the Investigating Officer/Head of Student Discipline Investigations (or nominee) are authorised to impose are sufficient to mitigate the risk. A list of example restrictions that the Investigating Officer/Head of Student Discipline Investigations and Risk Assessment Panel can impose are provided in Annex A.
- 7.2 If a student's behaviour in the library disrupts other students' ability to study uninterrupted or breaches the [library code of conduct](#) the librarian, or nominee, is authorised to take immediate measures under this code of practice. The librarian or nominee can temporarily exclude a student for up to 48 hours or may limit their access to the library to certain times for up to 72 hours. If the librarian or nominee feels further restrictions are necessary, then this would be referred to the Head of Student Discipline Investigations to review the case.

- 7.3 If emergency measures, temporary restrictions, or exclusions have been imposed upon a student and they are also an employee of the University, the Students' Union or Keele Postgraduate Association, the Chief People Officer and/or the Students' Union/Keele Postgraduate Association will be notified for consideration as to whether any further action is required under their procedures.
- 7.4 Any ongoing temporary exclusions or restrictions will normally remain in place while an investigation is carried out or until the outcome of criminal proceedings and/or the disciplinary process is known.

## **8. Risk Assessment Panel**

- 8.1 The Risk Assessment Panel will consist of representatives from Student Services and/or Academic Registry and, where appropriate, representatives from the school, community safety and security team, the Student's Union and/or any other relevant support staff. The panel will consider each assessment on a case-by-case basis to decide what temporary restrictions/exclusions will be imposed whilst a disciplinary investigation is conducted. Any available evidence will be reviewed to ensure any decisions are proportionate.
- 8.2 Where the Panel decides that a student needs to be temporarily excluded from campus and/or suspended from studies, this will require approval by the Deputy Vice-Chancellor or nominee. The Panel can implement these restrictions with immediate effect if deemed necessary to appropriately mitigate any risks identified. This will require retrospective approval by the Deputy Vice-Chancellor or nominee within 21 days of the temporary exclusion and/or suspension from studies being issued.
- 8.3 As soon as temporary restrictions or exclusions have been imposed by the Risk Assessment Panel, the student will be informed of this in writing. Information provided to the student will include the timescale and manner by which the restrictions and exclusions will be reviewed, and notification of the right to meet with the Panel to discuss the restrictions or exclusions. Section 9 outlines the formal appeals process that a student can submit following receipt of the Risk Assessment Panel outcome. Appeals can be submitted whether a student chooses to attend the Risk Assessment Panel meeting or not. Efforts will be made to limit, where possible, the impact of such temporary restrictions or exclusions on the students' studies.
- 8.4 Meeting with the Risk Assessment Panel

Following any temporary restrictions the student will be given the opportunity to meet with the panel if they wish. This is to allow the student to discuss the impact of these restrictions, and not to discuss any response or details of the allegation which have been raised, or the disciplinary investigation. If a student wishes to meet with the panel, then the request to do so must be made within 21 days of the imposed restrictions. The Panel will consider the impact(s) that the student wishes to raise and will determine if any adjustments are required to the temporary restrictions. The student will be informed of the outcome within 7 days of the meeting and of their right of

appeal against this decision. If a student chooses not to attend a meeting with the Panel, they will be informed that they have the right of appeal against the Panel's decision.

- 8.5 The University may review temporary restrictions at any time. The Student Discipline team hold regular case management meetings, which will include considering any temporary restrictions to see if they are still appropriate. The University will only inform the student of the outcome of the review if there has been a change to the temporary restrictions.
- 8.6 The student may also request a review of the temporary restrictions if they have any new evidence or information to be considered. They can do this by writing to the Investigating Officer who will either review the restrictions imposed by the Investigating Officer/Head of Student Discipline Investigations or request a Risk Assessment Panel meeting. The University will inform the student of the outcome of the review.
- 8.7 Examples of emergency measures and temporary restrictions are listed under annex A.

## **9. Appeals against Temporary Restrictions**

- 9.1 A student has the right to appeal against any temporary restrictions and/or exclusions which have been imposed, (please note, appeal against emergency measures cannot be raised). Such an appeal should be lodged in writing to [discipline@keele.ac.uk](mailto:discipline@keele.ac.uk) within 14 calendar days from the date of the letter informing the student of their right to appeal the temporary restrictions/exclusions. Appeals will only be considered if the student believes there to be a procedural irregularity. If a student wishes to submit additional information, such as exceptional circumstances or new evidence, they should refer to section 8.6 of this document for details of how to do this.
- 9.2 The Director of Student Support and Success or Deputy Academic Registrar will review the appeal and any supporting evidence. They may accept the appeal and lift the temporary restrictions and/or exclusions, modify them, or reject the appeal so that the temporary restrictions and/or exclusions remain in force. The student will be informed of the outcome in writing.

## **10. Behaviour which amounts to a disciplinary offence**

- 10.1 The University will consider behaviour an offence under this code of practice when that behaviour:
- negatively impacts staff, students, visitors and any member of the University community, and/or
  - adversely affects the functioning or activities of the University or its reputation, and/or
  - is detrimental to University property.
- 10.2 The examples of unacceptable behaviour which are listed in Annex B are not exhaustive and the University can bring action in relation to other unacceptable behaviour where there is evidence to do so.



- 10.3 The Head of Student Discipline Investigations, or their nominee, will determine the most appropriate investigation route to follow. Options for investigation include informal resolution methods, such as Education First and Mutual Resolution, or a formal disciplinary investigation.

Note: If evidence collected during the investigation stage suggests that a different or additional alleged offence has potentially occurred, the Investigating Officer will detail the reason for this change and inform the student about the new/additional allegation. New or additional allegations will then be included in the investigation.

## **11. Overlap with Criminal Proceedings or other University Regulations**

- 11.1 Where a police investigation or criminal proceedings have been, or are likely to be, initiated in relation to the alleged act of misconduct, the University will usually suspend its disciplinary process under this code of practice until such investigation or proceedings have been concluded. Temporary restrictions and/or exclusions can still be applied during this time; they are precautionary and will be based on risk assessment considerations. The disciplinary process can be resumed fully, or in part, at any stage should the University deem this necessary in the circumstances. The University will inform the student of the suspension to the disciplinary process, and students will be informed when disciplinary processes are resumed.
- 11.2 A criminal conviction may constitute an offence under this Code of Practice. As detailed in Annex B (v) criminal convictions may be considered where these either involve other students, raise concerns regarding the safety or well-being of members of the University community, or directly affect the interests or reputation of the University.
- 11.3 The University reserves the right to undertake its own investigation to consider the case to ascertain whether the case should proceed to the Discipline Committee for consideration. An Investigation will normally include gathering relevant information from the court, including the sentence from the court. The Head of Student Conduct or nominee and the Head of Student Discipline Investigations or nominee will then determine whether to dismiss the case or refer it to a formal meeting of the Discipline Committee. Exceptionally it may be referred for consideration by chair's action on behalf of the Discipline Committee.
- 11.4 Where criminal proceedings have resulted in a custodial sentence of 12 months or more, the Head of Student Conduct and the Head of Student Discipline Investigations can recommend to the Deputy Vice-Chancellor that the student is permanently excluded from the University.

## **12. Informal resolutions**

- 12.1 Wherever possible and appropriate, the University will address allegations of student behaviour through early intervention and aim to develop students' understanding of what constitutes acceptable behaviour before taking disciplinary action. Where an offence may involve substance misuse the University will ensure support is available through the [harm reduction policy](#).



## 12.2 Education First

The University aims to take a supportive approach and where possible and appropriate, will respond with an 'Education First' approach. This means meeting with the student to have an educational conversation. The Investigating Officer along with the Head of Student Discipline Investigations will determine if the allegation may be dealt with through this process. Each individual report will be assessed on its own merit to ascertain the context, motive and impact of the circumstance before a decision is reached.

The educational conversation will normally be carried out by an authorised officer or appropriate staff member dependant on the details of the incident. The decision on which member of staff would be appropriate to carry this out will be agreed by The Head of Student Discipline Investigation or nominee.

12.3 During the conversation, the member of staff will explain why the alleged behaviour may have or did constitute a disciplinary offence and advice will be given regarding future conduct. In addition, the penalties that may be imposed should any further incidents of a similar nature are discussed.

12.4 If a student refuses to engage in the Education First process, then this may be referred to the Student Discipline Team and could result in more formal disciplinary action being taken.

12.5 All instances of Education First are recorded within Student Services. The allegation will not be detailed formally on the student record system or recorded as a discipline offence.

Note: Please be aware that if a student is registered on a programme governed by Regulation B5 (Fitness to Practise) and has undergone an Education First process, any allegations will also be reported to the school. This is necessary for evaluating compliance with professional standards.

## 12.6 Mutual Resolution

The Mutual Resolution process allows any student at the University who wishes to report an alleged offence without engaging in the University's formal disciplinary process to request this form of resolution, provided that the responding party is also a current student at the University and willing to participate in the process.

12.7 Mutual Resolution is a no-fault process. This means the responding student does not need to accept responsibility for the allegation to participate, and no implication of guilt should be inferred from their choice to participate or not. The process does not involve investigation of the allegations; instead, it aims to establish a mutually agreed-upon solution rather than initiate formal disciplinary action under this Code of Practice.

12.8 Mutual Resolution takes the form of a signed agreement between the reporting student and the responding student, in which both parties agree to specific conditions that will enable them to continue their studies and maintain a positive student experience. Please note that a specific condition would not be accepted that could be constituted as a non-disclosure agreement.

12.9 If the responding student is enrolled in a programme governed [by Regulation B5: Fitness to Practise](#), Mutual Resolution may not be appropriate. In such cases—where both the reporting and

responding students wish to pursue Mutual Resolution—a decision will be made through a meeting involving the Head of Student Discipline Investigations, the assigned Investigating Officer, and a representative from the relevant professional programme. Both students will be informed in writing whether the case is eligible for Mutual Resolution. There may be other instances that mean that Mutual Resolution cannot be used, such as cases where the nature of the allegation is particularly severe or raises significant concerns for the safety and wellbeing of the University community, or academic environment of its students, and those noted in section 3.5 in relation to Safeguarding.

12.10 Annexe C provides further details on the Mutual Resolution process and examples of possible conditions that may be included in a Mutual Resolution Agreement. Annexe D contains a template of a Mutual Resolution Agreement.

#### 12.11 Advisory Notice Letter

An Advisory Notice Letter (usually sent in the form of an email) is sent to a student to request them to discontinue an alleged behaviour. Examples of where an Advisory Notice Letter may be issued are detailed in 12.12 and 12.13.

12.12 A situation where an Advisory Notice Letter might be appropriate is typically when there is supporting evidence for the allegation, but the circumstances would not warrant a full disciplinary process. In such cases, an Advisory Notice Letter serves as an intermediary response to address the issue without escalation.

12.13 In situations where the allegation clearly constitutes a disciplinary offence, but the reporting party prefers a less formal resolution than a full investigation, an Advisory Notice Letter may also be issued as a form of resolution.

12.14 The preference to follow this form of informal resolution is usually identified during the preliminary assessment after both the reporting parties and responding student have met with the Investigating Officer to discuss the allegation. The University will however consider requests from the reporting party to resolve the matter via an Advisory Notice Letter at any point after a formal investigation has commenced.

12.15 The Advisory Notice will be recorded by the Student Discipline Team but will not form part of a student's formal online record. If the matter has been resolved via an Advisory Notice Letter but a further allegation is received relating to similar behaviour, then the Advisory Notice Letter may be noted during any formal investigation and report.

12.16 It is important to note that, like other informal responses to allegations, there may be circumstances in which the University considers it inappropriate to issue an Advisory Notice Letter. These include, but are not limited to:

- Cases where the nature of the allegation is particularly severe or raises significant concerns for the safety and wellbeing of the University community, or academic environment of its students.
- Situations where the student is enrolled in a program with professional practise requirements.
- Cases that warrant safeguarding concerns (see section 4.5 and the University [Safeguarding Policy](#)).

## 13. Disciplinary Investigations

### 13.1 Preliminary assessment

A preliminary assessment shall be initiated when an allegation is reported against a student. The allegation shall be brought to the attention of the Student Discipline team who will conduct a preliminary assessment to establish if a possible disciplinary offence may have occurred. In cases of alleged falsified attendance, the School's authorised officer will investigate and respond to any first and second offences following the process for the validation of attendance records and the management of students who falsify attendance records.

13.2 The Investigating Officer will undertake initial enquiries by whatever means considered appropriate based on the circumstances of the case before deciding on the next step in the process. Examples include, but are not limited to:

- requesting statements, for example from other students, members of staff or those visiting the University.
- collection of CCTVs.
- Reviewing of mobile body cameras where the Campus Safety Team have been involved.
- Dashcam footage.
- Social media, online messages or other forms of communication.

13.3 The Investigating Officer will then bring this to the attention of the Head of Student Discipline Investigations or nominee to confirm the most appropriate next steps based on the information known. This includes referral to informal resolution, proceeding to a formal disciplinary investigation, or dismissal of the case as the allegation does not suggest a disciplinary offence. The relevant school will also be notified of the allegation as part of the preliminary assessment where a student is registered on a programme with professional practise requirements.

13.4 Allegations will be accepted from staff, students and third parties. In circumstances where an allegation has been raised anonymously, the University will record information for prevalence data but is unlikely to be able to conduct a formal disciplinary process. If the information suggests concerns of a safeguarding nature the University may have a legal obligation to share the information with the appropriate authorities.

### 13.5 Disciplinary Investigation

Following initial enquiries and discussions with the Head of Student Discipline Investigations, it may be decided that a formal disciplinary investigation is needed.

13.6 The student accused of the allegation will be informed in writing of the allegation raised and how this may be considered a disciplinary offence. They will be provided with the opportunity to respond and to meet with the Investigating Officer to undertake a preprocess meeting. The Investigating Officer may also contact witnesses or others who have relevant information. They may also collect evidence such as photographs, CCTV footage, mobile phone messaging and social media posts.

- 13.7 As part of the investigation the Investigating Officer may conduct separate interviews with the responding student, the person who reported the issue, and any witnesses to ascertain further information. Preference for whether these meetings take place online or in person will be offered to those attending. All interviews and any supplementary ad hoc conversations that may be required by the Investigating Officer may be recorded, but the interviewee will be told before any recording starts. For online meetings written records will be made by reviewing the Teams transcription captured during the recording. These transcription notes may then be referred to directly in the final investigation report. This is to ensure transparency and accuracy within the investigation report.
- 13.8 If in-person meetings are chosen, they will be arranged accordingly. At in-person meetings, recordings may be used if necessary, and the student will be notified in advance if this is the case. These recordings will be transcribed verbatim, and selected parts may be referred to directly in the final report. The full transcript will be included within the annex of the report.
- 13.9 The Investigating Officer will keep students informed throughout the process for when they can expect these meetings to be arranged.
- 13.10 To conclude the investigation the Investigating Officer will complete an investigation report, along with collated evidence. The Head of Student Discipline Investigations or nominee, together with the Investigating Officer uses the report to decide if an Investigating Officer Issued penalty or informal resolution is appropriate. (See Annex E: Investigating Officer Issued Penalties.)
- 13.11 If agreed that the case warrants an Investigating Officer proposed penalty, (see Annex E: Investigating Officer Issued Penalties) then the report including any evidence used to make the decision will be shared with the responding student. The responding student will have 14 calendar days to submit a final response.
- 13.12 The Investigating Officer will then finalise the outcome and decision.
- 13.13 The Investigating Officer's decision will be communicated in writing to the responding student. In cases where the allegation is found to be proven, the outcome letter will explain why the Investigating Officer and the Head of Student Discipline Investigations (or their nominee) determined the case was proven on the balance of probabilities, along with a clear rationale for the penalties imposed. Where applicable, the reporting party will also receive written confirmation of whether the case was upheld and the reasons for the decision. In line with the Office for Students' Condition E6, consideration will be given to what will be disclosed regarding the penalties and/or safeguarding measures to the reporting party in cases involving harassment, sexual violence or misconduct, and domestic abuse. The Student Discipline Team maintains an internal record of all cases.
- 13.14 The allegation and outcome of the case will also be shared with the relevant Head(s) of School and where appropriate other relevant officers of the University such as the Campus Safety team.
- 13.15 For all cases (including not proven) involving students who are registered on a professional programme that is subject to Regulation B5, the outcome and the investigation report will be referred to the student's School for consideration of any professional concerns under their Fitness to Practise procedures.

- 13.16 In cases where it is not appropriate to pursue an Investigating Officer Issued penalty or informal resolution the report will be considered by both the Head of Student Discipline Investigations or nominee and Head of Student Conduct or nominee to decide whether to dismiss the case, refer it to a formal meeting of the Discipline Committee, or refer it for consideration by chair's action on behalf of the Discipline Committee. A Discipline Committee Chair may be asked to complete Chair's action for cases that do not require a full hearing. This typically applies to cases with indisputable evidence or when the student has admitted to the allegation. For cases involving students who are registered on a professional programme that is subject to Regulation B5, where it is agreed that there is insufficient evidence to find the case proven, the investigation report will be referred to the student's School for consideration of any professional concerns under their Fitness to Practise procedures.
- 13.17 A Discipline Committee Chair may be asked to complete Chair's action for cases that do not require a full hearing. This typically applies to cases with indisputable evidence and when the student has admitted to the allegation. A Discipline Committee Chair would not consider a case where the penalty may be exclusion from the University either for a specified period or permanently.
- 13.18 The full investigation report and collated evidence will be shared with the reporting and responding parties where the case is being heard by the Discipline Committee or through Chair's Action. Where there is evidence of a sensitive nature (e.g. mental health record/medical report), consideration will be given as to whether this should be shared. Both parties will have 14 calendar days to submit a final response to the Investigating Officer. Following this the final investigation report will then be submitted to the Head of Student Discipline Investigations and the Head of Student Conduct who will confirm the case to be heard through Chair's action or to request a hearing through a Discipline Committee meeting.
- 13.19 When the case is dismissed a dismissal letter is shared with both the responding and reporting parties outlining the decision and rationale. A request to discuss further will be considered by the Head of Student Discipline Investigations or nominee and Head of Student Conduct or nominee.
- 13.20 The Head of Student Discipline Investigations and the Head of Student Conduct, or their nominees, may reconsider a completed or dismissed disciplinary case outside of the formal appeal process if specific circumstances warrant it. This may include situations where new evidence emerges that could not reasonably have been obtained during the original investigation. In deciding whether it is appropriate to reconsider an offence, the following factors would be considered:
- Whether the outcome of the original process has been called into question, and the reasons for this.
  - The amount of time that has passed and the impact this may have on the reliability of any new evidence.
  - The seriousness of the alleged offence.
  - The potential impact on the student of being subject to a second disciplinary process.
  - Whether leaving the matter unaddressed could affect fitness to practise or breach any obligations the University has to professional or regulatory bodies regarding the student's character.
- 13.21 Where a discipline investigation cannot be concluded before a student graduates or withdraws from studies, the University may continue its procedures via the completion of an investigation

report and/or recording the case as open on the student's record. The University may also decide to ban the student from University owned property to minimise risk to the University community. The student will be informed in writing via email that an open case will be recorded on their record along with an indication of a ban from the campus where this is being applied. For further information about reapplying to the University following involvement in disciplinary procedures see [Keele University Admissions Policy](#). Upon reapplication, the Admissions Team will check with the Student Conduct Team if there are any disciplinary issues on record. If there is an open case on the former student's record, the process will be resumed at the appropriate point in accordance with this Code of Practice before a decision is made to readmit.

## **14. Management and Oversight**

- 14.1 All cases are normally reviewed on a weekly basis, with the appropriate course of action agreed upon by the Investigating Officers within the Discipline Team and the Head of Student Discipline Investigations (or nominee).
- 14.2 In instances where cases are complex—either due to the nature of the incident or the type of allegation—additional oversight is provided through case management discussions between the Investigating Officer and the Head of Student Discipline Investigations (or nominee).
- 14.3 Throughout the process, students will receive regular updates from the Investigating Officer. As a minimum the University commits to every 21 days, but specific information such as delays will be communicated as when these arise. See section 15 Timeframes.
- 14.4 An annual Student Casework report that is made to Senate will include a section on the operation of this code of practice. Where appropriate the annual report will contain recommendations for improving practice in the University.

## **15. Timeframes**

- 15.1 The University will ordinarily aim to complete an investigation within 90 days of the start of the formal investigation (see point 13.5 onwards) in line with regulatory guidance from the Office of the Independent Adjudicator (OIA). This timeframe allows 60 days for an allegation to be investigated and concluded, and then 30 days for the consideration of any appeal against an outcome being reached. However, it should be noted that there are certain factors that may result in the investigation being delayed, which may lead to the investigation continuing for a longer period. In this circumstance the Investigating Officer will keep all parties informed about the progress of the investigation, and when it is likely to conclude. Delays may be due to:
  - Police intervention or investigation'
  - University assessment or examination periods.
  - Unavoidable delays in the submission of statements or evidence by any party.
  - Any outside factors to an investigation such as the need to apply for information or evidence from other organisations who maintain their own timeframes in providing the requested information.



(Note, the Investigating Officer will encourage all parties in the investigation to submit any requested information as soon as possible to allow for a timely investigation, however will reserve the right to proceed with an investigation without such information being available if there has not been a response from any request within 10 working days and where no suitable information regarding a potential delay has been provided.)

- 15.2 The investigation will continue during university vacation periods and when a student is on a leave of absence. Students are expected to regularly check their university email. The Investigating Officer will discuss with the student any circumstances in which they may be unavailable for contact—for example, due to work or caring commitments, a health or wellbeing related reason or booked holiday vacation.

## **16. Standard and Burden of Proof**

- 16.1 When considering allegations all disciplinary processes depend on whether there is sufficient evidence to establish, on the balance of probabilities (that it is more likely than not), that an offence has taken place. The burden of proof that a disciplinary offence has occurred rests with the University. This means that it is necessary to prove that it is more likely than not that an offence has occurred before any penalty can be imposed. Decisions must be supported by evidence; it is not enough to simply believe that something is likely to have happened. This requirement means that there may be some cases in which the University decides that it is not appropriate to take or continue action.
- 16.2 In exceptional circumstances, an Investigating Officer or a Discipline Committee may decide that there is not enough evidence, on the balance of probabilities, to find the original allegation proven. However, there may be sufficient evidence to consider a different offence or to resolve the matter through an alternative process. If either the Investigating Officer or the Discipline Committee believes there is enough evidence to consider an alternative offence, the responding student will be informed of this in writing and given the opportunity to respond before any outcome decision is made.

## **17. The Discipline Committee**

- 17.1 Members and chairs of the Discipline Committee are selected and trained to handle disciplinary matters. A meeting of the Discipline Committee requires:
- (a) a chair who is a member of staff.
  - (b) at least one other committee member (staff).
  - (c) an elected officer from either Keele University Students' Union or Keele Postgraduate Association.

Optional other member(s) of staff may be co-opted onto the Committee where appropriate. Staff members may be Academic staff or Professional Services.



- 17.2 Before a meeting of the Discipline Committee is arranged, the Student Conduct Team will ask the responding student if they wish to have an in-person meeting on Keele campus with the Committee or if they wish the meeting to take place on MS Teams. Once the responding student has confirmed this, the Student Conduct Team will arrange for a meeting of the Discipline Committee to take place.
- 17.3 An invitation to a meeting of the Discipline Committee will be sent to the responding student, normally at least fourteen calendar days in advance of the meeting, detailing the nature of the allegation(s), a copy of all the documentation to be considered by the Committee, and a list of any witnesses who will give evidence. The student will also be asked if they have any accessibility requirements. If any party requested to attend the Discipline Committee meeting is unable to make the scheduled date for good reason, efforts will be made to reschedule the meeting to accommodate their availability.
- 17.4 Witnesses may be called to speak at the meeting by the responding student and the Investigating Officer. Witnesses will only attend the meeting with the agreement of the chair of the Discipline Committee and their attendance is restricted to the part of the meeting set aside for witness evidence.
- 17.5 All parties must provide truthful testimony. Providing false testimony may constitute a disciplinary offence.
- 17.6 The Investigating Officer will ask the reporting party (this may be a student of the University, a member of staff or an external person e.g. visitor to the University) if they wish to attend the meeting as a witness to answer any questions that the Committee or the responding student may have about the case. The Investigating Officer will confirm with the reporting party if the Discipline Committee meeting will be held in-person or via MS teams. Reasonable adjustments can be arranged, for example a video link for the reporting party in Discipline Committee meetings which are being heard in-person. If the reporting party is unable to or chooses not to attend, they will be asked if they are prepared to answer written questions submitted by the responding student, via the Chair of the Committee. If the reporting party are agreeable to this then the Student Conduct Team will facilitate this. The Committee will consider in its deliberations whether the responding student has had opportunity to test the evidence that has been presented against them when reaching an outcome on the balance of probability.
- 17.7 The responding student should submit:
- a statement in response to the allegation.
  - a copy of any documentation they wish to be considered by the Committee.
  - a list of any witnesses that they wish to call.

The information should be submitted at least 48 hours before the meeting. This should be done via email to [discipline@keele.ac.uk](mailto:discipline@keele.ac.uk). Any delay in receiving this information could result in the postponing of the meeting.

- 17.8 Any mitigating circumstances must be supported by appropriate evidence. Mitigating circumstances is anything that the student wishes the Discipline Committee to consider when

applying a penalty if the case is proven, e.g. personal circumstances at the time of the incident in question. The Committee can disregard any evidence not provided in advance (normally at least 48 hours).

17.9 The responding student will be asked to indicate if they wish to be accompanied to the meeting (see section 19 for more details).

17.10 The Discipline Committee meeting will begin with the Chair inviting introductions and explaining the purpose of the meeting. The format will generally follow the sequence outlined below, although this may vary depending on the nature of the case or to accommodate reasonable adjustments:

- The Investigating Officer will introduce the case. The report will not be read aloud, as all attendees are expected to have reviewed the documentation in advance.
- The Investigating Officer may be asked questions by the responding student and the Committee. The Chair will make it clear that the responding student will not be disadvantaged if they choose not to ask questions.
- The Investigating Officer will call any witnesses, if applicable. Witnesses may be questioned by the responding student and the Committee (via the Chair).
- The responding student will present their case. As with the Investigating Officer's introduction, they are not expected to repeat the content of the investigation documentation. The Chair will emphasise that the student will not be disadvantaged if they choose not to present their case.
- The responding student may be asked questions by the Investigating Officer and the Committee.
- The responding student may call witnesses, if applicable. These witnesses may be questioned by the Investigating Officer and the Committee (via the Chair).
- Final comments may be offered by the Investigating Officer and the responding student, if they wish to do so. The Chair will inform the responding student that this is their final opportunity to raise any mitigation before the Committee conclude the meeting.
- The Chair will then ask the student, their supporter/representative and the investigating Officer to leave the meeting so that the Committee can consider the case in private to reach a decision.

17.11 The Discipline Committee will consider if, on the balance of probabilities, an offence has been committed. Where it considers that an offence has taken place, the Committee will impose a proportionate penalty, examples of which are listed in Annex E.

17.12 Where required, the Discipline Committee can also impose other permanent measures to ensure the safety of its students and wider university community. Normally this decision will be to consider making permanent the temporary restrictions/exclusions that were put in place by the Risk Assessment Panel (see section 8).

- 17.13 If a student is enrolled on a professional programme covered by Regulation B5: Fitness to Practise, the Discipline Committee will consider the case and determine whether the case is found proven or not. If the decision is to find the case proven and that the recommended penalty includes permanent exclusion from the University, the case will be referred direct to the University Fitness to Practise Committee. The responding student will be informed of the outcome of the Discipline Committee and that the case has been referred to the Fitness to Practise Committee to consider any breaches of professional standards. This referral is made to confirm the outcome in accordance with the requirements of the relevant professional or regulatory body.
- 17.14 If the responding student fails to attend the Discipline Committee meeting, the Discipline Committee will consider the case in their absence.
- 17.15 If an offence has been admitted by the responding student and a standard penalty can be applied, the case will normally be dealt with by chair's action on behalf of the Committee without the need for a full meeting.
- 17.16 The decisions of the Discipline Committee will be communicated in writing to the responding party, the Investigating Officer and the student's school. For proven cases, the outcome letter will outline why the Committee believed the case to be proven on balance of probabilities and a clear explanation as to why specific penalties were chosen. In cases where the Discipline Committee recommends permanent or temporary exclusion from the University, the decision requires final approval from the Deputy Vice-Chancellor before it can be actioned. The reporting party (if applicable) will also be informed in writing whether the Committee found the case proven or not and the rationale for the decision reached. Where applicable, the reporting party will also receive written confirmation of whether the case was upheld and the reasons for the decision. In line with the Office for Students' Condition E6, consideration will be given to what will be disclosed regarding the penalties and/or safeguarding measures to the reporting party in cases involving harassment, sexual violence or misconduct, and domestic abuse.
- 17.17 If it is determined that an offence has been committed, the outcome of the disciplinary process will be placed on the electronic student's record and will also be sent to the student concerned, the relevant Head(s) of School and other relevant officers of the University.
- 17.18 For all cases (including not proven) involving students who are registered on a professional programme that is subject to [Regulation B5](#), the outcome and the investigation report will be referred to the student's School for consideration of any professional concerns under their Fitness to Practise procedures.

## **18. Aggravation & Mitigation**

- 18.1 Aggravating and mitigating factors may be considered when reaching a proportionate penalty/outcome.
- 18.2 Aggravating factors

There may be certain circumstances in which a disciplinary offence is subject to a more severe sanction due to the presence of aggravating factors. These factors could include, but are not limited to the following:

- a) Incidents which are related to protected characteristics under the [Equality Act 2010](#).
- b) Incidents which directly or indirectly caused a physical or mental injury.
- c) Circumstances where there is a power imbalance between the responding student and the reporting party; and where this power is abused.
- d) Incidents which include the use of force/violence/threats/intimidation.
- e) A pattern of previous offences.
- f) Incidents that occurred whilst the student was subject to any temporary restrictions imposed by the University.

### 18.3 Mitigating factors

There may be certain circumstances in which a disciplinary offence is subject to a less severe sanction due to the presence of mitigating factors. Mitigating factors could include, but are not limited to the following:

- a) Evidence that the offence was committed without the intent to cause harm, damage or upset.
- b) The responding student has clearly accepted responsibility for the offence.
- c) The responding student took immediate steps to remedy the effects of the offence.
- d) The student admitted to the offence at the earliest opportunity.
- e) It is a first offence.
- f) The student has compelling personal circumstances that affected their judgment.
- g) The offence is a minor example of a serious offence, for example, minor damage to property.

The influence of alcohol or drugs at the time of the offence does not constitute a mitigating factor but could be considered an aggravating factor.

## 19. Available Support and Representation

19.1 There is a wealth of support available at the University that can be accessed whilst going through a disciplinary investigation. Please see [Annex F](#) for link to internal and external support. For allegations of sexual misconduct and or domestic abuse, the University have a specialist trained team who can support any reporting student for these types of allegations:

- Sexual violence and liaison officer (link to single source)
- Domestic Abuse liaison officer (link to single source)

In cases where the reporting party is a member of staff, support can be accessed via [Occupational Health and Keele Health assured programme](#).

- 19.2 The following is a list of people who are permitted to accompany a student to any disciplinary related meetings, including interviews, Risk Assessment Panel or Discipline Committee meetings:
- A student enrolled at Keele University who is not in any way involved in the investigation.
  - A Student Experience & Support Officer (SESO).
  - A member of the Keele University Students' Union Elected Officer Team.
  - A member of the Advice & Support at Keele team (ASK). The Students' Union has a [reciprocal agreement with the University of Staffordshire Students Union](#) in cases where there may be a conflict of interest.
  - Any other staff member who is not in any way involved in the investigation.
- 19.3 The role of the supporter is to attend the meeting with the responding student as moral support and to assist them in presenting their case to the Committee, to help them ask relevant questions of the Investigating Officer and any witnesses through the Chair, and to seek clarification on any procedural matters. The supporter may confer with the responding student during the meeting. It is expected that the responding student will answer any questions from the Committee themselves, though the student may confer with the supporter before answering. The supporter may read a pre-prepared statement on behalf of the student, with the student's consent, and the permission of the Chair.
- 19.4 We recognise that the process may be an upsetting and stressful process for all parties, and whilst students at the University are expected to have demonstrated a reasonable level of English-language proficiency on entry, we also recognise that a stressful process might require additional support if a student's first language is not English. The University will not object to a Supporter providing a reasonable amount of translation support at meetings, but the University will mitigate the requirement for this wherever possible to ensure the process is inclusive. Such measures include (but are not limited to): providing documentation in advance for all parties; written statements can be written in advance and read out by a supporter; a pause in the committee proceedings when required by either party. This is to protect all parties and ensure the balance between the student receiving the correct information at the meeting and that the student's account comes from them directly.
- 19.5 The University is under no obligation to provide or pay for a translator at meetings. If a translator is agreed in an exceptional circumstance, this role will be permitted in addition to a Supporter (i.e. both a translator and Supporter can be present at a meeting).
- 19.6 At its discretion the University may accept support or representation from outside of the University, including legal representatives, where this is deemed necessary. Legal representation would only be considered in exceptional cases, for Discipline Committee hearings and will not be permitted for any meetings with the Investigating Officer or at the Risk Assessment Panel. If a student wishes to be accompanied by an external representative, whether legally trained or otherwise, then a prompt formal request for consideration should be submitted to the Student Conduct Team by emailing [discipline@keele.ac.uk](mailto:discipline@keele.ac.uk) at least 72 hours in advance of the hearing who will arrange for the request to be considered by the Academic Registrar or nominee. If the request is approved, the representative may attend the parts of the meeting that the responding student is

invited to attend. In such circumstances the University may choose to consult its own legal counsel. This may result in the meeting being delayed.

- 19.7 If an external representative is permitted it is the responsibility of the responding student to make it clear to them that the University's discipline process is a civil procedure which does not benefit from introducing unnecessary information relating to the criminal justice system. The representative is accompanying the responding student to assist them in presenting their case to the Committee, to help them ask relevant questions of the Investigating Officer and any witnesses through the Chair, and to seek clarification on any procedural matters. The responding student will be expected to answer questions from the Discipline Committee. Any inappropriate or unnecessary interruptions will not be tolerated by the Chair and may lead to the representative being asked to leave the meeting.
- 19.8 The student must inform the University who from within the University will accompany them at least 48 hours in advance of the meeting.

## **20. Appeals**

- 20.1 If a student has been subject to a disciplinary investigation and the case has been found to be proven, the responding student will have the right to appeal against the decision and/or the penalties that were imposed providing they believe that one of the following apply:
- (a) There was a procedural irregularity in the conduct of the case.
  - (b) There is new evidence that can be substantiated, including exceptional circumstances, which was not known at the time, and may have affected the outcome had it been known.
- 20.2 Appeal forms must be submitted within 14 calendar days of the official notification of the disciplinary decision.
- 20.3 A submitted appeal will initially be reviewed by the Student Appeals, Complaints and Conduct Team who will decide whether there are valid grounds to the appeal or whether there are other compelling reasons for the appeal to be considered further.
- 20.4 Appeals will be processed in the following way.
- 20.5 If the appeal is against a decision made by an Investigating Officer, the appeal will be referred for consideration to The Director of Student Support and Success or Deputy Academic Registrar, who has the option to either reject the appeal, or to accept the appeal and amend the outcome that was reached by the Investigating Officer.
- 20.6 If the appeal is against a decision made by a Discipline Committee, and the Student Appeals, Complaints and Conduct Team confirms that the appeal has valid grounds, the case will be referred to the Discipline Appeals Committee, which will re-hear the case. Members of this committee will be different from those on the original panel and will

therefore be independent. In the event of a conflict of interest, an appropriate member of staff will be nominated to consider the appeal. Students will be informed if this occurs and will be provided with the name of the person assigned to review the appeal.

## 21. Grievance to Council

21.1 In exceptional circumstances, following exhaustion of the appeals procedure, it may be permissible for a responding student to lodge a grievance if they believe it fulfils one or both of the following criteria:

- procedural irregularity in the conduct of the appeal.
- there is new evidence that can be substantiated, including exceptional circumstances, which was not known at the time, and may have affected the outcome had it been known to the relevant Committee at the time and there is a valid reason for not making it known at the time.

21.2 Grievances will be considered under the provisions of Ordinance XXVIII: Appeals and Grievances Considered by Council and must be submitted in writing within 14 calendar days of the letter informing the student of the outcome of their appeal.

21.3 Grievances to Council represent the completion of the University's internal procedures. When the process is exhausted and the student has been issued with a Completion of Procedures letter, students who remain dissatisfied may contact the Office of the Independent Adjudicator (OIA) for Higher Education, which provides an independent review of student complaints.

## 22. DOCUMENT CONTROL INFORMATION

<b>Document Name</b>	Student Non-Academic Discipline Code of Practice
<b>Owner</b>	Director of Student Support and Success & Deputy Academic Registrar
<b>Version Number &amp; Key Amendment</b>	1.0
<b>Equality Impact Assessment Form Submission Date</b>	27/5/25
<b>Approval Date</b>	17 June 2025
<b>Approved By</b>	University Executive Committee
<b>Date of Commencement</b>	01 July 2025
<b>Date of Last Review</b>	17 June 2025
<b>Date for Next Review</b>	17 June 2028
<b>Related University Policy Documents</b>	Regulation B1 Student Discipline Sexual Violence and Misconduct policy



	Bullying and Harassment Policy Domestic Abuse Policy Regulation B5 Fitness to Practise Code of Conduct for group social events Safeguarding Policy Support to Study policy
<i>For Office Use – Keywords for search function</i>	

The full range of restrictions can be implemented by a member of the Risk Assessment Panel in an emergency without a risk assessment panel being held. Following any emergency restrictions being imposed a Risk Assessment Panel will be convened at the earliest opportunity.

Investigating Officer authorised temporary restrictions:

- No contact order (responding student).
- Mutual no contact order (a requirement on all parties, including a student reporting a disciplinary concern) not to have contact with each other and/or with named others).
- Restricted access from a named social space e.g. Chapters Cafe or common room. (restrictions on licensed premises and additional university facilities will be agreed via a Risk Assessment Panel or through emergency measures).
- Allocated time slots to access the University library.

Risk Assessment Panel restrictions: (please note the below lists examples of typically implemented restrictions and is not an exhaustive list, if the Risk Assessment Panel deems appropriate additional restrictions may be used.)

- Suspended from studies.
- Banned from campus.
- Banned from campus apart from attending on-campus programme-related teaching scheduled on timetable.
- Banned from accommodation.
- Required to move to alternative accommodation and then excluded from entering all other halls of residence.
- Banned from receiving any female/male/visitors aged under 18 in bedroom.
- Banned from living in accommodation where under 18s are residing.
- Banned from entering reporting student's accommodation.
- Banned from campus except for during published semester weeks and assessment periods (Permission may be requested for occasional ad hoc access to campus at other times should the need arise. However, permission is entirely at the discretion of the Risk Assessment Panel members.)
- Banned from the Students' Union building and/or Keele Postgraduate Association (KPA) building.
- Banned from all University social spaces that serve alcohol.
- Banned from the Library.
- Banned from being a Student Ambassador.
- Banned from being a Student Voice Representative.
- Banned from any University volunteering activities.
- Banned from participating in any KeeleSU sport or society activities and/or any Committee duties/activities.
- Banned from the Sports Centre.
- Banned from entering the Sports Centre changing rooms.
- Required to regularly engage with the University's Safeguarding Team.

- Banned from bringing any vehicle onto campus, or driving any vehicle on campus.
- Suspension of parking permit.
- No contact order (responding student).
- Mutual no contact order (a requirement on all parties, including a student reporting a disciplinary concern) not to have contact with each other and/or with named others).
- Restricted access from a named social space e.g. Chapters Cafe or common room.
- Allocated time slots to access the University library.

## **Annexe B      Examples of unacceptable behaviour**

- (a) a first or second breach of University regulations, policies, accommodation licence agreements, terms and conditions, mutual resolution agreements or codes of conduct e.g., smoking/vaping in non-designated areas, ignoring fire alarms, using University IT equipment or their University IT account for downloading material from the internet which breaches copyright, or breaching the attendance monitoring policy by repeatedly (more than one occasion) falsely claiming attendance via the Keele App or other methods of attendance recording.
- (b) failure to respond to reasonable requests or directions (verbal and written) by University staff.
- (c) failure to disclose name and other relevant information to University staff, or not respond truthfully, when reasonably asked to provide this.
- (d) noise disturbances, for example in halls of residence, teaching venues, or the library.
- (e) possession or use of drugs that are prohibited by the University and/or possession of drug equipment for personal use. This also applies where a student knowingly allows another person to bring such or use such drugs within their allocated University accommodation.
- (f) conduct which, by whatever means, disrupts the work of students or staff of the University such as disruptive behaviour in class, in the library or hindering the work of security staff.
- (g) antisocial, disorderly or reckless conduct which results in minor damage to University property, or the property of staff, students and visitors that is caused intentionally or recklessly.
- (h) antisocial, disorderly or reckless conduct (including via social media) which is unconducive to study, work and/or rest, or which affects the good health and safety of students, staff or visitors.
- (i) inappropriate behaviour against members of the University or its visitors, including via social media.
- (j) failure to self-isolate or other requirement, when there is a public health requirement to do so.
- (K) unauthorised uploading of documents created by other members of the University to external websites.
- (l) a serious or persistent breach of University regulations, policies, accommodation licence agreements, terms and conditions, mutual resolution agreements or codes of conduct.
- (m) complaints against the University or its members which are vexatious or frivolous in nature, for example motivated by malice or designed specifically to cause disruption or annoyance.
- (n) abusive, indecent, or threatening behaviour against members of the University or its visitors, including via social media.

- (o) causing or attempting to cause physical harm, injury, or mental distress, including where this was caused by controlling, coercive or threatening behaviour.
- (p) failure to comply with a temporary exclusion or restriction or with a penalty imposed under the Non-Academic Discipline Code of Practice.
- (q) significant breach of health and safety requirements, endangering the wellbeing of students, staff and visitors (including but not exclusive to tampering with fire alarms / smoke detectors or other safety equipment in a university building).
- (r) possession of firearms, other weapons and explosives, either real or imitation, on University premises.
- (s) falsification or serious misuse of University documents, including certificates, transcripts, permits and letters, or falsified evidence brought forward for consideration under any University process.
- (t) impersonation of others or allowing another to impersonate you, within or outside the University, in connection with academic attainments, attendance monitoring, or visa checking points.
- (u) theft, fraud, misapplication of or gross negligence in connection with funds or property of any kind.
- (v) criminal convictions where these either involve other students, raise concerns regarding the safety or well-being of members of the University community, or directly affect the interests or reputation of the University.
- (w) failure to declare a relevant criminal conviction or ongoing criminal legal proceedings at enrolment or re-enrolment.
- (x) supply of drugs, or possession with intent to supply drugs, that are prohibited by the University. This also applies to the cultivation or preparation with the intent to supply such drugs within their accommodation. This also applies where a student within their allocated University accommodation knowingly allows another person to do so.
- (y) offences which are covered by the University's policies on bullying and harassment, sexual misconduct and domestic abuse and/or any discriminatory behaviour in any form, verbal, written, physical or via online platforms.
- (z) conduct which is likely to bring the University into disrepute.

If mutual resolution has been requested by a reporting party, then the Investigating Officer will inform the responding student of the allegations made against them and will be asked if they would be willing to engage in the Mutual Resolution Process on the understanding, that if mutual resolution can be reached, there will be no action taken under Regulation B1: Student Discipline. The responding student is under no obligation to take part in mutual resolution and mutual resolution will not take place if both parties do not agree to take part. If the responding student does not agree to the Mutual Resolution, the reporting student is entitled to request that the case be considered again at the preliminary investigation stage in which the Investigating officer would consult with the Head of Student Discipline Investigations if the allegation warranted a formal disciplinary investigation.

If either student involved in the Mutual Resolution Process leaves the University during the process, the Mutual Resolution will remain inconclusive. Therefore, the case would then be documented as an open discipline investigation, this would be retained on the University's system in line with the GDPR policy.

The responding student will be asked to agree to the conditions suggested by the reporting student. If the responding student does not agree to the conditions, they can offer alternatives, at which point there may be a short period of negotiation between the two students with the aim of finding a set of conditions to which they can both agree. If no agreement can be reached, the process will end at this point and the reporting student is entitled to request consideration for a formal discipline investigation under this Code of Practice.

Examples of conditions which may be considered (please note this list is not exhaustive and alternative conditions can be included).

- They may wish to write to the responding student to outline the impact of their actions, explain why they feel their behaviour was wrong and to request they stop.
- That one or both students agree to avoid certain areas of campus. This could be on a permanent basis (e.g., to avoid the halls of residence of the reporting student) or for agreed periods (e.g., to not enter the Campus Library on Wednesdays).
- That one or both students agree to move tutorial groups or sit at a distance from the other party in lectures if both students are on the same programme.
- That one or both students agree to vacate their accommodation (if they are in the same accommodation). Both students will be supported by the University in finding alternative accommodation either on or off campus.
- That both students agree to abide by a no contact agreement, where both students agree to not contact each other in any way, and when they find themselves in the same place as the other student, they agree to remove themselves from that space/place.
- That the responding student agrees to undertake training on consent and/or Sexual Violence & Misconduct, and/or harassment.

Any conditions agreed cannot impact on the ability for either party to fully engage with their course.

If the conditions have been agreed by both students, the authorised officer will create an agreement, outlining that the allegation received by the University and detailing that both students agreed to complete the mutual resolution process and to abide by the conditions outlined in the agreement. A template of the agreement is available in Annex E.

By signing the agreement, both students agree that they are not entitled to escalate the case to any other internal disciplinary or complaints procedure based on the allegations made as part of this process,

including requesting to reopen the disciplinary investigation or making complaints relating to vexatious reporting. The only exception to this would be if the University becomes privy to further information that it deems significant enough that the University is required to initiate an investigation. Students will still be able to make a report to the police or submit further reports to the University based on different allegations.

The Mutual Resolution process aims to be conducted in a timely manner and relies on both parties to engage to facilitate this. Unless otherwise agreed, all students involved are expected to respond to the Investigating Officer conducting the process within 7 days, and to reach an agreement within 60 days of the process starting. If there are delays but they become unreasonable, it may be necessary to discontinue the process or reconsider a formal investigation process instead.





## Mutual Resolution Agreement

Party A: XXXXXXXXXXX (Reporting student)

Party B: XXXXXXXXXXX (Responding student)

Incident: This agreement is made in response to an allegation of xxxxxxxxxxxxxxxxx

The parties decided to pursue a Mutual Resolution Agreement to address the issues raised above. The agreement is designed to manage the parties' health, safety, and wellbeing during the remainder of their time at Keele University, with the aim of ensuring both parties' continued access to their education and student experience. This agreement does not confirm that the responding student has committed the alleged misconduct or that the agreement is an admission of wrongdoing.

Terms of the agreement: Both parties understand that this Agreement concludes the Mutual Resolution Process. This means the incident will not be re-considered unless there are new developments reported to the University, where any new evidence or information is brought forward an explanation as to why it wasn't or couldn't be presented at the time is required.

Support networks are important for both parties. When deciding whether to share any information contained within this Agreement, and to protect the sensitive information contained within it, both parties should carefully consider the reasons for sharing and any consequences of such as a disclosure. Guidance for the use of social media can be found on the Student Services webpage. Support networks should be limited to a small number of relevant people who must be reminded to maintain discretion. Posting sensitive information on social media is unlikely to be beneficial to the Mutual Resolution Process being successful. Both parties can seek support from members of staff from the University's Counselling & Mental Health Service, ASK in Keele Students' Union, Student Services or where disclosure is necessary to secure alternative study arrangements with academic staff.

Both parties accept that the contents of this Mutual Resolution Agreement reflect the discussions and resolution agreed upon by them during the Mutual Resolution Agreement process

Both parties agree to the following:

1. XXXXXXX
2. XXXXXXX
3. XXXXXXX.

Once the agreement is signed, both parties will receive a copy for their own records and a copy will be held within a case file by Student Conduct. No record will be held on a student's formal record. All documents will be kept in line with the University Data Retention Schedule.

Signature Party A

Print Name:

Date:

Signature Party B

Print Name:

Date:

### **Investigating Officer issued penalties**

- Initial written warning.
- Requirement for the student to issue a letter of apology. – *If the investigating Officer does not consider the letter to be of a suitable standard (this may include inappropriate wording) then the Investigating Officer may request the letter to be rewritten, or they have the option to change to an alternative outcome*
- Requirement to complete an educational training/workshop.
- Financial charge to pay for any damage caused to property by the offence.
- Reflective Statement. (minimum of 500 words.)
- Final written warning.
- Suspended fine up to £100.
- Fine up to £250.

### **Discipline Committee issued penalties**

In addition to all the penalties listed above, the following penalties can be levied by the Discipline Committee for proven offences:

- Fine up to £500.
- Suspended fine up to £500.
- A ban from attending their graduation ceremony.
- Exclusion from specified University facilities, including University accommodation, either for a specified period or permanently.
- Exclusion from the University, either for a specified period or permanently.

## **Annexe F Internal/External Support links**

### **Internal Advice and Support**

- Ability to report through a dedicated platform, Report and Support Anonymous reporting tool - Keele University
- Sexual Violence Liaison Officers [Sexual violence and domestic abuse - Keele University](#)
- Domestic Abuse Liaison Officers [Domestic abuse - Keele University](#)
- Counselling - [Counselling and mental health - Keele University](#)
- Student Assistance Programme [Health Assured - Keele University](#)
- Student Experience and Support Officers [Student experience and support - Keele University](#)
- Residence Life Team [Residence Life - Keele University](#)

### **Independent and External Advice and Support**

(This list comprises representative examples of external support and should not be considered exhaustive)

- [Advice and Support and Keele \(Keele Students' union\) \[Advice & Support at Keele SU \\(ASK\\)\]\(#\)](#)
- [Reciprocal agreement with the University of Staffordshire Students' Union \[Reciprocal-Agreement.pdf\]\(#\)](#)
- [New Era \(Staffordshire and Stoke on Trent\) - Victim Support](#)
- [Anti-Bullying Alliance](#)
- [Cyberbullying | Bullying online advice](#)
- [Equality Advisory Service](#)
- [Homophobic, Transphobic, Racial, Religious & Disability Hate Crime - True Vision](#)
- [Sexual Violence and Abuse Support - Staffordshire Women's Aid](#)
- [Domestic abuse support – Newcastle-under-Lyme Borough Council](#)
- [VS - Victim Support](#)