



REGULATION B1 & B2: PRE 2020/21

Regulation B1

1. INTRODUCTION

1.1 All students of the University are expected to conduct themselves in a manner that is responsible and respectful to others, whether they be other students, members of staff, visitors to the University or members of the local community. The University is committed to the fair and equal treatment of all individuals regardless of gender, age, disability, colour, race, ethnic or national origin, socio-economic group, sexual orientation, marital status, family responsibilities, religious or political beliefs. By accepting an offer of a place at the University, students agree to abide by all relevant provisions of the ordinances and regulations of the University which have been designed to support the University's key values.

1.2 All members of the University community have a responsibility to support each other in maintaining good order and creating a safe environment which is conducive to study, living and working. Staff are encouraged to address minor cases through early intervention, positively supporting students to develop their understanding of what constitutes acceptable behaviour, before circumstances escalate towards disciplinary action.

2. SCOPE

2.1 This regulation shall apply to all registered students of the University. It applies to behaviour by registered students 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 itself. It includes 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 some location away from the University either as part of their studies or following an arrangement made through the University or the Students' Unions.

2.2 The Students' Union has its own internal procedures for resolving breaches of its rules and regulations and the details of this process are available from the Students' Union.

Where an alleged breach of discipline is deemed serious, the University will consider the breach under its own regulations.

2.3 In addition to the processes set out in this regulation, University staff are entitled to take immediate action to deal with disruptive or dangerous student behaviour. Such action may be in response to breaches against local codes of behaviour or conduct, and sanctions will usually consist of removal of the student for the duration of a specific activity. Reasonable and proportionate immediate action may also be taken by officers of the University in order to protect the safety of the campus community and prevent harm, restore order, safeguard the reputation of the University or gather evidence to support further disciplinary investigation under this regulation.

3. OVERLAP WITH CRIMINAL PROCEEDINGS/POLICE INVESTIGATIONS AND OTHER UNIVERSITY REGULATIONS

3.1 The University may in serious cases decide to impose immediate conditions on a student and/or use its powers to temporarily exclude a student for a specific period of time or until the conclusion of criminal proceedings or until the conclusion of disciplinary proceedings in accordance with Regulation B2 Temporary Exclusion of Students. The imposition of conditions and/or a temporary exclusion is precautionary; it is not a penalty and does not indicate that the University has concluded that the student has committed a disciplinary offence.

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 may suspend the disciplinary process under this regulation (at any stage) until such investigation/proceedings have been concluded. The disciplinary process may be resumed at any stage should the University deem that to be necessary in the circumstances.

3.2 Where criminal proceedings have been initiated and concluded, the Deputy Vice-Chancellor will make a decision whether further action under this regulation is required.

3.3 For students registered on a programme of study that is covered by Regulation B5 Fitness to Practice where such students are subject to action under this regulation for an alleged or proven disciplinary offence, this shall be disclosed to the Head of School, so that any implications regarding Fitness to Practice under Regulation B5 and any student professional registration issues may be considered.

4. PARTNER INSTITUTIONS

4.1 Students studying for an award from Keele University delivered by a partner institution and who are registered students of that partner institution come under the jurisdiction of the regulations for student conduct of the partner institution concerned, unless specified differently in the legal agreement. This regulation does not therefore apply to students

studying at a partner institution with the exception of partner institutions who operate in collaboration with the University and use University facilities, for example Keele University International Study Centre (KUISC).

5. DISCIPLINARY OFFENCES

5.1 Behaviour which improperly interferes with the functioning or activities of the University or of those who study or work at the University, or damages the University or its reputation shall be considered as offences under this regulation. This includes but is not limited to the behaviours listed below. Offences initially classed as minor may be pursued as major offences if this was deemed more appropriate by the University following an initial enquiry.

5.2 Minor offences

- (a)** a first or second minor breach of University regulations or policies /terms and conditions e.g. smoking in non-designated areas, ignoring fire alarms, using University IT equipment or their University IT account for downloading unauthorised material from the internet;
- (b)** failure to respond to reasonable requests or directions by University staff;
- (c)** noise disturbances in halls of residence;
- (d)** possession or use of drugs that are prohibited by the University and which are listed in the Discipline Procedure. This also applies where a student knowingly allows another person to use such drugs within their allocated University accommodation;
- (e)** conduct which, by whatever means, disrupts the work of students or staff of the University;
- (f)** anti-social, disorderly or reckless conduct which is causing minor damage to or on University property or premises or affecting good order or health and safety within or outside the University or which is unconducive to study, work and/or rest;

5.3 Major offences

- (a)** a serious or persistent breach of University regulations or policies or terms and conditions;
- (b)** persistent minor offences, or multiple concurrent minor offences;
- (c)** vexatious complaints and/or statements against the University or its members;
- (d)** verbal abuse or threats made against members of the University;
- (e)** refusal to pay a fine or observe another penalty imposed under this regulation;

- (f) 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);
- (g) possession of firearms, other weapons and explosives either real or imitation, on the University premises;
- (h) falsification or serious misuse of University records, including degree or diploma certificates;
- (i) false pretences or impersonation of others, within or outside the University, in connection with academic attainments, attendance monitoring, or visa checking points;
- (j) theft, fraud, misapplication of or gross negligence in connection with funds or property of any kind;
- (k) causing physical harm; threatening, offensive or indecent behaviour;
- (l) offences against the criminal law, where these offences involve other students or directly affect the *interests* of the University;
- (m) supply of drugs, or possession with intent to supply drugs that are prohibited by the University and which are listed in the Discipline Procedure, or the cultivation or preparation with the intent to supply of such drugs within their accommodation. This also applies where a student within their allocated University accommodation knowingly allows another person to do so;
- (n) offences which are covered by the bullying and harassment policy or the domestic and sexual violence policy, or are otherwise in breach of the University's values expressed in its Dignity and Respect Framework;
- (o) conduct which is likely to bring the University into disrepute.

6. ENQUIRIES AND INVESTIGATIONS

6.1 All allegations of minor and major offences will be investigated by an officer authorised by the University. A list of Authorised Officers of the University will be approved by the Deputy Vice-Chancellor from time to time and shall be published in the Discipline Procedure.

6.2 Investigation of Minor offences: in cases of alleged minor offences, the Authorised Officer will conduct a timely, fair and reasonable enquiry into the alleged offence. Any enquiry will ensure that the student is made aware of the details of any complaint or allegation against them and has the opportunity to respond before a decision is reached by the Authorised Officer. The Authorised Officers are empowered to impose any of the penalties set out for minor offences in the Discipline Procedure. If at any point the

Authorised Officer believes that the offence merits a greater penalty or that the offence can no longer be classed as minor in accordance with this regulation, then the matter will be referred for a full discipline investigation, and the major offences procedure as set out in paragraph 6.3 will be initiated. Subject to any successful appeal, decisions of the Authorised Officer are final and the Authorised Officer will inform the student of the outcome by letter and by email, copied to the Student Appeals Complaints and Conduct Team in Student and Academic Services (SAS).

6.3 Investigation of Major offences: where a student's conduct suggests that a major offence under this regulation may have been committed and disciplinary action may need to be taken, advice on how to proceed should in the first instance be sought from the Student Appeals Complaints and Conduct Team in the Student and Academic Services Directorate. If it is determined by the Team that the student's conduct may constitute a sufficiently serious breach of this regulation then a formal investigation will be initiated.

6.4 The Student Appeals, Complaints and Conduct Team will appoint an Authorised Officer from the approved list who will carry out a detailed investigation.

6.5 As part of this investigation, the Authorised Officer will conduct formal interviews with the student concerned and any named witnesses and other persons who may be able to provide information which will assist the Authorised Officer to make their report. A record of each meeting will be taken. The Authorised Officer may also gather other forms of evidence and documentation that are relevant to the case, such as photographs or CCTV footage.

6.6 Upon completion of the investigation, the Authorised Officer will submit a written report to the Student Appeals, Complaints and Conduct team. The report will be presented to one of the Chairs of the Discipline Committee who will either dismiss the case, deal with the case via Chair's Action or invite the student to a formal meeting of the Discipline Committee.

6.7 Where the decision is taken to deal with the case via Chair's Action, the student will be invited to submit a written response to the investigation report. This statement and the investigation report will be considered by the Chair who may seek a view from the other Discipline Committee members (see 7.1) before making a decision. The student will be informed of their decision and of their right of appeal by email.

7. THE DISCIPLINE COMMITTEE

7.1 A Discipline Committee will consist of:

- (a)** a Chair (which will be a senior academic or administrative member of staff nominated by the Vice-Chancellor);
- (b)** a member of staff (either academic or administrative) nominated by a Dean or Director;

(c) an elected officer from either Keele University Students' Union or Keele Postgraduate Association.

7.2 The student will be invited to the meeting of the Discipline Committee. The student will be provided, normally at least seven calendar days in advance of the meeting, with a letter which sets out the nature of the allegation, a copy of the documentation that will be presented to the Committee and a list of any witnesses which the Authorised Officer will be calling to give evidence.

7.3 The student will have a right to give evidence, call witnesses (subject to paragraph 7.4 below), and to be accompanied (see Section 9). Students will normally be informed of this at least seven calendar days in advance of the meeting.

7.4 Witnesses, who may or may not be members of the University, may be called by the student and by the Authorised Officer in support of their case. Witnesses will only be allowed to attend the meeting by agreement of the Chair of the Discipline Committee and their attendance is restricted to the part of the meeting set aside to hear witness evidence.

7.5 The student shall normally be required to submit any statement they wish to make in response to the allegation, a copy of any documentation they wish to rely upon and a list of any witnesses they wish to call to give evidence at least 48 hours before the meeting is to take place. The Committee may disregard any mitigation that is not accompanied by supporting evidence and/or any information or evidence which is not provided to it within the prescribed time period (normally at least 48 hours before the meeting).

7.6 The Discipline Committee will consider the allegation and decide if an offence has been committed or if the allegation should be dismissed. Where the Committee decides that an offence has been committed, the Committee is empowered to impose any of the penalties set out for minor/major offences in the Discipline Procedure.

7.7 If a student fails to attend the meeting, the Committee may consider the case in the student's absence.

7.8 Where the student has admitted to an offence and a standard penalty can be applied, then this may be dealt with by Chair's action on behalf of the Committee without the need for the case to be considered by a full meeting of the Discipline Committee if this is acceptable to the student.

7.9 Subject to any successful appeal, the decisions of the Discipline Committee are final and the student will be informed of the outcome by letter and by email. In cases where the Discipline Committee recommends that a student be permanently excluded from the University, the decision will require ratification from the Deputy Vice-Chancellor.

8. STANDARD OF PROOF

8.1 Authorised Officers and the Discipline Committee considering an allegation have to decide whether there is sufficient evidence to establish, on the balance of probabilities (that it is more likely than not), that an offence has been committed.

9. AVAILABLE SUPPORT AND REPRESENTATION

9.1 Students have the right to be accompanied to any formal disciplinary meetings. This would normally be a member of the ASK (Advice and Support at Keele) Team, a current student, an elected officer of the Keele University Students' Union or Keele Postgraduate Association or a member of staff.

9.2 Notification of a representative from within the University as outlined in paragraph 9.1 above must be given to the Secretary of the Discipline Committee at least 24 hours in advance of the meeting. Your representative may attend the parts of the meeting that you are invited to attend, even if you choose not to attend in person.

9.3 The University has the discretion to accept other supporters including legal representatives, where this is deemed necessary. If you wish to be accompanied by an external representative you must make a formal request for consideration via the Student Appeals, Complaints and Conduct team. If your request is approved, your representative may attend the parts of the meeting that you are invited to attend, even if you choose not to attend in person.

10. CONFIDENTIALITY AND RECORD KEEPING

10.1 Cases will be handled with an appropriate level of confidentiality, where personal information is shared with or released to only those who are part of the University's disciplinary procedures and other relevant officers of the University as appropriate.

10.2 If it is determined that an offence has been committed, the outcome of the disciplinary process will be placed on the student's file and will also be sent to the student concerned, the relevant Head(s) of School and other relevant officers of the University.

11. PENALTIES

11.1 There shall be a schedule of penalties for minor and major disciplinary offences which will be approved by the Senate from time to time and which shall be published in the Discipline Procedure. The range of penalties includes that of temporary or permanent exclusion from University facilities, including residences and temporary or permanent exclusion from the University. Penalties can only be imposed by the Discipline Committee, or, in the case of minor offences, by an Authorised Officer.

11.2 Failure to meet the terms set out for compliance with a penalty may lead to further disciplinary action.

12. APPEALS

12.1 A student shall have the right to appeal against the final decision of an Authorised Officer in relation to minor offences, the final decision of a Discipline Committee, and the penalties that are imposed. Appeals must be sent to the Student Appeals, Complaints and Conduct Manager within 10 calendar days of the official notification of the disciplinary decision. Appeals may only be made on one of both of the following grounds:

- (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 to the Authorised Officer/Committee and there is a valid reason for not making it known at the time.

12.2 Each appeal will be reviewed in the first instance by the Head of Academic Quality and Student Conduct or nominee or by the Pro Vice-Chancellor (Students) if the Head of Academic Quality and Student Conduct has had previous involvement with the case. They will decide whether the appeal has any real prospect of success or if there is some other compelling reason why the appeal should be considered. If not, the appeal may be rejected at this stage.

12.3 Appeals against the decision of an Authorising Officer will be heard by the Discipline Committee. Appeals against the decision of the Discipline Committee will be heard by the Discipline Appeals Committee. The members of the Discipline Appeals Committee considering the appeal must be different to the original Discipline Committee.

13. GRIEVANCE TO COUNCIL

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

- (a)** procedural irregularity in the conduct of the appeal;
- (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 to the relevant Committee at the time and there is a valid reason for not making it known at the time.

13.2 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.

13.3 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.

Regulation B2

1. RISK-RELATED MEASURES

1.1 Where an allegation of misconduct has been made against a student, the University may impose immediate conditions on that student to ensure that a full and proper investigation can be carried out and/or to safeguard the student or others whilst the allegation is being considered under Regulation B1 Student Discipline. For example, a student may be required not to contact a named member or members of the University.

1.2 In the event that the University believes that a student presents a threat of harm to themselves, other students and/or members of the University or to University property, the University may temporarily exclude the student. Temporary exclusions are precautionary, they are not a penalty and do not indicate that the student has committed an offence.

1.3 For the purposes of this regulation, temporary exclusion is defined as a partial or total ban on attendance at the University and may include restrictions on:

- i. attendance at all or some learning, teaching or assessment activities, including placements;
- ii. participation in all or some University activities;
- iii. attendance at or access to all or specified facilities or parts of the University (including residential accommodation);
- iv. exercising the functions or duties of any office or committee membership in the University or the Students' Union;
- v. contact with individuals associated with the incident being investigated;
- vi. any other restriction deemed appropriate due to the incident being investigated.

1.4 Temporary exclusions will always be based upon the outcome of a formal risk assessment carried out by a Temporary Exclusion Panel. Partial restrictions as described in 1.3 above can be imposed by the Temporary Exclusion Panel. Where the risk assessment indicates that it is necessary to suspend a student from study completely or temporarily exclude them from the University completely, this must be authorised by the Deputy Vice-Chancellor or their nominee.

1.5 All temporary exclusions will be for a specified period of time or until the outcome of the disciplinary process or criminal proceedings is known.

1.6 Students enrolled on a course that requires them to undertake practical training in a professional role involving patients, pupils, clients or service users, or where the end qualification provides a direct license to practise or is a requirement for a licence to practice may also be temporarily excluded from their studies by a Health and Conduct Committee or Fitness to Practice Committee under Regulation B5 Fitness to Practice.

1.7 In each case of temporary exclusion, the student will be informed in writing of the specific restrictions placed upon them, of the timescale and manner by which the exclusion will be reviewed and of their right to appeal.

1.8 All efforts will be made, as far as is possible, to reduce the impact of any temporary exclusion on the student's studies. Minor offences, as listed in Regulation B1 Student Discipline cannot in themselves result in a temporary exclusion from studies under this Regulation.

2. THE TEMPORARY EXCLUSION PANEL

2.1 The Temporary Exclusion Panel will consist, as a minimum, of two members drawn from the following: the Director of Student Services or nominee, the Head of Academic Quality and Student Conduct or nominee, Pro Vice-Chancellor (Students), the Academic Registrar or Pro Vice-Chancellor (Education). In addition, the Panel may co-opt, on a case by case basis, members of the Student Services team, members of the Student Appeals, Complaints and Conduct team, Accommodation, Security Services, or other members of the University as required. A formal meeting of the Temporary Exclusion Panel will be convened. The student will be invited to attend the meeting and given at least 72 hours written notice of the date and time of the meeting. The student may give evidence and call witnesses who may or may not be members of the University in support of their case. Witnesses will only be allowed to attend the meeting by agreement of the Temporary Exclusion Panel members and their attendance is restricted to the part of the meeting set aside to hear witness statements. Notification of the names and status of any witnesses must be given to the secretary to the Panel at least 24 hours in advance of the meeting. The student is allowed to be accompanied as set out in paragraph 3.1 below.

2.2 In cases where the Temporary Exclusion Panel wants to impose a temporary exclusion from studies or a complete suspension from the University, the Panel has to make a recommendation to the Deputy Vice-Chancellor. The Deputy Vice-Chancellor will then make a decision based on that recommendation. The decision of the Deputy Vice-Chancellor will be notified to the student in writing.

2.3 If a student is temporarily excluded, there will normally be an internal investigation of the case conducted by an Authorised Officer in line with the procedure set out in Regulation B1. Where the case is investigated by the police or is subject to criminal proceedings, the internal investigation may be postponed as set out in that regulation.

2.4 The Temporary Exclusion Panel shall review the temporary exclusion six weeks from the date that it came into effect. The student will be given the opportunity to make representation to this review, either in person or in writing. The Temporary Exclusion Panel will then review the temporary exclusion every six weeks thereafter, or earlier upon receipt of the outcome of an internal investigation, evidence of external developments or significantly altered circumstances of the student. At each review, the Temporary Exclusion Panel will make a recommendation to the Deputy Vice-Chancellor regarding whether the temporary exclusion should be lifted, modified or remain in force. The Deputy Vice-Chancellor will then make a decision based on that recommendation. The decision of the Deputy Vice-Chancellor will be notified to the student in writing.

2.5 The temporary exclusion shall normally remain in place until such time as any police investigation and/or criminal proceedings and/or any internal investigation and/or disciplinary proceedings by the University have been concluded.

2.6 Where a student who is also an employee of the University or the Students' Union has been temporarily excluded, the Temporary Exclusion Panel will notify the Director of Human Resources and/or the Students' Union for consideration as to whether any further action is required under their procedures.

3. AVAILABLE SUPPORT AND REPRESENTATION

3.1 Students have the right to be accompanied to any meeting with the Temporary Exclusion Panel. This would normally be a member of the ASK (Advice and Support at Keele) Team, a current student, an elected officer of the Keele University Students' Union or Keele Postgraduate Association or a member of staff.

3.2 Notification of a representative from within the University as outlined in paragraph 3.1 above must be given to the Secretary of the panel at least 24 hours in advance of the meeting. Your representative may attend the parts of the meeting that you are invited to attend, even if you choose not to attend in person.

3.3 The University has the discretion to accept other supporters including legal representatives, where this is deemed necessary. If you wish to be accompanied by an external representative you must make a formal request for consideration via the Student Appeals, Complaints and Conduct team. If your request is approved, your representative may attend the parts of the meeting that you are invited to attend, even if you choose not to attend in person.

4. APPEALS AGAINST TEMPORARY EXCLUSION

4.1 A student subject to temporary exclusion may appeal to the Vice-Chancellor. Such an appeal should normally be lodged in writing with the Vice-Chancellor within 14 calendar days from the date of the letter informing them of the temporary exclusion.

4.2 The Vice-Chancellor may accept the appeal and lift the temporary exclusion or modify the terms of the temporary exclusion or reject the appeal so that the temporary exclusion remains in force. The decision of the Vice-Chancellor will be notified to the student in writing.

5. EMERGENCY MEASURES

5.1 In exceptional circumstances, where it is deemed that urgent measures are required based on a risk assessment which finds a potential threat of harm either the Deputy Vice-Chancellor, or nominee, the Director of Student Services or nominee, or the Head of Academic Quality and Student Conduct or nominee, or one or more members of the Temporary Exclusion Panel may impose a temporary exclusion on a student as an emergency measure.

5.2 Where a temporary exclusion was the result of an emergency measure, this will be followed, within no more than 21 calendar days, by a meeting of the Temporary Exclusion Panel and the Panel will follow the process set out in paragraph 2.1 above. Following the meeting, the Temporary Exclusion Panel will make, if required by paragraph 2.2 a recommendation to the Deputy Vice-Chancellor regarding whether the temporary exclusion should be lifted, modified or remain in force. The Deputy Vice-Chancellor will then make a decision based on the recommendation from the Panel. The University will send a letter and email written confirmation to the student informing them of the decision.

6. PERMANENT EXCLUSION FROM THE UNIVERSITY

6.1 In rare cases, following an internal investigation under Regulation B1 or the conclusion of criminal or legal proceedings, a temporary exclusion may lead to a permanent exclusion from the University. A permanent exclusion from the University can only be imposed as a penalty following a formal review by a Discipline Committee and has to be approved by the Deputy Vice-Chancellor.