

Ordinance XVII

Conduct and Discipline of Students

[Version effective from 1 August 2023 to 30 November 2023]

SECTION 1 - General, Principles, and Matters considered to be Disciplinary Offences

a. General

- i. It shall be the duty of all students in all their acts and demeanour to seek to preserve the good reputation of the University and to observe and maintain honest and peaceable behaviour at all times. All students are required to observe the University's Charter, Statutes, Ordinances, Regulations and Codes of Practice.
- ii. Students are subject to the jurisdiction of the Vice-Chancellor and the Senate in respect of their studies and their conduct both on and away from University premises.
- iii. This Ordinance should be taken to be effective in respect of all students of the University from the point of registration through to the end of their studies, as determined by Ordinance II.

b. Principles

- iv. It is the intention of the University that this Ordinance is applied equally to all students in a way that is free of prejudice in respect of any protected characteristic or any other irrelevant or unfair consideration, and that actions taken under this Ordinance are fair, ethical, proportionate and timely.
- v. The University has the responsibility to prove any disciplinary charge brought under this Ordinance. In respect of charges brought under Section 2 of this Ordinance, this responsibility falls on the Authorised Officers listed in Section 2(ii). In respect of charges brought under Section 3 of this Ordinance, this responsibility falls on the Presenting Officer.

c. Matters considered to be disciplinary offences

- vi. The University defines misconduct as behaviour which, in its broadest sense, causes distress or harm to a person, loss of or damage to property, improperly interferes with the functioning or activities of the University or which could or does damage the University's reputation or standing.
- vii. Examples of disciplinary offences will include, but are not restricted to:
 - a. Failure, upon request, to disclose name or other relevant details, or to produce a University identity card to an Officer or employee of the University or the Loughborough Students' Union when reasonably required.
 - b. Impersonation of another student:
 - by use of their identity card, including gaining access to the

University or Loughborough Students' Union property by use of such a card.

- by use of their IT credentials, or soliciting another student to undertake such impersonation.

- c. The possession or storage on University property (including student accommodation) of any offensive weapon, firearm or replica firearm, or explosive device, other than with the written permission of the Security Manager.
- d. Being in possession of an opened container of alcoholic drink in an outdoor area that is not within 20 metres of a student residence or a designated outdoor area of a licensed premises.
- e. Action likely to bring the University into disrepute.
- f. Misuse or unauthorised use of University premises or property, including misuse of IT systems and services.
- g. Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University.
- h. Creating an excessive noise or other disturbance in a residential area off campus.
- i. The possession, use or supply of illicit performance enhancing substances, psychoactive substances or controlled drugs.
- j. Acts of fraud or deceit, deception or dishonesty in relation to the University or its staff in relation to being a student or holding any office in the University.
- k. Damage to or defacement of University property, or the property of other members of the University community caused intentionally or recklessly, or the misappropriation of such property.
- l. Any other act of deceit which could or does damage the reputation of the University.
- m. Failure to respect the rights of others to freedom of belief and freedom of speech.
- n. Harassment of any kind towards a student, member of staff or visitor to the University.
- o. Action likely to cause injury or impairment of safety on University premises or activity.
- p. Violent, disorderly, threatening or offensive behaviour or language whilst on University premises or activity.
- q. Any breach of the University Sexual Assault and Sexual Harassment Policy:
 - i. Any kind of sexual touching undertaken without explicit consent including groping, sexual penetration and rape.
 - ii. Unwanted behaviour of a sexual nature including catcalling, following, wolf-whistling, derogatory comments, sexual comments or jokes about a person's body or clothing, asking questions about someone's sexual life, making unwelcome sexual advances, making somebody feel uncomfortable through displaying or sharing sexual material. This includes posting pornographic pictures in shared spaces, physical or

virtual, sending sexually explicit e-mails, texts or other communications via social media. It includes stalking in person or online as set out in the Protection of Freedoms Act (2012).

- r. Conduct which constitutes a criminal offence (excluding motoring offences for which a fine and/or up to three penalty points are imposed).
- s. Conviction of a criminal offence, however, wheresoever and whensoever arising.
- t. Failure to meet with University Officers to assist with disciplinary enquiries when requested to do so.
- u. Failure to attend a hearing of the Student Disciplinary Panel as a witness or defendant if required to do so with reasonable notice.
- v. Failure to inform the University immediately on being arrested, released without charge, released under investigation, released on police bail, cautioned for, or convicted of any criminal offence (excluding motoring offences for which a fine and/or up to three penalty points are imposed).
- w. Direct or indirect attempts to influence or intimidate witnesses prior to or during a disciplinary process, subsequent proceedings or other internal procedures.
- x. Failure to comply with disciplinary action conducted under this Ordinance.
- y. Failure to abide by temporary restrictions imposed by an Authorised Officer, the Chief Operating Officer, or the Vice-Chancellor during the course of a disciplinary process.
- z. Failure to abide by a sanction imposed by LSU, including non-payment of an LSU fine.

SECTION 2 - Investigation, and resolution of disciplinary incidents by Authorised Officers

- i. This section of the Ordinance contains the process for investigating and resolving incidents which require a formal disciplinary response but in relation to which consideration by a Student Disciplinary Panel would be inappropriate and/or disproportionate, taking into account: the nature and seriousness of the alleged offence; whether the level of sanction which initially appears may be appropriate in the event of a guilty finding is within the range of sanctions available to Authorised Officers; and the timescales and other practical considerations associated with dealing with the specific case.

Authorised Officers

- ii. The following Officers, or their nominees, are authorised to investigate and consider disciplinary matters and to levy sanctions:
 - a. The Librarian in respect of breaches of Regulation I governing the Library.
 - b. The Wardens of Halls of Residence in respect of breaches in Regulation VIII governing the Residence of Undergraduate and Postgraduate Students in the University, and Regulation XIX governing Hall Committees. The organisation of events of the nature described in

paragraph 5.4 (i) to (v) of Regulation XIX will be regarded as a breach of this Ordinance whether organised by Hall Committee members or other students.

- c. The Director of IT Services in respect of breaches of Regulation XV governing use of University IT facilities.
- d. Deans of Schools in respect of breaches of good order within their Schools, in relation to academic activities off campus or breaches of Regulation XV.
- e. The Community Wardens in respect of disciplinary offences within the geographical area of their jurisdiction.
- f. The University Health, Safety and Environment Manager in respect of actions which put themselves or others at risk.
- g. The Executive Director of Sport in respect of any incident occurring within a sporting context.
- h. The Manager of the Parking Team or their Deputy in respect of breaches of Ordinance XXIII Traffic and Parking in the University and, the Code of Practice on Traffic and Parking in the University
- i. The Security Manager in respect of other disciplinary offences not specifically covered by another Authorised Officer.
- j. The Chief Operating Officer and Deputy Chief Operating Officer in respect of any disciplinary offence.

Investigation

- iii. Initial stages:
 - a. Staff, students or members of the public should promptly report alleged breaches of University discipline by a student or students to any Authorised Officer.
 - b. The Authorised Officer may conduct preliminary enquiries in order to determine whether there has been a breach of University discipline to be investigated. Where the Authorised Officer contacts a student as part of any preliminary enquiries, they should explain clearly the nature and purpose of the contact.
 - c. Following any preliminary enquiries, if the Authorised Officer takes the view that the breach of University discipline has occurred, they should consider the nature and seriousness of the apparent offence; the extent to which the level of sanction which initially appears may be appropriate in the event of a guilty finding is within the range of sanctions available to them; and the timescales and other practical considerations associated with investigating and resolving the case. Then, where it is appropriate and proportionate to do so, the Authorised Officer should deal with the matter as directed in this section.
- iv. If any Authorised Officer is uncertain as to whether it is appropriate for them to deal with the matter, they should inform the Chief Operating Officer.
- v. Where the Chief Operating Officer receives a report of an alleged breach of University discipline by a student or students, they will consider: the nature and seriousness of the alleged offence; whether the level of sanction which initially appears appropriate is within the range of sanctions available to Authorised Officers; and the timescales and other practical considerations

associated with resolving the case. The Chief Operating Officer will then decide which Authorised Officer should be asked to deal with the matter. Where the Chief Operating Officer anticipates that it is likely to be appropriate for the matter to be considered by a Student Disciplinary Panel, they will normally direct the Security Manager or their deputy to conduct the investigation.

- vi. Students suspected of breaching University discipline should be clearly informed in writing of the following:
 - a. The offence(s) they are suspected of having committed.
 - b. That if they require independent advice on disciplinary matters, they should contact LSU Advice.
 - c. That if they have any disability that may impact them during the disciplinary process they should contact Student Wellbeing and Inclusivity for advice.
- vii. Students should be given 5 working days to respond to this written notification, to indicate whether they admit or deny the alleged offence(s) and, if they admit it, to provide any information or evidence that they wish to be taken into account as mitigation.

Offence admitted

- viii. In cases where an offence is admitted, or where no response is received by the student after 5 working days, the Authorised Officer may levy a sanction immediately. The student should be notified in writing of the sanction, and be provided with details of the appeals process and the contact details for LSU Advice. In some cases, where the offence is admitted but the Authorised Officer decides that they need more information to reach a decision on sanction, the Authorised Officer may follow the "Offence denied" process below.

Offence denied

- ix. In cases where an offence is denied, or where the Authorised Officer decides that they need more information to reach a decision on sanction, the Authorised Officer will conduct a proportionate investigation, including obtaining accounts from witnesses, and/or from the student who is the subject of the allegation, which will normally be written.
- x. At the discretion of the Authorised Officer, the student will be provided with the evidence against them in one of the following ways:
 - a. Prior to any meeting between the student and the Authorised Officer, in which case the student will normally be advised that they should reply within 5 working days to submit a written response, and/or to arrange to meet with the Authorised Officer (normally within a further 5 working days).
 - b. During any initial meeting between the student and the Authorised Officer.
 - c. At a later stage if the student declines to meet with the Authorised Officer.

The student should also be advised of the following:

- d. It should be reiterated that if they require independent advice on disciplinary matters, they should contact LSU Advice, and that if they have any disability that may impact them during the disciplinary process they should contact Student Wellbeing and Inclusivity for advice.
- e. That they are entitled to be accompanied at any meeting with the Authorised Officer by an individual of their choosing. (The Authorised Officer should not normally bar any specific person from accompanying the student, but may do so where the proposed accompanying person is a significant witness or is believed to be a participant in the incident under consideration).
- f. That they are not obliged to answer questions put to them by the Authorised Officer, though such silence will be reported in any subsequent disciplinary hearing.
- g. That they may leave at any stage of any meeting with the Authorised Officer.
- h. That a record will be made of the meeting with the Authorised Officer.
- xi. Where necessary, the Authorised Officer may invite a student to a second or subsequent meeting to further discuss their alleged involvement in the incident or incidents.
- xii. Following the submission of information and/or evidence by the student, either in writing or in person, the Authorised Officer will take one of the following actions:
 - a. Decide on the balance of probability that the student is guilty of a disciplinary offence, in which case the Authorised Officer may levy a sanction and should notify the student of the decision on guilt and sanction in writing, and provide details of the appeals process and the contact details for LSU Advice.
 - b. Decide on the balance of probability that the student is not guilty of a disciplinary offence, in which case the Authorised Officer should inform the student of this outcome in writing.
 - c. Submit a report to the Chief Operating Officer outlining their findings and any proposed disciplinary charges, including any recommendations for further action. (This will be the normal action taken where the Chief Operating Officer has directed the Security Manager or their deputy to conduct the investigation).
- xiii. On receipt of a report from an Authorised Officer under paragraph 2 (xii) above, the Chief Operating Officer will determine the appropriate course of action. This will include a consideration by the Chief Operating Officer of whether there is sufficient evidence to establish: that an offence may have occurred; and that there is a reasonable prospect of a guilty finding being reached by an Authorised Officer or Student Disciplinary Panel.
 - a. If the Chief Operating Officer considers that there is not sufficient evidence, no further action should be taken.
 - b. If the Chief Operating Officer considers that there is sufficient evidence, and that the matter is suitable for resolution by an Authorised Officer in accordance with section 2 of this Ordinance, the Chief Operating Officer may determine the outcome and any sanction themselves, or may direct that the outcome and any sanction be determined by the appropriate Authorised Officer.

- c. If the Chief Operating Officer considers that there is sufficient evidence and that the matter should be considered by a Student Disciplinary Panel, the process in section 3 of this ordinance should be followed.
- d. A record of the Chief Operating Officer's decision on the appropriate course of action should be copied to the Secretary of the Student Discipline Committee.

All cases

- xiv. A record of the written/emailed confirmation of the decision and any sanction should be kept by the Secretary to the Student Discipline Committee.

SECTION 3 - Resolution of disciplinary incidents by Student Disciplinary Panel

- i. This section of the Ordinance contains the process for resolving incidents in relation to which consideration by a Student Disciplinary Panel is considered by the Chief Operating Officer to be appropriate and proportionate, taking into account: the nature and seriousness of the alleged offence; whether the level of sanction which may be appropriate in the event of a guilty finding is beyond the range of sanctions available to Authorised Officers; and the timescales and other practical considerations associated with dealing with the specific case. Where the Chief Operating Officer believes that there is sufficient evidence, and the matter should be considered by a Student Disciplinary Panel they will notify the Secretary to the Student Discipline Committee.
- ii. The Secretary should contact the student, informing them of the charge(s) against them and providing a copy of the supporting evidence. The student should be invited to respond within 5 working days to indicate whether they admit or deny the charge(s).

Charge(s) admitted or failure to respond

- iii. In the event that the student admits the charge(s), or fails to respond, a hearing will normally take place within a further twenty working days.
- iv. In advance of the hearing:
 - a. The Officer who conducted the investigation will submit a summary of the case, together with the supporting evidence, for consideration by the Panel and the student prior to the hearing.
 - b. The student will be invited to submit a written response to the charge(s) and supporting evidence, including any mitigation they wish the Panel to consider, either in advance of the hearing or at the hearing itself. Mitigation may include written testimonials, for example any reference as to the general character of the student or their involvement in the offence.

The hearing will normally comprise the Panel, accompanied by the Secretary, the Presenting Officer (normally the Officer who conducted the investigation) and the student, who may be accompanied by a person of their choice.

- v. As far as possible the hearing will be convened at a time which facilitates the attendance of the student and any accompanying person, but the needs of the University will also be taken into account. The hearing will not therefore be

unreasonably delayed by the unavailability of a specific accompanying person, and the Panel reserves the right to proceed in the student's absence if it appears appropriate to do so, including where the student fails to respond to notification of the hearing, or declines to attend.

- vi. The proceedings of the hearing shall take the following form:
- a. The Chair will introduce the participants and ensure the student understands the process.
 - b. The Presenting Officer will then read the charges and outline a summary of the case.
 - c. The student will be invited to respond and to give their mitigation. At the discretion of the Chair, any person accompanying the student may also be allowed to speak on the student's behalf.
 - d. The Panel may ask questions of the Presenting Officer, the student, or any person accompanying the student at any point during the hearing.
 - e. After any questions, the Presenting Officer, student and any accompanying person will leave and the Panel, accompanied by the Secretary, will consider its decision on sanction. At the discretion of the Chair, the student may be asked to wait and return for the decision on sanction to be given personally, or may be told that the decision will be communicated in writing, normally within three working days of the hearing. The Chair may request specialist advice from the University's Professional Services in relation to the nature of the misconduct, any aggravating or mitigating factors, and the likely impact of specific sanctions. Any such advice must be disclosed to the student, and the student provided with an opportunity to respond in writing within a reasonable timeframe before the Panel's decision on sanction is confirmed.

Charge(s) denied

- viii. In the event that the student denies the charge(s), they will be given a minimum of 15 working day's written notification of a Student Disciplinary Panel. The notification will include:
- a. The date, time and location of the Panel meeting.
 - b. Details of the Panel membership.
 - c. Confirmation of the charge(s) and a case summary.
 - d. Witness statements and copies of any other evidence in support of the charge(s).
 - e. Details of any witnesses to be called by the Presenting Officer.
 - f. A copy of or link to this Ordinance.
- ix. The student will be informed that they have the right:
- a. To attend the hearing in person to present their case
 - b. To be accompanied by a person of their choosing who may assist them, or present the case on their behalf
 - c. To submit written evidence
 - d. To call witnesses to give evidence in person (this may include witnesses who have given a statement to the Presenting Officer but who the Presenting Officer has not called to attend the hearing)

- x. The student shall submit the name and status of any accompanying individual and of any witnesses they wish to call, and a copy of any written evidence, a minimum of 6 working days before the hearing.
- xi. As far as possible the hearing will be convened at a time which facilitates the attendance of the student and any accompanying person, but the needs of the University will also be taken into account. The hearing will not therefore be unreasonably delayed by the unavailability of a specific accompanying person, and the Panel reserves the right to proceed in the student's absence if it appears appropriate to do so including where the student fails to respond to notification of the hearing, or declines to attend.
- xii. Full documentation for the hearing, together with the names of any witnesses to be called by the Presenting Officer and by the student, will be circulated to all participants at least 5 working days before the meeting.
- xiii. The proceedings of the hearing shall take the following form:
 - a. The Chair will introduce the participants and ensure the student understands the process.
 - b. The Presenting Officer will then read the charges and outline a summary of the case.
 - c. The Presenting Officer will then call each of their witnesses in turn, and summarise the written evidence of any witness not in attendance.
 - d. For each of the Presenting Officer's witnesses in attendance:
 - The Presenting Officer will ask them to give their evidence and may ask questions to assist clarity or draw attention to significant points.
 - The student may then ask questions of the witness.
 - The Presenting Officer may ask further questions of the witness, but only in respect of matters arising from the student's questions.
 - The Panel may then ask questions of the witness.
 - e. The Presenting Officer may present or summarise the content of any interview conducted with the student, following which:
 - The student may ask questions of the Presenting Officer in respect of the interview.
 - The panel may ask questions of the Presenting Officer in respect of the interview.
 - f. Following the hearing of evidence from the Presenting Officer, the student will then call each of their witnesses in turn, or summarise the written evidence of any witness not in attendance.
 - g. For each of the student's witnesses in attendance:
 - The student will ask them to give their evidence and may ask questions to assist clarity or draw attention to significant points.
 - The Presenting Officer may then ask questions of the witness.
 - The student may ask further questions of the witness, but only in respect of matters arising from the Presenting Officer's questions.
 - The Panel may then ask questions of the witness.
 - h. The Presenting Officer will sum up the case against the student.
 - i. The student will sum up the case for their defence.
- xiv. Within the procedures above, the Panel has discretion over the conduct of proceedings. The strict rules of evidence in criminal proceedings shall not

apply but the panel shall use its discretion as to the weight to attach to any particular statement made.

- xv. The following guidance is not intended to be exhaustive, but in considering the weight that might be attached to specific evidence, the Panel should consider:
- a. Whether a witness is giving a first-hand account of something they have experienced, or is recounting something they have heard from a third party (hearsay evidence).
 - b. Whether a witness has made notes or a record of the incident when issues may have been fresher in their mind, and the degree to which their evidence matches any written record.
 - c. Whether or not a witness may have been under the influence of alcohol or drugs at the time of the incident.
 - d. The degree to which any evidence is corroborated by other evidence, for example the evidence of other witnesses, documentary evidence or CCTV.
 - e. Whether a witness has appeared, or indicated a willingness to appear in person to give their evidence.

After the student has concluded their summing up, the Presenting Officer, student and any accompanying person will leave and the Panel, accompanied by the Secretary, will consider its decision on guilt. The basis on which this decision will be made is on the balance of probability. The student will normally be asked to wait and return for the decision on guilt to be given in person.

- xvi. If the student is found guilty, the Secretary will inform the Panel of any previous conduct issues and/or disciplinary sanctions, and the student shall be permitted to submit any mitigation that they wish the Panel to take into account before making a decision on sanction. The student will then leave again and the Panel, accompanied by the Secretary, will consider its decision on sanction. At the discretion of the Chair, the student may be asked to wait and return for the decision on sanction to be given in person, or may be told that the decision will be communicated in writing, normally within three working days of the hearing. The Panel will give reasons for its decision, and the student shall be notified of the right of appeal. The Chair may request specialist advice from the University's Professional Services in relation to the nature of the misconduct, any aggravating or mitigating factors, and the likely impact of specific sanctions. Any such advice must be disclosed to the student, and the student provided with the opportunity to respond in writing within a reasonable timeframe before the Panel's decision on sanction is confirmed.

SECTION 4 - Sanctions

- i. Guidance on the investigation of offences, and on a range of potential sanctions, will be discussed and reviewed on a minimum annual basis by the Chief Operating Officer, Chairs of the Student Discipline Committee and Student Disciplinary Appeals Committee (or nominees), and a member of the LSU Executive. The following sanctions are subject to the limits and guidance issued under this process.

- ii. With the exception of monetary fines, which will not be suspended, any other sanction may be suspended, in part or fully, for any period up to the completion of a student's studies.
- iii. An Authorised Officer or Student Disciplinary Panel may consider alternative sanctions to those listed below, appropriate to the individual circumstances of each offence, so long as the sanction is proportionate and within the spirit of this guidance.

Sanctions available to Authorised Officers

- iv. Sanctions available to Authorised Officers:
 - a. Formal written warning.
 - b. Fines.
 - c. Requirement to pay the cost of making good damage or loss to property.
 - d. Community service.
 - e. Restriction of access to specified residential accommodation or parts of specified residential accommodation.
 - f. Relocation of a student's residential accommodation within their Hall.
 - g. Relocation of a student's residential accommodation to another Hall. (Relocation to another Hall will not be imposed without the consent of the Chief Operating Officer).
 - h. Exclusion from all University accommodation. (Exclusion from all University accommodation will not be imposed without the consent of the Chief Operating Officer).
- v. On the advice of the appropriate Authorised Officer, the Chief Operating Officer may also impose restrictions on a student's access to specified campus facilities and locations for any period up to the completion of studies, either as a sanction, or in order to minimise the possibility of future breaches of this Ordinance. These restrictions should be proportionate and should not affect the student's ability to participate in their programme of study, unless this is necessary to safeguard the health and safety of the University community. The student will have a right to request a review by the Chief Operating Officer of any such restrictions imposed.

Sanctions available to Student Disciplinary Panels

- vi. Sanctions available to Student Disciplinary Panels:
 - a. Formal written warning.
 - b. Fines.
 - c. Requirement to pay the cost of making good damage or loss to property.
 - d. Community service.
 - e. Requirement that a student have no contact of any kind with named persons.
 - f. Restriction of access to specified residential accommodation or parts of specified residential accommodation.

- g. Relocation of a student's residential accommodation within their Hall.
- h. Relocation of a student's residential accommodation to another Hall.
- i. Exclusion from all University accommodation.
- j. Exclusion from access to specified campus facilities and locations for any period up to the completion of studies either as a sanction, or in order to minimise the possibility of future breaches of this Ordinance.
- k. Attachment of such conditions as it thinks fit to the continued pursuit of the student's studies, to the nature of their living accommodation and to their general conduct.
- l. Exclusion from University events, including graduation ceremonies.
- m. temporary suspension of registration at the University for a specified period.
- n. Panels may also recommend to the Loughborough Students' Union: Temporary or permanent exclusion from premises or activities under the control of Loughborough Students' Union, including AU sport.
- o. Panels may also recommend to Senate, under paragraph 6(iii) of Ordinance IX: Termination of registration at the University.

Discharge of sanctions and failure to comply

- vii. Fines or costs are payable within 10 working days of formal notification by the University, or, if an appeal is lodged, within 10 working days of formal notification of the outcome of the appeal.
- viii. If a student fails to comply with a requirement to pay fines or costs within 10 days, or to agree with the University a schedule of payments and to conform subsequently with that schedule, or fails to comply with other sanctions within any timescales specified, the Chief Operating Officer may initiate further disciplinary action against them.

SECTION 5 - Appeals

- i. A student found guilty of a disciplinary offence has the right of appeal to the Student Disciplinary Appeals Committee in respect of both the finding of guilt and/or the sanction imposed.
- ii. Any appeal should be submitted in writing to the Secretary to the Student Disciplinary Appeals Committee within 10 working days of the student receiving notification of the decision.
- iii. The grounds for appeal shall be confined to one or more of the following:
 - a. That there were procedural irregularities in the conduct of the process sufficient to make the finding on guilt and/or sanction unfair.
 - b. That there is evidence of prejudice or bias by any person involved in the process sufficient to make the finding on guilt and/or sanction unfair.
 - c. That the student is in possession of significant new evidence that was not available when the initial decision was reached and the student had good cause for not including the evidence in the case for their defence.

- d. That the sanction(s) imposed were unreasonably severe given the circumstances of the case
- iv. Appeals will normally only be accepted where supporting evidence is provided.
- v. Where an appeal is not in accordance with the permitted grounds in Section 5(iii) above, or the additional requirement in Section 5(iv) above, the Academic Registrar or nominee may dismiss the appeal.

Appeals for cases dealt with by an Authorised Officer

- vi. Appeals for cases dealt with by an Authorised Officer, which are not dismissed by the Academic Registrar or nominee in accordance with Section 5(v) above, will be considered by the Chair of the Student Disciplinary Appeals Committee based on the student's written submission. The Chair may undertake such investigations as they see fit, and request written comments from the Authorised Officer, before making a decision on the case. Any additional evidence arising from the Chair's investigations shall be made available to the student who shall have the right to comment further in writing. The student will not have the right to appear in person.
- vii. Having reviewed the case, the Chair will decide on the appeal. They may confirm, set aside or amend the decision and/or sanction that is the subject of the appeal. The Chair's decision shall be final. In exceptional circumstances, where the Chair reaches the view that there has been a substantial procedural irregularity in the initial investigation and/or consideration of the case, the Chair may decide that the case should be reinvestigated and reconsidered by a different Authorised Officer. In such cases, an Authorised Officer with no previous involvement with the case will be appointed, and the student will have a right of appeal in respect of the decision of the new Authorised Officer.

Appeals for cases dealt with by a Student Disciplinary Panel

- viii. Appeals for cases dealt with by a Student Disciplinary Panel, which are not dismissed by the Academic Registrar or nominee in accordance with Section 5(v) above, will be heard by a meeting of the Student Disciplinary Appeals Committee. No member of the Appeals Committee or its Secretary will have had any previous involvement with the case.
- ix. The student should be notified of the date of the Student Disciplinary Appeals Committee hearing and the membership of the Committee within 10 working days of the submission of the appeal. The date of the hearing shall be at least 10 working days after the date of this notification. The student will be permitted to attend the hearing in person and to be accompanied by a person of their choosing. The name and status of any accompanying person should be notified to the Secretary of the Appeals Committee at least 6 working days before the meeting. As far as possible the hearing will be convened at a time which facilitates the attendance of the student and any accompanying person, but the needs of the University will also be taken into account. The hearing will not therefore be unreasonably delayed by the unavailability of a specific accompanying person, and the Panel reserves the right to proceed in the

- student's absence if it appears appropriate to do so including where the student fails to respond to notification of the hearing, or declines to attend.
- x. The Appeals Committee may determine its own proceedings in the light of the circumstances of the appeal.
 - xi. In most cases proceedings will mirror those for the hearing of cases by a Student Disciplinary Panel as set out in section 3 (xiii) above. The Presenting Officer involved in the original case will normally present a synopsis of the case and the outcome of the original hearing, and may also seek to address the grounds submitted for the appeal. Where appropriate, the Chair of the original Student Disciplinary Panel may also prepare a report. The Appeals Committee may permit the student to call witnesses and/or present additional evidence. Should this be agreed, the Presenting Officer will also have the right to call witnesses and present additional evidence to address any new issues raised by the student. All written submission and details of those to be present will be circulated to all participants at least 5 working days before the meeting.
 - xii. Having reviewed the case, the Appeals Committee will reach a decision on the appeal. The Appeals Committee may confirm, set aside or amend the decision and/or sanction that is the subject of the appeal. In exceptional circumstances, where the Appeals Committee reaches the view that there has been a substantial procedural irregularity at the Student Disciplinary Panel which considered the case initially, it may decide that the case should be reheard by a new Disciplinary Panel. In such cases, an entirely new Panel and secretary, with no previous involvement with the case, will be appointed, and the student will have a right of appeal in respect of the decision of the new Panel. The Appeals Committee's decision shall be final.

SECTION 6 - Misconduct subject to investigation elsewhere

Parallel proceedings

- i. Because of the nature of this Ordinance, students may be subject to disciplinary proceedings elsewhere, for example in the context of employment, sports or Students' Union Activity.
- ii. The fact of disciplinary proceedings elsewhere will not be a bar to action being taken under this Ordinance, but in these circumstances the University will act in accordance with the following principles:
 - a. As far as practicable, the University will seek to liaise with any other disciplinary authority to understand and agree the process and timing of any action, including the potential for joint action.
 - b. Whilst the fact of, or potential for sanctions under another process will not inhibit the University from taking its own action, the University will take account of measures taken elsewhere as a potential mitigating factor and seek to ensure the effect of action through more than one process is not disproportionate to the circumstances.

Misconduct that is also a criminal offence

- iii. The investigation of misconduct that constitutes a criminal offence is a difficult issue, particularly where the potential criminal offence is serious. The University recognises that it will be a matter for the victim to decide whether or

not they wish to report an incident to the police, and that there may be circumstances where a victim wishes to make a complaint to the University but not to the police. In these circumstances, a University investigation may be undertaken, but the victim will be made aware that any University action will be limited by its powers and investigative capability.

- iv. The University will not normally report an incident to the police contrary to the wishes of a victim, but may do so in exceptional circumstances, for example where the University believes that there may be an ongoing risk to the victim or others.
- v. Where a matter is subject to a police investigation, action under this Ordinance may continue as directed by the Chief Operating Officer, but no action will be taken that may be liable to interfere with a police investigation or obstruct justice.

SECTION 7 - Action by the University during investigation or prior to resolution

- i. In certain circumstances it may be appropriate to impose restrictions on a student who is the subject of a misconduct allegation. This will normally be the case where immediate action is required because of the risk of further offending or a risk to other students, staff or property and would include circumstances where restrictions may be required to protect a victim or witness to a disciplinary matter from harm or the fear of harm. Restrictions pending the resolution of an allegation must not be used as a sanction.
- ii. Restrictions may take the form of exclusions (involving selective restrictions on attendance at or access to the University, or prohibition on exercising the functions or duties of any office or committee membership in the University) and suspensions (involving a total prohibition on attendance or access to the University and on any participation in University activities, but potentially subject to qualification, for example, permission to attend an examination).
- iii. All restrictions will be imposed on a temporary basis pending disciplinary action and will be considered to have ended at whatever point the disciplinary process under this Ordinance is concluded.
- iv. Exclusions may be imposed by the following Authorised Officers:
 - a. The Librarian in respect of use of the Library.
 - b. The Wardens of Halls of Residence in respect of access to and use of Halls of Residence and involvement in Hall events, including social and sporting.
 - c. The Director of IT Services in respect of access to and use of University IT facilities.
 - d. Deans of Schools in respect of access to and use of academic facilities.
 - e. The Security Manager in respect of vehicular access.
 - f. The Chief Operating Officer and Deputy Chief Operating Officer in respect of these and any other matters.
The Chief Operating Officer may also recommend to the Loughborough Students' Union:
 - g. Exclusion from premises or activities under the control of Loughborough Students' Union, including AU sport.
- v. An exclusion may include a requirement that a student should have no contact of any kind with specific named individuals.

- vi. A student who is subject of a formal investigation directed by the Chief Operating Officer may be suspended or excluded by the Vice-Chancellor on the recommendation of the Chief Operating Officer, in accordance with Statute V(4). Suspension should only be used where restrictions from specified activities or facilities would be inadequate.
- vii. Students shall have the right to make representations to the Authorised Officer, Chief Operating Officer, or Vice-Chancellor as appropriate before any decision on exclusion or suspension is implemented. However, when the action is regarded as a matter of urgency, it may only be possible to allow representations to be made after its implementation. Where a student has been suspended or excluded by the Vice-Chancellor in accordance with Statute V(4) they may also appeal to the Student Disciplinary Appeals Committee in accordance with Statute XXIV.
- viii. Students shall be notified in writing of the fact of and reasons for any restrictions.
- ix. Where a student has been the subject of any restriction:
 - a. The University must commence an investigation within 10 working days.
 - b. The student shall have the right to make written representations to the Chief Operating Officer requesting that the restriction is reviewed, on a monthly basis. Where the student has been suspended or excluded by the Vice-Chancellor in accordance with Statute V(4), they shall have the right to make monthly written representations to the Vice-Chancellor in addition to their right of appeal to the Student Disciplinary Appeals Committee in accordance with Statute XXIV.
- x. Any student who is suspended or excluded shall be deemed to have forfeited any fees paid to the University which would have covered the period of suspension/exclusion.

SECTION 8 - Other matters

Health Issues

- i. Where the actions of a student subject to disciplinary proceedings appear to be indicative of a health issue, procedures may be adjourned to allow the student or the University to seek advice from a medical practitioner or counsellor, and/or to allow the University to consider whether it is appropriate to invoke its Fitness to Study procedure.

Disclosure of Outcomes

- i. Proceedings under this Ordinance shall operate under an assumption of confidentiality. However, the outcome of proceedings and the general details of sanctions imposed may be disclosed to a victim or victims at the direction of the Chief Operating Officer. The Chief Operating Officer may also agree to further disclosures, for example, for internal or external media, and/or to community groups, provided such action is proportionate and in the legitimate interests of the University.

Whistleblowing

- iii. (The University recognises that as part of their normal activities as a student, a student may become aware of circumstances which appear to indicate that another student has committed an act in breach of this Ordinance. Students are encouraged to report such incidents, at the earliest opportunity, to any Authorised Officer, and providing this reporting is done in good faith, the University will view it positively and will seek to maintain the reporting student's anonymity wherever possible and protect them from victimisation.

SECTION 9 - General powers and the constitution of the Student Discipline Committee, Student Disciplinary Appeals Committee and Student Disciplinary Panels

- i. The general powers of the Senate set out in Ordinance IX and Statute XXIV to regulate the discipline of students are delegated to the Student Discipline Committee and Student Disciplinary Appeal Committee.
- ii. The Student Discipline Committee shall be appointed annually by the Senate and shall have the following constitution:
 - a. A minimum of five and a maximum of seven members of the academic or academic-related staff
 - b. A minimum of three and a maximum of five lay members, external to the University
 - c. Three University members of the Loughborough Students' Union Executive

One of the academic or academic-related staff members of the Student Discipline Committee shall normally serve as Chair of the Committee. All staff members will be formally designated as Deputy Chairs and may be appointed by the Academic Registrar to act as Chair of Student Disciplinary Panels and Student Disciplinary Appeals Committees.

One of the academic or academic-related staff members of the Student Discipline Committee shall normally serve as Chair of the Student Disciplinary Appeals Committee for the purposes of considering appeals for cases dealt with by an Authorised Officer under section 5 (vi) and (vii) above.

The Academic Registrar shall appoint a member of their staff to act as secretary to the Student Discipline Committee.

Where the Academic Registrar selects the Chairs and other members of Student Disciplinary Panels and Student Disciplinary Appeals Committees in accordance with sections 9(iii) and 9(iv) below, they may, at their discretion, take advice from colleagues/bodies within the University (including the Chair of Senate when appropriate), in order to ensure Panels and Student Disciplinary Appeals Committees are composed appropriately in terms of training, expertise and experience.

- iii. The Student Disciplinary Appeals Committee is the body constituted under Statute XXIV to hear appeals and its membership shall be:
 - a. A Chair selected by the Academic Registrar from the academic or academic-related staff members of the Student Discipline Committee.

- b. One lay member external to the University selected by the Academic Registrar from the lay membership of the Student Discipline Committee, providing that the lay member selected shall have had no previous involvement in the appeal case under consideration, and shall not have been part of the Student Disciplinary Panel responsible for the initial decision on the case.
- c. One University member of the Loughborough Students' Union Executive normally selected by the Academic Registrar from the Loughborough Students' Union membership of the Student Discipline Committee, providing that the Loughborough Students' Union member selected shall have had no previous involvement in the appeal case under consideration, and shall not have been part of the Student Disciplinary Panel responsible for the initial decision on the case.

The Student Disciplinary Appeals Committee shall be quorate when the Chair and the two other members are present. The Academic Registrar shall appoint a member of their staff to act as secretary.

- iv. Incidents formally investigated as directed by the Chief Operating Officer shall be considered by a Student Disciplinary Panel, which shall normally be constituted as below:
 - a. A Chair selected by the Academic Registrar from the academic or academic-related staff members of the Student Discipline Committee,
 - b. One lay member external to the University selected by the Academic Registrar from the lay membership of the Student Discipline Committee
 - c. One University member of the Loughborough Students' Union Executive selected by the Academic Registrar from the Loughborough Students' Union membership of the Student Discipline Committee.

Where the charge is admitted, or the student fails to respond, an academic or academic-related member of Student Discipline Committee may serve on the Panel in place of a lay member external to the University. The Panel acts as the body empowered under paragraph 6(iii) of Ordinance IX to make recommendations to Senate in the case of students who may be guilty of gross misconduct. The Secretary of the Student Discipline Committee shall normally act as Secretary to the Student Disciplinary Panel. No individual who has any connection with the case to be heard may serve on a Student Disciplinary Panel or act as its Secretary.

(Remade June 2022)