



## Student Disciplinary Policy

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### 1. Introduction

- 1.1 Arts University Bournemouth (AUB) expectations for student conduct are set out in the Student Code of Conduct and Student Charter, in the Equalities commitment, in course handbooks and in AUB policies.
- 1.2 AUB reserves the right to investigate allegations of student misconduct which occur within or outside of the University, and discipline students by imposing reasonable sanctions where it considers a student's conduct has an adverse effect on the University community, its proper functioning, or its activities.

### 2. Key principles

- 2.1 The University will ensure that the application of this policy, and any resulting sanctions imposed, are fair, proportionate, reasonable and consistently applied.
- 2.2 Decisions under this Student Disciplinary Policy will be taken on the balance of probability. Decisions will be based upon evidence, but a case does not have to be established "beyond reasonable doubt".
- 2.3 All parties involved in a disciplinary case are expected to act reasonably and fairly towards each other, and to treat the process with respect. Where students fail to respond or engage with a misconduct investigation in a timely fashion, the University may proceed to reach conclusions in the absence of the student.
- 2.4 The University will conclude disciplinary cases as quickly as possible, and normally within 90 days of allegations being reported. If there are legitimate reasons for delay, these reasons will be communicated to those affected.
- 2.5 Individuals reporting allegations of misconduct will normally be asked to confirm their allegations in writing, identifying themselves and providing contact details. Details of any disciplinary investigation will remain confidential as far as possible, and information will usually only be shared with those involved in any investigation or judgement.
- 2.6 A student who is alleged to have committed an act of misconduct has a right to be informed of and to respond to those allegations. The University will not usually take action in response to anonymous allegations of misconduct, as this may undermine a student's ability to defend themselves. The University will not act on allegations of misconduct it considers to be vexatious, spurious or malicious.
- 2.7 In deciding any penalty, the University will consider whether the outcome of disciplinary action should be shared with any person who has been adversely affected by the misconduct, and who would have a legitimate interest in the action taken by the University in response.
- 2.8 The University owes the same duties and obligations to all students involved in any disciplinary case and will take all reasonable steps to treat each student fairly.
- 2.9 AUB is committed to operating a fair, consistent and non-discriminatory policy that respects the rights of all students involved. The University recognises its obligations under the Equality Act 2010 and will comply with these obligations in the operation of

this Student Disciplinary Policy, including making reasonable adjustments as appropriate.

- 2.10 For the avoidance of doubt, any allegation of academic misconduct (such as plagiarism, cheating, collusion or other attempts to gain an unfair advantage in academic work) is not covered by this Policy and will be considered through the Academic Dishonesty (Cheating) Policy.

### **3. Support for students**

- 3.1 In the case of alleged misconduct against another student, the University will offer support to all students involved.
- 3.2 Student Services offers confidential counselling or wellbeing support, and can signpost students to relevant external services.
- 3.3 AUB's Students' Union can provide informal advice and support to students throughout any disciplinary process.
- 3.4 In any meeting with University staff under this procedure, students have the right to be accompanied.

### **4. Definitions**

- 4.1 For the purposes of this Student Disciplinary Policy, the term "student" includes all currently enrolled students at Arts University Bournemouth. The University reserves the right to take action against those who are no longer students, including graduates, where evidence comes to light of potential misconduct during the period of enrolment. In extreme cases, this may involve the revoking of an award.
- 4.2 "Misconduct" is any unacceptable or improper behaviour which impacts negatively on those who work or study in the University, or a member of the public, or which disrupts or interferes with the academic or administrative activities of the University or otherwise damages the fabric of the University or its reputation. Misconduct which occurs within or outside of the University, or on social media, may be considered under this procedure.
- 4.3 "Harassment" is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.
- 4.4 "Bullying" is offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power that has the effect of, or is intended to, undermine, humiliate, denigrate or injure the recipient (emotionally or physically).
- 4.5 "Hate crime" is any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; or transgender identity or perceived transgender identity.
- 4.6 "Discrimination" is treating a person or particular group of people differently, especially in a worse way from the way in which other people are treated, because of a protected characteristic.
- 4.7 "Sexual misconduct" is an act in which a person intentionally engages with another person in a sexual way without that person's consent, or coerces or physically forces a person to engage in a sexual act against their will.

## **5. Precautionary measures**

- 5.1 The University has a duty of care towards all students and staff. Under this policy the University reserves the right to take immediate precautionary measures in cases which involve a threat of serious harm to the student / others, are of a highly sensitive nature, or which involve an ongoing threat of serious disruption to other students or the University's activities.
- 5.2 Precautionary measures may be taken at any stage of a disciplinary case.
- 5.3 Any decision to take precautionary action will be taken by the Deputy Vice Chancellor or Chief Operating Officer.
- 5.4 Precautionary measures may include (but are not limited to):
- Temporarily suspending a student from their studies;
  - Limiting access to university services, activities or buildings;
  - Excluding a student from AUB halls of residence (alternative accommodation will be identified).
- 5.5 When considering the temporary suspension of a student, the University will consider the impact on the student (for example, in relation to their academic progress or visa requirements), and may take appropriate steps to mitigate the impact (for example, by offering extensions to assessment deadlines, or alternative assessment methods).
- 5.6 Where any precautionary measure is taken, the student will be informed of the timescales which apply, and review periods. The student will be informed of how they may appeal against the measures taken, and on what grounds. If a suspended student successfully appeals against a suspension, the student or staff member who made the allegation will be informed that the suspended student is permitted to return to their studies.
- 5.7 Any precautionary measure is without prejudice and is not an indication of guilt or innocence, but a reflection of the seriousness of the allegation and the consequent potential risk to members of the University community, or the activities of the University.
- 5.8 Any allegation of violent crime, rape or sexual misconduct will normally result in temporary suspension under this procedure.

## **6. Misconduct which is also a criminal offence**

- 6.1 The following procedures apply where the alleged breach of this Student Disciplinary Policy would also constitute an offence under criminal law if proved in a Court of Law:
- 6.2 In the case of all offences subject to police investigation under the criminal law, actions under this disciplinary procedure will be suspended, usually for the duration of the criminal investigation. If temporary suspension has taken place as a precautionary measure and a police investigation is being conducted, the temporary suspension is likely to continue for the duration of the police investigation. It is the student's responsibility to inform the University of the outcome of the police investigation.
- 6.3 Following the conclusion of legal action, or a decision not to prosecute, AUB will review the case, and will determine whether or not to resume internal proceedings. This will be without prejudice; as both the nature of offences, and the standard of proof required, are different, AUB reserves the right both to discontinue cases which have been upheld through the legal process, and to pursue cases which have not led to a conviction. The Deputy Vice Chancellor may then recommend to the Principal and Vice-Chancellor whether disciplinary action under this Student Disciplinary Policy should continue to be taken.

- 6.4 Where a finding of misconduct is made under this Student Disciplinary Policy and the student has been sentenced by a Court of Law in respect of the same facts, the Court's penalty shall be taken into account in determining the sanction under this Student Disciplinary Policy.
- 6.5 Where a student is subject to a custodial sentence, they will be suspended from the University, and all proceedings under this Student Disciplinary Policy likewise suspended, until the term of the custodial sentence has been served. Once the student re-enrols with the University, this Student Disciplinary Policy will be reactivated, and the matter will be referred to the Deputy Vice Chancellor for decision in accordance with 6.3, above.
- 6.6 Students have an obligation to inform the University if they are subject to any criminal convictions, irrespective of the penalty. Notification should be made to the University Secretary, and will normally be kept confidential unless there are over-riding reasons for this information to be shared with other senior staff.

## **7. Record keeping**

- 7.1 The Head of Academic and Student Services should be notified of the outcome of any disciplinary case.
- 7.2 The Head of Academic and Student Services will notify the University Secretary of the outcome of any case where the student is found guilty of misconduct, and any form of sanction applied.
- 7.3 Records of any disciplinary investigation and outcome will be held confidentially for a period of 6 years following a student's completion of studies.
- 7.4 Copies of all documents will be held confidentially by the Head of Academic and Student Services and will be used for statistical monitoring purposes. An anonymised annual summary of all student disciplinary action will be reported to Academic Board.

## **8. Categories of offence**

- 8.1 Disciplinary offences are characterised as *minor* or *serious*.
- 8.2 The only potential penalty available for minor misconduct is a Warning and / or an Agreed Action Plan; conduct which may warrant a more serious penalty should be treated as serious misconduct.
- 8.3 The intention of this division is to enable a swift local response to minor offences, whilst ensuring that offences which may lead to sanctions other than a Warning and / or an Agreed Action Plan are considered more fully, and where reasonably practicable, are investigated by a member of staff without previous knowledge of the student.
- 8.4 Where it is not obvious into which category an alleged offence should fall, the procedure for serious misconduct should be used. Whether behaviour is categorised as minor misconduct or serious misconduct is at the sole discretion of AUB. If, having categorised the alleged offence as minor, the University decides at any stage that the matter should instead proceed under the procedure for dealing with allegations of serious misconduct, then the University may inform the student and continue under the procedure for allegations of serious misconduct. The cessation of dealing with allegations under the minor misconduct procedure in these circumstances does not amount to a conclusion of the matter.
- 8.5 If the alleged disciplinary offence is deemed minor, the student has the right to require the matter to be dealt with under the procedure for serious misconduct. Such requests are not reversible; the student cannot subsequently request reversion to the procedure for minor misconduct.

- 8.6 A student may be liable for the restitution of damages outside of this Student Disciplinary Policy, and any disciplinary sanction imposed will be additional to any damages which are due. The University's policy on payment of damages, and a definition of negligence, are outlined in appendix 2.

## **9. Minor Misconduct**

- 9.1 Misconduct is deemed minor where its establishment will lead to a Warning and / or an Agreed Action Plan.
- 9.2 The following list gives typical examples of minor misconduct; it is indicative, and is not intended to be exhaustive. Examples may include:
- failure to participate appropriately in University activities
  - minor damage to AUB property, or negligence in its care
  - disregarding instructions from members of AUB staff
  - showing a lack of respect to any members of the AUB community, including contractors and visitors
  - smoking within AUB buildings or halls of residence
  - uncooperative conduct in halls of residence
  - incidents of disturbance in the local community liable to bring AUB into disrepute
- 9.3 Any allegation(s) of minor misconduct should be drawn to the attention of the Minor Misconduct Investigator.
- 9.4 In most cases the Minor Misconduct Investigator will be the student's Course Leader. If the student's Course Leader is not able to act as Minor Misconduct Investigator, the University will appoint a suitable alternate.
- 9.5 For matters which relate to Halls of Residence or community disturbance, the Senior Student Services Officer will act as the Minor Misconduct Investigator. The issuing of a Noise Abatement Notice is accepted by AUB as an established fact that an incident of misconduct has occurred. Appeals against a Noise Abatement Notice must be submitted to the Environmental Health services in accordance with their published guidelines, and are not a matter for the University.
- 9.6 For items of equipment which have been borrowed from University stores, the senior member of technical staff will act as the Minor Misconduct Investigator (Prep HE Senior Technician for PrepHE students, or the relevant Technical Operations Manager for higher education students). In the case of damage to equipment, the senior member of technical staff will make a judgement as to whether the damage may have been caused deliberately or through negligence and will in this case refer the matter to the Head of Academic and Student Services. If the senior member of technical staff accepts that this was accidental or unavoidable damage, they will normally retain the name of the student on file, but no further action will normally be taken.
- 9.7 Allegation(s) of misconduct should be made in writing, and should clearly state the alleged misconduct (including names, dates and times). The Minor Misconduct Investigator will review the allegation and the strength of the evidence in support of the allegation and determine whether or not further action should be taken.
- 9.8 The Minor Misconduct Investigator will:
- 9.8.1 Write to the student informing them of the allegation against them and how their behaviour has breached expected standards. The student will be informed that action is being taken under the Student Disciplinary Policy, and will be provided with a copy of the policy and any available supporting evidence. The student will be informed of how to access advice and support.

- 9.8.2 Invite the student to a meeting, specifying the time, date and place of the meeting. Normally at least 3 working days' notice will be given, but a shorter timescale may be agreed between the two parties where such a delay may be prejudicial to the student<sup>1</sup>. The student will also be informed of their right to be accompanied and to submit written evidence, which must be submitted at least one clear working day before the meeting. Evidence not submitted in accordance with this condition will not be accepted save at the sole discretion of the Minor Misconduct Investigator.
- 9.8.3 Hold a meeting with the student to discuss the allegations and provide an opportunity for the student to respond to the allegation and supporting evidence. The student is entitled to be accompanied at the meeting. The person accompanying the student has a right to address the meeting but not to answer questions on behalf of the student. The intention is to keep proceedings relatively informal, and normally no witnesses will be called, although signed statements from relevant parties may be presented. Reasonable adjustments will be made for disabled students as appropriate.
- 9.8.4 Conduct any further investigations into the case which may be necessary to enable a judgement to be made.
- 9.9 The options open to the Minor Misconduct Investigator are:
- To find that there is no case to answer, and that the case is dismissed;
  - To consider that this is a matter of misconduct which may warrant a penalty more serious than a Warning and / or Agreed Action Plan, and refer the matter to the Head of Academic and Student Services for investigation under the procedure for serious misconduct.
  - To find that, whilst misconduct has taken place, a Warning and / or Agreed Action Plan would be sufficient penalty, and would discourage any further such activity. A Warning will be given to the student in writing, and a note of this will remain on a student's file for the remainder of the academic year in which the disciplinary offence occurred and the whole of the following academic year, and may be taken into account if any future allegation(s) of misconduct is/are made against them.
- 9.10 The Minor Misconduct Investigator will write to the student, summarising their investigation and the outcome reached, including any sanction. A copy will also be sent to the Head of Academic and Student Services.
- 9.11 If the student does not accept a Warning and / or Agreed Action Plan they may appeal to the Dean or Head of School or, for matters relating to Halls of Residence or community disturbance, to the Head of Campus Services. Appeals must be submitted within ten working days.
- 9.12 A student may appeal on the following grounds:
- That due process was not followed, and that this had a material bearing on the outcome of the hearing; and/or
  - That the sanction imposed is inconsistent with the severity of offence; and/or
  - That new evidence has since become available which is pertinent to the case, but was not available at the time of the hearing; and/or
  - That the decision of the Minor Misconduct Investigator was perverse, taking into account all the evidence presented.
- 9.13 The Dean or Head of School (or Head of Campus Services) will review the allegations and evidence presented and will uphold or dismiss the student's appeal. The Dean or Head of School (or Head of Campus Services) may not impose additional penalty but in upholding the student's appeal may remove any Warning and / or Agreed Action Plan given by the Minor Misconduct Investigator. There is no further right of appeal for minor misconduct.

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<sup>1</sup> An example may be where a student trip or exchange is planned, and the student may not be released to attend if still under investigation for misconduct.

9.14 The Head of Academic and Student Services should be notified of the outcome of any case.

## **10. Serious Misconduct**

10.1 Serious misconduct is characterised as conduct for which the appropriate penalty is greater than a Warning and / or Agreed Action Plan.

10.2 The following list gives typical examples of serious misconduct; it is indicative, and is not intended to be exhaustive. Examples may include:

- breach of AUB's equalities policies, including unlawful discrimination
- hate crime
- sexual misconduct
- bullying or harassment
- breach of the Health and Safety Policy
- theft
- damage to property
- physical violence
- substance abuse
- threatening behaviour
- disruptive behaviour and unwillingness to co-operate with reasonable instructions from staff
- a repeated instance of minor misconduct
- failure to abide by the outcomes of a previous misconduct process (whether minor or serious)
- any behaviour (on or off campus) liable to bring the Arts University into disrepute.

10.3 Any allegation of serious misconduct should be brought to the attention of the Head of Academic and Student Services. The allegation should be made in writing, and should clearly state the alleged misconduct (including dates and times). The Head of Academic and Student Services will then determine whether or not the allegation properly falls under the criteria for serious misconduct. If they consider that it does not, they will refer the matter back to the Minor Misconduct Investigator for consideration through the procedure for minor misconduct.

10.4 If the allegation does fall under the criteria for serious misconduct, the Head of Academic and Student Services will appoint a member of AUB staff from outside of the student's academic school to act as Serious Misconduct Investigator. This may be an academic at the level of Senior Lecturer or above, or a senior member of the professional services at the level of Manager or above.

10.5 The University reserves the right to appoint an external independent investigator to conduct investigations into allegations of serious misconduct where the University considers that specific expertise is required, or where it may not be possible to appoint an impartial investigator from within the University. The appointment of an independent investigator will only be made with the permission of the Deputy Vice Chancellor or Chief Operating Officer. The independent investigator will present the findings of their investigation to the Head of Academic and Student Services but will not make recommendations or decisions about sanctions to be imposed. Any disciplinary case for which an independent investigator is appointed will be referred to the Deputy Vice Chancellor for consideration by a Student Disciplinary Panel, as outlined in paragraph 10.9.

10.6 The Head of Academic and Student Services will provide the Serious Misconduct Investigator with copies of the written allegation and any supporting documentation. The Dean / Head of School in which the student is studying will be informed of the disciplinary investigation.

10.7 The Serious Misconduct Investigator will:

- 10.7.1 Write to the student informing them of the allegation against them and how their behaviour has breached expected standards. The student will be informed that action is being taken under the Student Disciplinary Policy, and will be provided with a copy of the procedure and any available supporting evidence. The student will be informed of how to access advice and support.
- 10.7.2 Invite the student to a meeting specifying the time, date and place of the meeting and giving at least 5 working days' notice. The student will also be informed of their right to submit written evidence which must be submitted at least one clear working day before the meeting. Evidence not submitted in accordance with this condition will not be accepted save at the sole discretion of the Serious Misconduct investigator.
- 10.7.3 Hold a meeting with the student to discuss the allegations and provide an opportunity for the student to respond to the allegations and supporting evidence. The student is entitled to be accompanied at the meeting. The person accompanying the student has a right to address the meeting but not to answer questions on behalf of the student. The intention is to keep proceedings relatively informal, and normally no witnesses will be called, although signed statements from relevant parties may be presented. Reasonable adjustments will be made for disabled students as appropriate.
- 10.7.4 Conduct any investigations into the case which may be necessary to enable a judgement to be made.
- 10.7.5 Determine whether the circumstances outlined would be sufficiently addressed by one of the following penalties (see appendix 1 for definitions):
- A Warning and / or Agreed Action Plan
  - A Formal Reprimand
  - A Fine
- 10.7.6 If the Serious Misconduct Investigator considers that the circumstances warrant a more serious penalty they should refer the case to the Deputy Vice Chancellor.
- 10.7.7 If the student is not prepared to accept a Warning, Agreed Action Plan, Formal Reprimand and / or Fine they may appeal to the Deputy Vice Chancellor.
- 10.7.8 If the Serious Misconduct investigator considers that a Warning / Agreed Action Plan, Formal Reprimand and / or Fine are sufficient penalty, they will write to the student, summarising their investigation and the outcome reached, including any sanction. A copy will also be sent to the Head of Academic and Student Services.
- 10.8 A student may appeal on the following grounds:
- That due process was not followed, and that this had a material bearing on the outcome of the hearing; and/or
  - That the penalty imposed is inconsistent with the severity of offence; and/or
  - That new evidence has since become available which is pertinent to the case, but was not available at the time of the hearing; and/or
  - That the decision of the Serious Misconduct Investigator was perverse, taking into account all the evidence presented.
- 10.9 If the case is referred by a Serious Misconduct Investigator, or if the student appeals against a Warning / Action Plan, Formal Reprimand and / or Fine, the Deputy Vice Chancellor will:
- 10.9.1 Review the allegations to satisfy themselves that the case should be heard under the procedures for serious misconduct.



- 10.9.2 Review the strength of the evidence in support of these allegations and, if appropriate, request the Serious Misconduct Investigator to conduct further investigations and secure relevant evidence.
- 10.9.3 Appoint members to a Student Disciplinary Panel (in accordance with paragraph 11 below) to hear the case.
- 10.9.4 Write to the student, enclosing a copy of the Student Disciplinary Policy, and informing them of:
- the time, place and date of the panel meeting (in accordance with timescales detailed below) and their right to attend;
  - their right to be accompanied at the panel meeting;
  - who may attend the panel meeting and in what capacity;
  - the process for rearranging the date if the student or other witness is unable to attend for good reason;
  - instructions for submitting written statements and evidence, and timescales for doing so;
  - an outline of the structure of the meeting, including details of who may ask questions during the panel meeting;
  - names of panel members and the Serious Misconduct Investigator who will present the case;
  - arrangements if the student fails to attend the panel meeting;
  - how to access support and guidance.

## **11. Student Disciplinary Panel**

- 11.1 The panel will in all cases comprise:
- Deputy Vice-Chancellor or Chief Operating Officer (Chair)
  - A Course Leader or Professional Services Head who is not from the academic school in which the student is based, and who has had no previous dealings with the student
  - The President of the Students' Union, or nominee (who has not been involved in supporting the student)
  - An independent panel member, such as a Governor or Chaplain or, if appropriate, an external representative.
- 11.2 The Serious Misconduct Investigator will present the case on behalf of the University.
- 11.3 The University Secretary (or nominee) will act as Secretary to the Student Disciplinary Panel. Notes will be taken of all meetings of the Student Disciplinary Panel.
- 11.4 To ensure that there is sufficient time for any internal investigation to take place, the Student Disciplinary Panel will not meet within the first 10 working days following the written notification to the student. However, the University will endeavour, where reasonably practicable, to ensure that every case is heard within 20 working days of the written notification to the student.
- 11.5 The student will be given at least 10 working days' notice of the date of the meeting of the Student Disciplinary Panel. They will also be given the opportunity to submit written evidence (including a written statement of defence) in advance of the meeting. Any written evidence to be submitted by the student must be submitted at least 2 clear working days prior to the date of the meeting of the Student Disciplinary Panel. Evidence not submitted in accordance with this condition will not be accepted save at the sole discretion of the Chair of the Student Disciplinary Panel who will have the power to adjourn the meeting if they decide to admit late evidence which in their opinion the Student Disciplinary Panel needs time to consider in advance of the meeting. The student will be provided with any written evidence to be relied on by the University at least 3 clear working days prior to the meeting of the Student Disciplinary Panel together with details of any witnesses to be called on behalf of the University.

- 11.6 The student is entitled to attend the meeting in order to:
- 11.6.1 Hear the case and the evidence presented on behalf of AUB by the Serious Misconduct Investigator (this may include calling witnesses)
- 11.6.2 Present their defence (this may include calling witnesses, the names of whom shall be notified in writing to the Secretary at least two clear working days in advance of the hearing; witnesses whose names have not been submitted in accordance with this condition will not be permitted to give evidence save at the sole discretion of the Chair of the Student Disciplinary Panel).
- 11.6.3 Make a concluding statement.
- 11.7 The student may be accompanied at the part of the meeting of the Student Disciplinary Panel at which he/she is entitled to present their case. The person accompanying the student has a right to address the meeting but not to answer questions on behalf of the student. Reasonable adjustments will be made for disabled students as appropriate.
- 11.8 The Serious Misconduct Investigator presenting the case on behalf of AUB may ask questions of the student and witnesses called by the student. The student may ask questions of witnesses called by the investigator through the Chair of the panel.
- 11.9 Members of the Student Disciplinary Panel may question the student and witnesses called by either the investigator or the student.
- 11.10 It is the responsibility of the student to ensure that their witnesses are able to attend the meeting of the Student Disciplinary Panel which has been arranged.

## **12. Outcome of the Student Disciplinary Panel**

- 12.1 Following the conclusion of the hearing, but not necessarily on that day, the Student Disciplinary Panel will consider its decision in private (ie in the absence of the student, any person who accompanied the student, and the Serious Misconduct Investigator who presented the case on behalf of AUB). No decision will be communicated to the student verbally. The Student Disciplinary Panel will decide on the evidence, on the balance of probability, whether or not the allegation is upheld and will determine the appropriate outcome. The Student Disciplinary Panel will reach its decision by a simple majority vote. In case of a tied vote, the Chair shall have a second or casting vote. The range of sanctions (of which one or more may be imposed for each allegation of misconduct upheld) available for serious misconduct include (see Appendix 1 for definitions):
- Permanent exclusion from Arts University Bournemouth
  - Temporary suspension from the University for a period of time determined by the Student Disciplinary Panel
  - Fine
  - Formal reprimand
  - An agreed action plan, which may include an apology and restitution to third parties
  - A Warning
- 12.2 In addition, a student will normally be required to reimburse AUB for the cost of any damage to property as a result of their actions. This will be in addition to any penalty (including a fine).
- 12.3 In the event that the Student Disciplinary Panel upholds the allegation and decides to impose a sanction, it must also determine the length of time for which this sanction should be included on the student record. Where appropriate, this may be longer than the student's period of registration (i.e. would still be visible to someone writing a reference once the student had left AUB). The Student Disciplinary Panel may consider the student's previous disciplinary record when considering the sanction.

- 12.4 If the Student Disciplinary Panel does not uphold the allegation(s), the case file will be held confidentially for statistical monitoring purposes only.
- 12.5 Within 5 working days of the Student Disciplinary Panel reaching its decision, the Deputy Vice Chancellor will send the student a copy of the Student Disciplinary Panel's decision, and written summary reasons for its decision. At the same time, the student will be told that they have the right to appeal to the Principal and Vice-Chancellor in accordance with this Student Disciplinary Policy. The written notification will be sent to the student's term-time correspondence address and electronically to the student's AUB email address.
- 12.6 The Head of Academic and Student Services should be notified of the outcome of the case.

### **13. Appeal to the Principal and Vice-Chancellor**

- 13.1 If the student is dissatisfied with the decision of the Student Disciplinary Panel, they may appeal in writing to the Principal and Vice-Chancellor. The letter of appeal must be lodged with the Principal and Vice-Chancellor's Office within ten working days of the date of notification of the decision of the Student Disciplinary Panel.
- 13.2 A student may appeal on the following grounds:
- That due process was not followed, and that this had a material bearing on the outcome of the hearing; and/or
  - That the sanction imposed is inconsistent with the severity of offence; and/or
  - That new evidence has since become available which is pertinent to the case, but was not available at the time of the hearing; and/or
  - That the decision of the Student Disciplinary Panel was perverse, taking into account all the evidence presented.
- 13.3 The Principal and Vice-Chancellor will conduct a full review of the documentation relating to the case, including all documentation considered by the panel, and its decision. They will not normally meet with the parties concerned, but may request a meeting with the Chair of the panel to request clarification of any points raised by the student in their appeal, or to discuss the impact of any new evidence. The Principal and Vice-Chancellor will reach a judgement on the balance of the evidence, and will either:
- Confirm the decision of the Student Disciplinary Panel;
  - Uphold the appeal, and impose a lesser sanction;
  - Uphold the appeal, and dismiss the case.
- 13.4 The Principal and Vice-Chancellor will write to the student and the Deputy Vice Chancellor to confirm their decision. This will normally be within 10 working days of receipt of the letter of appeal although, as this authority cannot be delegated, there may be occasions where a longer time period is required, and in these cases the Principal and Vice-Chancellor's Office will contact the relevant parties to explain the circumstances. The Principal and Vice-Chancellor's letter of decision will also be copied to the Senior Misconduct Investigator, and the Head of Academic and Student Services to enable the record of decisions to be updated.
- 13.5 There is no further process of appeal within Arts University Bournemouth. The Head of Academic and Student Services will issue a Completion of Procedures letter, which will contain details of how the student may refer their case to the Office of the Independent Adjudicator for Higher Education.

## **Appendix 1: Possible outcomes of disciplinary procedure<sup>2</sup>**

### Warning

A warning is placed on a student's record, but will not be taken into account in (for instance) any reference to be written for the student, or the identification of suitable placement or other off-site activity. If it is still extant, it may be taken into account in any subsequent disciplinary process. It does not impose any additional direct penalty, and permits a student the opportunity to redeem their behaviour without the need for reference to a Student Disciplinary Panel.

### Agreed plan of action

An agreed plan of action may be imposed where it is determined that the student is guilty of an offence, but where they can be supported to improve their behaviour or performance through a targeted plan of action. This may include actions such as, for example, apology and restitution to third parties, or a requirement to undertake unpaid work within the University or local community. A note will be kept on the student's record of the action to be undertaken. Failure to comply with the agreed plan of action will itself be an offence, and will trigger the serious misconduct procedure.

### Formal Reprimand

A formal reprimand is placed on a student's record, and will be taken into account in (for instance) any reference to be written for the student, or the identification of suitable placement or other off-site activity. If it is still extant, it may be taken into account in any subsequent disciplinary process. It does not, however, impose any additional direct penalty.

### Fine

AUB is mindful of the financial pressures faced by students, and is aware that financial penalties may appear counter-intuitive. Nevertheless, it considers that there may be occasions where a financial penalty is the only appropriate action (for instance, where the incident is not sufficiently serious to warrant exclusion, but where the circumstances of the case make other penalties impractical, such as where a student is near the end of their course or year of study such that temporary exclusion or a service penalty would not be appropriate).

### Temporary suspension from the Arts University Bournemouth

Where the Student Disciplinary Panel considers that a very serious penalty is called for, but where the student does not represent a continued danger to themselves or others, or to the reputation of AUB, it may consider that temporary suspension represents a more adequate sanction. In making such a recommendation, the Student Disciplinary Panel will be aware of the potential impact on a student's studies, and will be mindful of the length of time for which such a sanction is appropriate, in accordance with section 5.

### Permanent exclusion from Arts University Bournemouth

In the most serious cases, the Student Disciplinary Panel may consider that permanent exclusion is the only available penalty which is appropriate to the nature of the offence. These cases will normally include serious or repeated breaches of the equalities policies, the Health and Safety Policy, sexual misconduct, physical violence or physical damage.

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<sup>2</sup> In the event that the Student Disciplinary Panel finds against the student, and imposes a sanction, it must also determine the length of time for which this sanction should be included on the student record. Where appropriate, this may be longer than the student's period of registration (i.e. would still be visible to someone writing a reference once the student had left AUB). Permanent exclusion will be marked on the student's record in perpetuity.

## **Appendix 2 - Restitution: payment of damages**

Arts University Bournemouth reserves the right to reclaim the cost of damage to, or loss of, University property, including equipment, as described in this policy.

The University may waive this right where the damage was incurred as the consequence of an accident or some other unavoidable or unpredictable circumstances. Each case will be assessed on its individual merits. The requirement to repay damages is separate from any disciplinary process and any punitive measures, which may include an additional financial penalty.

In the event that equipment is lost, full reimbursement will normally be required.

Repayment by students is capped at a maximum amount which is reviewed from time to time. The cap is in line with the insurance excess; and as of October 2019 is £500.

The University adopts the principle of collective responsibility for actions. This means that where an individual(s) cannot be identified as responsible for any damage, then those students whom the University deems to most likely be responsible will be held jointly liable, and will divide the total cost of damages equally between the group. This will usually mean that a group of students who have equal access to property or equipment will normally be considered jointly liable for any damage done. (Note: in reaching this judgement, the University will not consider individual statements of innocence.)

If a student wishes to appeal against any claim for non-punitive claim for damages, he/she has the right to request a personal hearing, which will be in accordance with the procedures for minor misconduct laid out in this Student Disciplinary Policy.

### **Negligence**

For the purposes of these regulations, the following definition of negligence will apply:

The finding that a student was negligent will always involve a judgement on behalf of the investigating staff member. Whilst some cases may be straightforward, there may be instances which are contested. In general, the University will seek to give students the benefit of the doubt; but in line with the provisions of the disciplinary policy, a decision will be based on the balance of probability.

Negligence is defined as:

“Failure to act with the prudence that a reasonable person would. It includes carelessness, or acting without appropriate or sufficient attention, and hence failure to avoid a foreseeable injury, damage or loss”.

It should be noted that intention does not form part of this judgment. Most instances of negligence will be unintentional, but will be the result of a failure to take due care. Wilful injury or damage is a more serious offence, punishable accordingly.

Examples:

Examples of negligence may include, but are not restricted to:

- Treating University equipment without due care and attention, such that damage ensues
- Leaving equipment vulnerable to damage or loss (for instance, by leaving it exposed to the elements, or leaving it on public transport)
- Failing to warn a student or staff member of the foreseeable consequences of their actions (for instance, not alerting them to danger such as exposed electric cables).
- Failing to follow specific advice or guidelines issued by the University, verbally or in writing, including failure to follow the provisions of any risk assessment.

The Arts University Bournemouth is committed to the provision of a working and learning environment founded on dignity, respect and equity where unfair discrimination of any kind is treated with the utmost seriousness. It has developed and implemented an Equalities Strategy and Action Plan to guide its work in this area. All the University's policies and practices are designed to meet the principles of dignity, respect and fairness, and take account of the commitments set out in the Equalities Strategy.

This policy has been subject to an equality analysis to ensure consideration with regard to the provisions of the Equality Act 2010.

Date of last EA review: November 2019  
Date of last Policy Review: October 2019