



Student Disciplinary Policy

- 1.1 For the purposes of this Student Disciplinary Procedure, the term “student” includes all persons whilst enrolled on courses at the Arts University Bournemouth, which includes during periods spent on work placements, study exchanges or field trips, and all off site activities undertaken as a student (which may include activities arranged through the Students’ Union). 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.
- 1.2 This Student Disciplinary Procedure does not supersede other policies and procedures which relate to students. Where other policies and procedures include a specific procedure for dealing with non-compliance, that procedure will be used.
- 1.3 AUB is committed to aim to operate a fair, consistent and non-discriminatory procedure in relation to all its students. The University also recognises its obligations to students under the Equalities Act 2010 and will comply with these obligations in the operation of this Student Disciplinary Procedure.
- 1.4 Where there is a concern that mental health, illness or disability may have directly impacted on the behaviour and / or conduct of a student, the case may at any point in this procedure be referred to the Head of Student Services who will advise whether it would more appropriately dealt with under the University’s procedures for dealing with students giving cause for concern.

2.0 Categories of offence

- 2.1 Disciplinary offences are characterised as *minor* or *serious*. 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.
- 2.2 The intention of this division is to enable a swift 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, involve at least one member of staff without previous knowledge of the student.
- 2.3 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 shall decide at any stage of the procedure for dealing with allegations of minor misconduct below that the matter should instead proceed under the procedure for dealing with allegations of serious misconduct below, then the University may cease dealing with the allegations under the procedure for minor misconduct and proceed 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.
- 2.4 If the alleged disciplinary offence is deemed minor, the student will nevertheless have 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.

- 2.5 It should be noted that decisions under this Student Disciplinary Procedure will be taken on the balance of probability. A case does not have to be established “beyond reasonable doubt” before action is taken under this Student Disciplinary Procedure.
- 2.6 In considering any penalty, the University will give consideration to 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.
- 2.7 The University’s response to misconduct which is also a criminal offence is outlined in appendix 2.
- 2.8 The University’s policy on payment of damages, and a definition of negligence, is outlined in appendix 3.

3.0 Minor Misconduct

- 3.1 Misconduct is deemed minor where its establishment will lead to a Warning and / or an Agreed Action Plan.
- 3.2 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
- unco-operative conduct in halls of residence
- incidents of disturbance in the local community liable to bring AUB into disrepute

- 3.3 Any allegation(s) of minor misconduct should be drawn to the attention of the Course Leader. The allegation(s) should be made in writing, and should clearly state the alleged misconduct (including dates and times). If the Course Leader has identified the misconduct, he/she should note this in writing. The Course Leader will then determine whether or not further action should be taken.
- 3.4 Note that for matters which relate to Halls of Residence or community disturbance, the Head of Student Services will act as the equivalent of the Course Leader. 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 Team in accordance with their published guidelines
- 3.5 For items of equipment which have been borrowed from University stores, the Senior Technician will act as the equivalent of the Course Leader in the first instance. In the case of damage to equipment, the Faculty Technical Manager will make a judgement as to whether the damage may have been caused deliberately or through negligence, and (if this is established) in any such case will refer the matter to the Dean’s delegate. If the Senior Technician accepts that this was accidental or unavoidable damage, he/she will normally retain the name of the student on file, but no further action will normally be taken.
- 3.6 The Course Leader (or Head of Student Services/Senior Technician) will:
- i) Review the allegations, and the strength of the evidence in support of these allegations

- ii) If appropriate and/or necessary, conduct further investigations into the case
- iii) Write to the student informing him/her of the allegation(s) against him/her, that action is being taken under the Student Disciplinary Procedure, and inviting him/her 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 student¹. The student will also be informed of his/her 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 Course Leader.
- iv) Hold a meeting with the student to discuss the allegations. The student is entitled to be accompanied at the meeting by a friend or other member of the AUB community if he / she wishes but not by a legal representative. 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.

3.7 The options open to the Course Leader 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 Dean's delegate
- 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 him/her.

3.8 If the student does not attend the meeting, the Course Leader may make a decision in the student's absence.

3.9 If the student does not accept a Warning and / or Agreed Action Plan they may appeal to the Dean's delegate or, for matters relating to Halls of Residence or community disturbance, to the Director for Student Experience.

3.10 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 Course Leader was perverse, taking into account all the evidence presented.

3.11 The Dean's delegate (or Director for Student Experience) will review the allegations and evidence presented and will uphold or dismiss the student's appeal. The Dean's delegate (or Director for Student Experience) may not impose additional penalty but in upholding the student's appeal may remove any Warning and / or Agreed Action Plan given by the Course Leader or Head of Student Services. There is no further right of appeal for minor misconduct.

¹ 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.

- 3.12 The Director for Student Experience should be notified of the outcome of any case where a penalty is imposed.

4.0 Serious Misconduct

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

- 4.2 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
- 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
- smoking within AUB buildings
- 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.

- 4.3 Any allegation(s) of serious misconduct should be brought to the attention of the Dean's delegate. The allegation(s) should be made in writing, and should clearly state the alleged misconduct (including dates and times). If the Dean's delegate has identified the misconduct, he/she should note this in writing. The Dean's delegate will then determine whether or not the allegation(s) properly falls under the criteria for serious misconduct. If he / she considers that it does not, he / she will refer the matter back to the Course Leader for consideration through the procedure for minor misconduct.

- 4.4 If the allegation(s) does/do fall under the criteria for serious misconduct, the Dean's delegate will:

- i) Write to the student informing him/her of the allegation(s) against him/her, that action is being taken under this Student Disciplinary Procedure, and inviting him/her 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 his/her 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 Dean's delegate.
- ii) Meet with the student to present the allegations and determine whether or not they are disputed, or whether there are further facts which bear on the case. The student is entitled to be accompanied at the meeting by a friend or other member of the AUB community if he/she wishes but not by a legal representative. Reasonable adjustments will be made for disabled students as appropriate.
- iii) Consider whether the student should be suspended from the University pending the outcome of any investigation or Student Disciplinary Panel. This is not a judgement about guilt or innocence, but about the seriousness of the allegations, and will take into account whether there is a risk of harm either to self or others, a risk to the property of the Arts University, or responsibilities to

third parties. Suspension from AUB must be carried out by a postholder not below the level of Deputy Vice Chancellor, and will be communicated by a letter from the Office of the Deputy Vice Chancellor, sent both in printed copy to the student's term address, and electronically to the student's AUB email address. A text will be sent to the student to notify them of the importance of the email.

iv) 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

If the Dean's delegate considers that the circumstances warrant a more serious penalty they should refer the case to the Deputy Vice Chancellor.

4.5 If the student is not prepared to accept a Warning, Agreed Action Plan or Formal Reprimand they may appeal to the Deputy Vice Chancellor.

4.6 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 Dean's delegate was perverse, taking into account all the evidence presented.

4.7 The Deputy Vice Chancellor will:

- Review the allegations to satisfy him/herself that the case should be heard under the procedures for serious misconduct
- Write to the student to inform him/her that a Student Disciplinary Panel is to be convened to consider the case, of the time, date and place of the meeting and to enclose a copy of this Student Disciplinary Procedure
- Review the strength of the evidence in support of these allegations and, if appropriate, appoint another member of AUB staff, at middle manager level or above, to investigate the allegations and secure relevant evidence
- Appoint members to a Student Disciplinary Panel (in accordance with paragraph 5 below) to hear the case.

5.0 Student Disciplinary Panel

5.1 The panel will in all cases comprise:

A member of the University Management Team other than the Vice Chancellor or Deputy Vice Chancellor (Chair)

A member of AUB staff at Principal Lecturer or section head level who is not from the subject area in which the student is based

The President of the Students' Union, or nominee

An independent panel member, such as a Governor or the University Chaplain

The Dean's delegate will present the case on behalf of the University.

5.2 The Director for Student Experience will nominate a Secretary to the Student Disciplinary Panel.

5.3 Notes will be taken of all meetings of the Student Disciplinary Panel.

5.4 To ensure that there is sufficient time for any internal investigation to take place, the Student Disciplinary Panel will not meet within the first ten working days following the written notification to the student referred in paragraph 4.7 above. However, AUB will

endeavour, where reasonably practicable, to ensure that every case is heard within 20 working days of the written notification to the student.

- 5.5 The student will be given at least 10 working days' notice of the date of the meeting of the Student Disciplinary Panel. He/she 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 3 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 he/she decides to admit late evidence which in his/her 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.
- 5.6 The student is entitled to attend the meeting in order to:
- i) Hear the case and the evidence presented on behalf of AUB by the Dean's delegate (this may include the Dean's delegate calling witnesses)
 - ii) Present his / her 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)
 - iii) Make a concluding statement.
- 5.7 The student may be accompanied at the part of the meeting of the Student Disciplinary Panel at which he/she is entitled to present his/her case by a friend, relative or another member of the University community if he/she wishes but not by a legal representative. 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.
- 5.8 The Dean's delegate presenting the case on behalf of AUB may ask questions of the student and witnesses called by the student and the student may ask questions of witnesses called by the Dean's delegate.
- 5.9 Members of the Student Disciplinary Panel may question the student and witnesses called by either the Dean's delegate or the student.
- 5.10 It is the responsibility of the student to ensure that his/her witnesses are able to attend the meeting of the Student Disciplinary Panel which has been arranged.

6.0 Outcome of the Student Disciplinary Panel

- 6.1 Following the conclusion of the hearing, but not necessarily on that day, the Student Disciplinary Panel will consider its decision in private in the absence of the student, any person who accompanied him/her and the Dean's delegate who presented the case on behalf of AUB, and 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(s) is/are upheld and will determine the appropriate course of action. 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 outcomes (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 the Arts University Bournemouth

- Temporary exclusion 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

In addition, a student will normally be required to reimburse AUB for the cost of any damage to property as a result of his / her actions. This will be in addition to any penalty (including a fine).

- 6.2 In the event that the Student Disciplinary Panel upholds the allegation(s) and decides to impose a penalty, it must also determine the length of time for which this penalty 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). If the Student Disciplinary Panel does not uphold the allegation(s), the case file will be held confidentially for statistical monitoring purposes only.
- 6.3 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 shall be told that he/she has the right to appeal to the Principal and Vice Chancellor in accordance with paragraph 7 of this Student Disciplinary Procedure. The written notification shall be sent to the student's term-time correspondence address unless otherwise notified by the student.
- 6.4 The Director for Student Experience should be notified of the outcome of any case where a penalty is imposed.

7.0 Appeal to the Principal and Vice Chancellor

- 7.1 If the student is dissatisfied with the decision of the Student Disciplinary Panel, he/she 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.
- 7.2 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 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 Student Disciplinary Panel was perverse, taking into account all the evidence presented.
- 7.3 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. He/she 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 his/her 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 penalty
 - Uphold the appeal, and dismiss the case
- 7.4 The Principal and Vice Chancellor will write to the student and the Deputy Vice Chancellor to confirm his/her 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 Dean's delegate, and the Director for Student Experience to enable the record of decisions to be updated.

- 7.5 There is no further process of appeal within the Arts University Bournemouth. The Director for Student Experience will issue a completion of procedures letter, which will contain details of how the student may refer his / her case to the Office of the Independent Adjudicator for Higher Education.

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: December 2014

Date of last Policy Review: September 2014

Appendix 1: Possible outcomes of disciplinary procedure²

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 his / her behaviour without the need for reference to a Student Disciplinary Panel. A Warning is the only penalty available for minor misconduct.

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.

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 he / she can be supported to improve his / her 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.

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 exclusion 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 him/herself or others, or to the reputation of AUB, it may consider that temporary exclusion represents a more adequate penalty. 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 penalty is appropriate.

Permanent exclusion from the 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, physical violence or physical damage.

² In the event that the Student Disciplinary Panel finds against the student, and imposes a penalty, it must also determine the length of time for which this penalty 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 - Misconduct that is also a criminal offence

1. The following procedures apply where the alleged breach of this Student Disciplinary Procedure would also constitute an offence under criminal law if proved in a Court of Law:
2. Where the offence under the criminal law is considered not to be serious and a criminal prosecution is unlikely, action under this Student Disciplinary Procedure may continue but will normally be deferred pending any police investigation or prosecution.
3. In the case of all other offences under the criminal law, no action other than suspension or exclusion may be taken under this Student Disciplinary Procedure unless the matter has been reported to the Police and either resulted in prosecution or a decision not to prosecute. The Deputy Vice Chancellor may then recommend to the Vice Chancellor whether disciplinary action under this Student Disciplinary Procedure should continue to be taken.
4. Where a finding of misconduct is made under this Student Disciplinary Procedure 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 penalty under this Student Disciplinary Procedure.
5. Where a student is subject to a custodial sentence, he/she will be suspended from the University, and all proceedings under this Student Disciplinary Procedure likewise suspended, until the term of the custodial sentence has been served. Once the student re-enrols with the University, this Student Disciplinary Procedure will be reactivated, and the matter will be referred to the Deputy Vice Chancellor for decision as under bullet 2 above.
6. Students so charged may be suspended without prejudice until the case is concluded; this will be at the sole discretion of the Vice Chancellor, taking advice from relevant staff. This is not a judgement about guilt or innocence or the strength of the case presented but only about the seriousness of the allegations.
7. Following the conclusion of legal action, 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.
8. 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 Course Leader, and will normally be kept confidential unless there are over-riding reasons for this information to be shared with other senior staff.

Appendix 3 - Restitution: payment of damages

The 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 1 November 2013 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.