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STUDENT DISCIPLINARY PROCEDURE

# Key Details

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| **IMPLEMENTATION DATE** | 11 Aug 2010 |
| **POLICY OWNER (JOB TITLE)** | Chief Student Officer |
| **UNIT / SERVICE** | Registry Services |
| **CONTACT EMAIL** | regulations@cardiffmet.ac.uk |

# Version Control

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| --- | --- | --- |
| **VERSION** | **DATE** | **REASON FOR CHANGE** |
| 7 | 3 Jul 2025 | To include Degree Apprentices (and their employers where appropriate).Updates to the titles of key staff who are involved in the process.The addition of a ‘lower level’ formal procedure between informal stage and a full formal investigation. |

Student Disciplinary Procedure

# Introduction

## Cardiff Metropolitan University is committed to providing high quality programmes and services for students, staff and the general public. It has in place a variety of mechanisms to ensure all stakeholders can enjoy the facilities it offers within a safe and harmonious environment and that all have the opportunity to participate fully in the development and improvement of the provision. The Student Disciplinary Procedure (SDP) is one of these mechanisms.

## Good working relationships between students and the University are an essential ingredient for success of the academic and residential community. The need for disciplinary action should be rare and the University will always consider the need for giving advice and guidance to improve discipline and behaviour. The SDP is not only designed to act as a disincentive to inappropriate behaviour, but also to provide an incentive for improvement by discussion and positive action where behaviour falls short of required standards.

## Reference to ‘students’ under this policy also includes students/apprentices of degree apprenticeship programmes.

## At all stages of the SDP the student has the right to present their case in either English or Welsh, as long as prior notice of the preferred language is given (see para 10 below).

## The day-to-day delivery and management of the Student Disciplinary Procedure is the responsibility of the Registry Operations Manager (Complaints and Conduct) (or nominee).

# Purpose

## The SDP is designed to provide a clearly formulated, effective and impartial process for dealing with non-academic problems of student discipline and behaviour. Its purpose is to ensure that, in taking disciplinary action against a student, Cardiff Metropolitan University acts fairly and consistently.

## Disciplinary action may be taken if a student engages in activities or inappropriate behaviour on or off campus (including via social media), that are likely to disrupt, damage or otherwise adversely affect the normal functioning and/or reputation of Cardiff Metropolitan University and its academic or residential community or employer of a degree apprentice, hereinafter referred to as ‘misconduct’.

## The following constitutes a non-exhaustive list of the types of misbehaviour or misconduct that the University’s Student Code of Conduct is intended to cover (see also Appendix 1):

## Behaviour that constitutes a criminal offence;

## Sexual misconduct;

## Possession or misuse of prohibited substances or weapons;

## Antisocial behaviour;

## Violent, indecent, disorderly, threatening, inappropriate, offensive behaviour or language (including via social media);

## Fraud, deceit, deception or dishonesty in relation to Cardiff Metropolitan University or its staff/students or in connection with holding any office in the University or in relation to being a student of the University;

## Action likely to cause harm or impair the health, safety, and well-being of any student, member of staff or other employee of Cardiff Metropolitan University or any authorised visitor to the University;

## Verbal abuse, bullying or any form of harassment, intimidation, victimisation or discrimination of any student, member of staff or authorised visitor to the University;

## Causing a health or safety concern;

## Damage to, defacement of, or abuse of Cardiff Metropolitan University property or the property of other members of the University community caused intentionally or recklessly and misappropriation of such property;

## Misuse or unauthorised use of Cardiff Metropolitan University premises or items of property, including misuse of computers or other electronic devices to transmit, receive, view or display offensive, defamatory, discriminatory, obscene or otherwise illegal material or to introduce any virus, worm or other harmful or nuisance programme or file into any IT facility;

## Failure to disclose a name and other relevant details to an employee of Cardiff Metropolitan University in circumstances when it is reasonable to require that such information is given;

## Failure to comply with a legitimate instruction of an employee of Cardiff Metropolitan University in circumstances when it is reasonable to require that instruction to be given;

## Failure to comply with a previously imposed penalty (sanction) under this Code;

## Behaviour that has damaged or was likely to damage the reputation of the University.

## Academic Misconduct is regulated under the Academic Handbook and not the SDP.

# Application

## The SDP applies to every enrolled student of Cardiff Metropolitan University, including students/apprentices of degree apprenticeship programmes.

## The SDP, however, does not cover:

## Academic misconduct;

## Matters where the Students’ Union Disciplinary Procedure specifically applies;

## Matters where the Halls of Residence Disciplinary Procedure specifically applies, unless referred on from that procedure;

## Students enrolled on franchised programmes with partner institutions;

## Staff disciplinary issues;

## Freedom of Information and Environmental Information Regulations, where separate procedures apply.

## Once an applicant is enrolled at the University as a student, and the University has grounds to believe that a place was obtained on the basis of fraudulent, false, incorrect or misleading information then the student may be dealt with under this procedure or referred under the Policy on the Use of Fraudulent, False, Incorrect or Misleading Information to Gain Admission to the University or the Intention to Study Assessment Policy.

## The SDP will apply where a student has been arrested for a criminal offence prior to enrolling at Cardiff Metropolitan University, but the result of any criminal investigation and/or criminal trial is not handed down until after they enrol as a student.

## Where there may be doubt or areas of conflict with other disciplinary procedures, the Registry Operations Manager (Complaints and Conduct) (or nominee), in consultation with the Chief Student Officer, will determine the most appropriate procedure (see para 4).

# Policy Ownership

## Under the Articles of Government, the President and Vice-Chancellor is ultimately responsible for the maintenance of student discipline and for the suspension and permanent exclusion of students on disciplinary grounds or other causes. The President and Vice-Chancellor will normally delegate these powers to a nominee of the Vice-Chancellor, normally a member if the University’s Executive Group, either generally or in respect of a particular case, who will have responsibility for reviewing, monitoring and reporting on the implementation of the Procedure.

## The day to day responsibility for the delivery and management of the SDP is the responsibility of the Registry Operations Manager (Complaints and Conduct), (denoted as the ‘Complaints Manager (or nominee)’ throughout this document), who is also the point of contact for advice on disciplinary procedural matters at all stages.

# Office of Independent Adjudicator (OIA) and the Good Practice Framework

## The framework for this SDP is based upon the OIA’s Good Practice Framework for handling complaints and academic appeals that sets out the core principles and operational good practice for Higher Education Providers in England and Wales. The core principles are accessibility; clarity; proportionality; timeliness; fairness; independence; confidentiality; and improving the student experience.

## The OIA has implemented a specific section of the good practice framework for “Disciplinary procedures (October 2018)”.

## In following the OIA’s Good Practice Framework this SDP ensures the common law principles of ‘natural justice’ are applied. In disciplinary procedures, this means that:

## Students understand any allegation made against them;

## The student and the person bringing the allegation have a fair opportunity to present their case and to hear and respond to what the other has said;

## Students are given reasonable notice of any hearing and are given in advance copies of all information to be considered by the decision maker;

## The burden and standard of proof are clearly explained;

## Decision makers are free from bias or any reasonable perception of bias;

## Reasons are given for decisions reached and any penalty (Sanction) imposed;

## A right of appeal is included at each stage;

## The investigation and any appeal is carried out as quickly as possible. Consistent with fairness.

# Student Support

## A student against whom an allegation of misconduct has been made or who is involved in a disciplinary investigation will be encouraged to seek advice from the Students’ Union and where relevant, Student Services.

## If a student appears unable to engage effectively with the SDP an Investigating Officer, Dean of School (or nominee) and/or the Registry Operations Manager (Complaints and Conduct) (or nominee) may suggest that the SDP be held in abeyance until the student has had opportunity to access appropriate support.

## The University has duties under the Equalities Act 2010 to make reasonable adjustments for disabled students. If a student maintains that the behaviour giving rise to the ‘alleged misconduct’ is related to their disability, the University will consider whether to proceed with action under the SDP, or to refer the student for direct support from Student Services under the Fitness to Study Procedure.

## For students with a disability under the Equalities Act 2010, support in navigating University procedures is specifically available from the Student Services department. Advice and representation are also available from the Students’ Union for any student subject to the SDP. The Registry Operations Manager (Complaints and Conduct) (or nominee) can also provide assistance and information on the SDP.

## In some cases, where there is evidence that the student’s ability to engage with the correct procedure is impaired, it may be reasonable for the University to make adjustments to this procedure to remove any disadvantage which the student may otherwise encounter. In such cases, these adjustments will be confirmed in writing.

## If information or correspondence is required in an alternative format, students should email complaints@cardiffmet.ac.uk.

# Links with Other Procedures

## In matters of allegations of Safeguarding (Child Protection or Protection of Vulnerable Adults), the Cardiff Metropolitan University policies on those subjects take precedence.

## Students on professional courses may be subject to the University’s Fitness to Practise Procedure as well as/ instead of the SDP.

## Allegations of misconduct by a student apprentice of a degree apprenticeship programme will be reported to the student apprentice’s employer by the Dean of School (or nominee). The Employer’s internal disciplinary procedures will take primacy (if applicable) and any internal University procedure will be put on hold until an outcome is known and the employer informs the University of any disciplinary action.

## Allegations of bullying or harassment, or of discriminatory behaviour, will generally be investigated under the SDP. The definitions included in the University’s [Harassment and Bullying procedure](https://www.cardiffmet.ac.uk/about/policyhub/Pages/default.aspx) (staff) will be used and referred to in all cases of harassment and bullying to ensure consistency of definitions within the University’s community. This includes definitions of harassment, discrimination, and bullying.

## The following principles will, however, apply to all allegations of harassment, discrimination and bullying:

## All members of the University community have a right to decide what behaviour is acceptable to them and to have their feelings respected by others;

## Behaviour does not have to be directed against a person or be intended for it to amount to harassment.

##  A student’s conduct may be both academic and non-academic misconduct. A student may therefore be subject to the Academic Misconduct Procedure, and the SDP.

## Where the student behaviour is to be considered under numerous procedures, the student will be informed by the Registry Operations Manager (Complaints and Conduct) (or nominee) how the different procedures will be followed and in what order.

# Confidentiality

## In all disciplinary proceedings privacy and confidentiality will be maintained within Cardiff Metropolitan University, subject to exceptions contained within the General Data Protection Regulation and Data Protection Act 2018, Freedom of Information Act 2000 or where a criminal offence is alleged to have been committed. Third parties will be kept informed of the outcomes of the proceedings, as long as this does not contravene the Data Protection Act 2018.

## Any person(s) against whom an allegation is made will be informed of the allegation and will be informed of the identity of the person making the allegation.

## If allegations are made about unidentified persons, for example as part of a group, and there is no evidence identifying the individuals, then it will not be possible to pursue the case further. However, where a defined group is identified as being involved (e.g. tenants of a house), but it is not possible to identify the individuals concerned, a letter may be issued to the members of the group, warning of potential disciplinary action, should individuals be identified.

## The person making the allegation must be prepared to be interviewed by an Investigating Officer, and/or give a signed dated statement and to give evidence at a disciplinary appeal panel hearing, if required (provision of evidence by video link from a separate room will be considered in appropriate cases). The statement will be made available to the subject of the allegation. In appropriate cases, an Investigating Officer of the same gender, ethnicity or other protected characteristic will be appointed, where possible.

## All witnesses must be prepared to be interviewed by an Investigating Officer, and/or give a signed dated statement and give evidence at a disciplinary appeal hearing, if required. The statement will be made available to the subject of the allegation.

## If a witness is not prepared to give a signed statement or is not prepared for the statement to be shared with the subject of the allegation, they cannot be forced to do so. However, in those circumstances, that witness testimony cannot subsequently be used in the investigation.

## No student will be penalised by reason of having been the subject of a disciplinary investigation, unless and until the allegations are proven. Only staff who need to know the details of the allegations and sanctions will be informed of the investigation and outcome.

## At all stages of the SDP, any decisions that are reached will be communicated to the subject(s) of the allegation.

## Where allegations are proved, the sanction will be both proportionate to the behaviour and will be one of the sanctions available under the SDP. The sanction will be communicated in writing to the student and relevant members of staff.

## Cardiff Metropolitan University reserves the right not to investigate or take action on anonymous disciplinary complaints or those raised on behalf of an anonymous third party. Any complaints that are also perceived by the University to be vexatious in nature will not be taken forward.

## If any party is under the age of 18, subject to legal restrictions in force at the time, Cardiff Metropolitan University will notify the parent(s)/guardian(s) in writing and keep them informed of the progress of the case. The University will allow them to act on behalf of that student, provided the student agrees to this in writing.

# Non-Engagement with SDP

## If a student accused of a disciplinary issue declines to participate in the process or fails to respond to the first attempt to make contact, two further attempts will be made in one or all of the following ways : by email sent to the University email address, by personal email address listed on the Student System, and by telephone. It is the student’s responsibility alone to ensure that their most up to date contact details have been made known to Cardiff Metropolitan University.

## In each case, the accused student will be advised that failure to respond will lead to the investigation continuing on the basis of the evidence available and may lead to disciplinary sanction being imposed, without their input.

# Welsh Language Standards

## The University supports the principles of the Welsh Language (Wales) Measure 2011 and has adopted the principle of treating the English and Welsh language equally.

## The University is fully committed to meeting the Welsh language standards set under the powers provided in the Welsh Language (Wales) Measure 2011 and to ensuring that the Welsh language has equal status.

## In line with those standards, and taking account most allegations of ‘misconduct’ are received by the University through the University’s Complaints Policy and procedure the following principles apply:

### This policy and procedure is available in Welsh.

### Individuals can submit allegations of misconduct and correspondence in Welsh.

### Where any allegation is made in Welsh any written response to that allegation will be provided in Welsh.

### Where any person wishes for the investigation to be carried out in Welsh, any correspondence (including formal trigger letter) will be provided in Welsh.

### Where any formal meetings are required under the SDP the student will be offered the opportunity to use the Welsh language at the meeting.

### A translation service from Welsh to English will be provided for any formal meetings that are requested through the medium of Welsh, with a simultaneous translation service from Welsh to English where meetings are conducted in the medium of Welsh.

### When the University informs an individual of a decision and/or an outcome that has been reached, this will be made available in Welsh where an individual:

### brought the allegation in Welsh;

### asked for a formal meeting to be conducted in Welsh;

### asked to use the Welsh language at a meeting about the allegation.

## Any individual who is involved in translation services, will treat any completed complaint form, correspondence, discussions and meetings that they are involved in, in strict confidence.

# Timescales

## Allegations of misconduct should be reported promptly, confirmed in writing, and should include the identity of the person(s) against whom the allegations is/are made and potential witnesses, where possible, the nature of the misconduct, the time and location of the alleged offence and the details of any action already taken.

## A student will be notified that they are subject to the SDP as soon as possible after the event giving rise to the allegation.

## The timescales laid down in the SDP may need to be extended in certain circumstances, for example when a case is particularly complex, or where witnesses or the Investigating Officer are unavailable. Where this need arises, the University will inform all parties in writing.

## Cardiff Metropolitan University reserves the right not to consider any misconduct allegation that is submitted more than three months after the event, unless there are exceptional circumstances, and to set a final deadline at any stage.

## All persons involved in the formal stages should have access to any relevant written materials at least 5 working days before any interview or hearing. This right can be waived by any party, by giving notice in writing.

## A student who is made subject to the SDP will normally be notified of an outcome within 60 days of the allegation being made known to the student. The University will hear any appeal within 30 days of the student making the appeal.

# Reasonable Adjustments

## If an individual has a chronic health condition or disability under the Equalities Act 2010, they can request reasonable adjustments under the SDP. Where appropriate, advice will be sought from Student Services and evidence of these conditions and/or the requirement for reasonable adjustments may be requested.

# Mitigating Circumstances

## If at any stage an individual involved in disciplinary procedures reports to the Investigating Officer and/or the Registry Operations Manager (Complaints and Conduct) (or nominee) that they have been impacted by unforeseen exceptional circumstances which are affecting their ability to engage with SDP processes, a statement and evidence outlining these circumstances will be requested. Consideration will then be made to ensure adequate arrangements are in place to support for the health and safety of all concerned, this could include adjournment of the investigation. Student Services will be consulted to determine to whether the Support to Study Policy and Procedure is more appropriate for the student than investigation under the SDP.

# Suspension Pending Disciplinary Investigation

## The President & Vice-Chancellor or their nominee may suspend a student from attendance at Cardiff Metropolitan University for a specified period of time pending investigation, or pending a decision on investigation, in the following circumstances:

## Where allegations of serious breaches of discipline have been made; or

## Where there is a risk that the student may interfere with witnesses; or

## Where the student is deemed to pose a risk to the health, safety or welfare of themselves or others.

## Such a suspension should only be instituted in exceptional circumstances and will normally be reviewed on a fortnightly basis. Where a student is under police investigation or an investigation by another statutory or external body, it may be appropriate to extend this review to their next relevant bail review or sentencing date, a time where there is a change in their material circumstances or when new evidence comes to light.

## A student who is suspended will be prohibited from entering Cardiff Metropolitan University’s premises and from engaging with their studies and/or participating in the University’s activities. The University will, however, support students to continue with their studies where appropriate and possible; some students may not be fully suspended but may be subject to restrictions, such as a prohibition from specific University premises. A student may also be asked to leave their Halls Accommodation. This will, however, be subject to the student’s legal rights as a tenant. Where appropriate, a student may be asked by the Students’ Union not to engage in extra-curricular activities (i.e. sports and societies) facilitated by the Students’ Union.

## The Student Wellbeing Team (Student Services) should be consulted prior to the suspension of any student to ensure any reasonable adjustments that may be required are in place.

## The terms of the suspension should be notified to the student in writing and may include a requirement that no contact is made with a named person(s).

## If an allegation is subsequently dismissed so that no disciplinary action is taken, then Cardiff Metropolitan University will ensure, as far as possible, that the student has not been disadvantaged in any way by the suspension.

## Where a student under suspension is deemed to be in a state of health that is perceived to pose a threat to themselves or others, may affect the welfare of students or staff, or disrupt the learning and teaching process, Cardiff Metropolitan University reserves the right to refer the student for medical or occupational health assessment before any recommencement of studies can be considered.

# Action Plan

## Where a student is not suspended they may be asked by the Dean of School (or nominee) to agree an Action Plan containing a list of precautionary actions that would need to be complied with by the student to allow them to continue to remain as part of the University community.

## The following constitutes a non-exhaustive list of examples of precautionary actions that could be included in an Action Plan:

## ensuring adherence to conditions to stay away from, and/or not to contact a particular student or group of students (including via social media);

## imposing conditions/restrictions requiring a student to move accommodation;

## restriction from IT or other University services;

## limiting access to some on campus spaces

## requiring a student attend a meeting or meetings with an appointed member of staff (including Student Services) or external agency.

## If a student fails to adhere to an agreed action plan, this may lead to further action being taken under the SDP.

## An action plan may also be used as an agreement between a group of students to manage behaviour(s) towards each other e.g. students will agree to not make contact with each other, directly or indirectly (including social media). A breach by either party to the Action Plan may result in further formal action being taken under the SDP. This type of action plan is a neutral act and is not a disciplinary sanction. However, a breach by either party may result in further action being taken under the Student Disciplinary Procedure.

## An Action Plan including conditions can also be imposed as a sanction at the formal stages of the SDP (see para 16.2).

# Possible Outcomes and Sanctions

## The outcome of the formal stage will be one of the following:

## Case dismissed, as there is insufficient evidence to substantiate the allegation

## The matter to be resolved in another way, for example through counselling, advice, apology or a compromise agreement (action plan under informal resolution)

## The allegation is not upheld

## The allegation is partially upheld, and an appropriate type of sanction will apply

## Where the allegation is upheld, an appropriate type of will apply sanction

## If the allegation is upheld or partially upheld, the person investigating the alleged offence can recommend one or more of the following sanctions (in increasing order of severity) as deemed appropriate to the gravity of the offence, the context of the misconduct, the means and personal circumstances of the student and whether the allegation is a first or repeated offence:

## · First written warning

## · Final written warning

## · Reparation payment for quantifiable costs incurred

## · Financial Penalty

## · Action Plan

## · Temporary Exclusion

## · Permanent Exclusion

## A sanction of exclusion (whether temporary or permanent) cannot be applied to upheld Category 1 allegations.

## In cases of exclusion, the University reserves the right to award/not award any credits gained by the student, based on the individual circumstances of each case.

## The outcome of any disciplinary investigation (or appeal panel hearing) will be determined on the balance of probability, i.e. that something is more likely than not to have happened, after considering all the evidence. The burden of proof, i.e. the responsibility, is on the University to determine whether the alleged misconduct is more likely to have taken place than not. Any appeal will review whether the decision reached at the previous stage was a reasonable outcome in the circumstances.

## At the end of each stage the student will be informed of the outcome through an Investigating Officer’s Report and/or an outcome letter. Any sanction to be applied must be agreed by a Dean of School (or nominee) (Levels 1 or 2), and agreed by a Level 2 member of the University’s Executive Group (or nominee) (Category 2 allegations only), (with the exception of the University Secretary). The Investigating Officer’s Report/outcome letter will include details of the alleged misconduct, a summary of the evidence received, the grounds for the finding of innocence or culpability, the penalty or sanction imposed if relevant, and any factors taken into account in determining the sanction. The terms and timeframe of any penalty or sanction will also be notified to the student. Information on an appeal and further support will also be included. Third Parties will also be advised of the conclusion of the investigation.

## Written warnings remain on the student’s file for a specified period of time, normally between 12 months and the remainder of a student’s studies, and usually state the consequences if the offence is repeated.

## Reparation payments and/or financial penalties must be quantifiable, should normally be supported by receipts, must pay due regard to the means of the student and may allow time for the payment to be made or to be discharged in instalments.

## An Action Plan may include a number of preventative measures, and /or precautionary actions to address any identified risks of keeping the student as part of the learning community.

## If the recommendation involves temporary or permanent exclusion, then verification must be sought from the nominee of the Vice Chancellor, normally a member of the University's Executive Group.

## At any stage in the SDP Cardiff Metropolitan University reserves the right to take appropriate action to recover from the student any losses that it has incurred as a result of the student’s actions.

## A student has the right of appeal at the conclusion of the formal stage of the SDP and against any form of recommended sanction.

## If any allegations are found to be frivolous, vexatious or motivated by malice, Cardiff Metropolitan University reserves the right not to proceed with the disciplinary process and, if appropriate, take action against the person who made the allegations, where appropriate.

# Procedure

## The nature and gravity of the alleged misconduct will be used to determine whether an informal resolution can be used for the matter or to determine under which Category the allegation should be investigated.

## Examples of how allegations of misconduct can be categorised (Informal, Category 1, Category 2) can be found under Appendix 3. This list is meant as a guidance and is not prescriptive; the details of each individual allegation will need to be considered on its own merit before determining the most appropriate category. Factors that will be taken into consideration will include the nature of the allegation, the seriousness of any risk posed, and any response already provided by the responding student (if any).

## An allegation of student misconduct may be received from: a complaint under the University Complaints Policy and Procedure; by a recommendation of the Dean of School (or nominee); or by a formalised report (in writing) from any member of staff, student, or member of the public.

## A student accused of misconduct will be informed of the allegation(s) against them in writing.

## If the SDP was initiated following a complaint from another student under the University Complaints Policy and Procedure, the complainant will be informed when the investigation has been completed and an outcome sent. The complainant will also be notified of any subsequent appeal, and final outcome. The University will take external guidance into account when sharing outcomes with complainants, for example guidance on sharing data in [harassment cases](https://www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/features/tackling-harassment/changing-culture-sharing-personal-data).

## Help and support will be made available to students who bring forward a complaint or report of alleged ‘misconduct’ by another student. Students can contact the [Students’ Union](https://www.cardiffmetsu.co.uk/support/) for independent and impartial advice on submitting an allegation. Support is also available from the University’s [Student Services](https://www.cardiffmet.ac.uk/study/studentservices/Pages/default.aspx). Advice will be provided to a complainant on the options available to them when the allegation involves a potential criminal offence.

## Category 1 offences will be considered by the Dean of School’s nominee who will be a senior member of the school who has not been involved in the matter.

## Category 2 offences will be investigated by an Investigating Officer before their findings are presented to the Dean of School (or nominee). The Investigating Officer will be a senior member of the University who is independent from the student and matter complained of.

## Training is provided to Investigating Officers through the Registry Operations Manager (Complaints and Conduct) (or nominee) and individual support is available to Investigating Officers in relation to the SDP throughout any investigation.

## All potential witnesses for Category 2 allegations will be contacted to determine whether they are prepared to be interviewed and provide a signed statement, unless the subject of the allegation admits the allegation in full, in which case the Investigating Officer may move directly to consider appropriate sanctions.

## All parties, including witnesses, have the right to be accompanied by a support person (e.g. friend, family member, officer of the Students’ Union or a professional union). The role of this person is to support the student and they will not be able to speak for or represent the student unless it has been agreed in advance as a reasonable adjustment due to a disability. The name and status of the support person must be provided to the University at least two working days before the meeting.

## Legal representation at a disciplinary meeting would only be appropriate in exceptional circumstances and must be agreed in advance by both parties. If a student’s chosen support person has legal qualifications, they must notify the University of their name and status at two working days before the meeting.

## If any party is considering legal action, Cardiff Metropolitan University reserves the right to take necessary steps to ensure that its legal position is fully protected.

# Stage One: Informal Resolution

## Depending on the context and seriousness of the allegation, prior to deciding whether formal action is required, an appropriate member of staff from the School (such as a Programme Director or Personal Academic Tutor) may call a student to a meeting to discuss ongoing poor behaviour, or a potential allegation of misconduct and, if appropriate, provide advice about standards required in the future.

### If it is decided that no further action is necessary, the student will be informed that at this stage no further disciplinary action under the SDP will be taken. The staff member may also use the meeting to check on the student’s welfare, and/or to sign post the support services that are available to them. A note of the discussion and any agreements made must be placed on the student’s case file for future reference, but does not represent a disciplinary sanction. The student will however be notified that if a further linked disciplinary matter is upheld against the student, then the student can expect to receive a more severe sanction having previously been afforded an informal resolution.

### The staff member may recommend to the Dean of School (or nominee) and Registry Operations Manager (Complaints and Conduct) (or nominee) that further formal action is necessary following the meeting with the student. The student will be informed of this decision, and its rationale, in writing. The Dean of School (or nominee), in discussion with the Registry Operations Manager (Complaints and Conduct) (or nominee), will decide whether further action should be taken under the procedure for Category 1 or Category 2 allegations.

## The SDP is intended to address misconduct by students rather than to resolve disputes between individuals. Mediation is open as a tool to attempt to fix relationships, but all parties must agree to the mediation process being attempted. An Action Plan may be used to manage the behaviour(s) of a group of students towards each other e.g. students will agree not to make contact with each other, directly or indirectly (including social media). An action plan in this context is a neutral act, and not a disciplinary sanction. However, a breach by either party to the Action Plan may result in further formal action being taken under the SDP.

# Stage Two: Formal Action

## Where a student’s misconduct is repeated or is considered to breach the SDP or Student Code of Conduct, the relevant Dean of School should be informed. The Dean of School (or nominee) will be responsible for determining under what Category the allegation should be considered, drawing on advice from the Registry Operations Manager (Complaints and Conduct) (or nominee).

## **Category 1 (Formal meeting with Dean’s nominee)**

## Category 1 allegations of misconduct can be defined as serious but contained incidents of misconduct and/or persistent minor incidents of misconduct.

## The Dean’s nominee (usually a senior member of the school) will invite the responding student to a meeting to discuss the Category 1 allegation. A member of the Complaints and Conduct Team may also be in attendance, but will not be a decision-maker.

## The responding student will be provided with advanced notice of the date and time of the meeting, the nature of the allegation, relevant procedural information, the option to provide evidence prior to or during the meeting with the Dean’s nominee, and an opportunity to seek advice and/or support.

## The outcome of the meeting with the Dean’s nominee will be a recommendation made to the Dean (or separate nominee) in line with 16.1 of this Procedure or referral for further investigation as a Category 2 formal investigation (see 18.2.7).

## The responding student can request that the matter be formally investigated under Category 2 either prior to, or during, the meeting with the Dean’s nominee, for example if they would like witnesses to provide a statement/ evidence as part of a more comprehensive investigation. This will be interpreted as a procedural request and not a reference or comment on the severity of the allegation.

## If the Dean’s nominee considers there is enough evidence, on the balance of probabilities, to uphold the allegation, they are able to recommend to the Dean of School (or separate nominee) that an appropriate lower-Category sanction is imposed, in line with section 16 of this procedure.

## The outcome letter will normally be provided within 10 working days of the meeting.

## If the Dean’s nominee considers that the circumstances of the allegation are more serious than initially considered, and / or further information and/or investigation is required to be able to make a determination, they can recommend to the Dean (or separate nominee) that the matter be referred to a formal investigation as a Category 2 allegation of this procedure.

## If the responding student does not comply with the sanction imposed for a Category 1 allegation, a more severe penalty may be imposed by the Dean of School (or separate nominee), or a referral may be made to a formal investigation under Category 2.

## If a responding student has been subject to a similar allegation previously, the matter may be escalated to a Category 2 formal investigation.

## **Category 2 (Formal Investigation)**

## Category 2 allegations of misconduct can be defined as allegations of gross misconduct, or persistent serious incidents of misconduct at Category 1 and/or Category 2.

## The Dean of School will be responsible for arranging the investigation of the allegation(s) of misconduct, drawing on advice from the Registry Operations Manager (Complaints and Conduct) (or nominee), including appointing an Investigating Officer, who will make a written record of the investigation and its outcomes normally within 30 working days of the alleged misconduct being reported to them.

## A meeting will normally be arranged with an Investigating Officer to provide an opportunity for the student to answer the allegation(s) and to make representations on their behalf. A note taker will normally also be present.

## If, after this meeting (as in 18.2.16), the Investigating Officer does not consider it necessary to invoke any sanctions, they must discuss the matter with the student and, if appropriate, provide advice about standards required in the future. The student will be informed that at this stage no further disciplinary action under the SDP will be taken. A note of the discussion and any agreements made must be placed on the student’s case file for future reference, but does not represent a disciplinary sanction. The student will however be notified as part of the discussion that if a further disciplinary matter is upheld against the student, for similar misconduct then the student can expect to receive a more severe sanction having previously been afforded an informal resolution.

## If the student admits the misconduct or there is sufficient evidence to conclude that the student acted in the manner alleged on the balance of probability, then the Investigating Officer will recommend the sanction to be imposed, if any.

## Where a sanction is recommended, the Investigating Officer will lodge the report with the Registry Operations Manager (Complaints and Conduct) (or nominee) who will then discuss the recommendations and seek the agreement of the Dean of School. Any sanction imposed must also be agreed by a Level 2 member of the University's Executive Group, (with the exception of the University Secretary). Once agreement has been reached on an appropriate sanction, this will be confirmed to the student in writing.

## The Investigating Officer’s Report and/or outcome letter sent to the student will give a clear explanation of, and setting out the reasons for, each decision and any sanction. Further information will be provided on the student’s right to appeal, and where/how to access further support from the Students’ Union and/or Student Services.

# Stage Three: Appeal Stage

## The accused student has a right of appeal against any sanction imposed. The appeal must be lodged in writing with the Registry Operations Manager (Complaints and Conduct) (or nominee) within 30 working days of the notification of the outcome of the investigation being sent.

## The appeal letter must provide grounds for appeal and appeals will only be accepted on the following grounds:

### that there has been a procedural error in the constitution and/or conduct of the Procedure;

### that new evidence is available, which the student could not reasonably have been expected to produce during the Formal Action Stage;

### that the penalty imposed could reasonably be seen as excessive.

## Where these criteria are not met, the case will be closed and the student will be informed of the reasons in writing. Once the case is closed, the Student will be issued with a Completion of Procedures letter, which will allow the University’s decision to be reviewed by the OIAHE. The time limit for taking a complaint to the OIA is 12 months from the date of the Completion of Procedures (COP) Letter.

## Where an appeal on the stated grounds is received within the time limit and accepted for consideration, the Registry Operations Manager (Complaints and Conduct) (or nominee) will arrange a disciplinary appeal panel hearing under this Appeal Stage of procedure.

## Student Disciplinary Appeal Panel

### The Student Disciplinary Appeal Panel will normally have three members and be constituted as follows:

### One member of the University’s Executive Group (UEG) (or nominee), who will chair the Committee;

### One student member nominated by the Students’ Union, who does not have any prior knowledge of the case or any association with the student(s) concerned;

### One member of Academic Board experienced in disciplinary matters.

### The Terms of Reference of the Panel are as follows:

### to establish, as far as possible, the facts of the case;

### to consider the report(s) of the Investigating Officer(s) at earlier Stages of the SDP where available;

### to receive any new evidence in line with the grounds of appeal;

### to determine, on the balance of probabilities, whether or not the grounds of appeal are substantiated and whether this has a material impact on the consideration and outcome of the case;

### to decide what action should be taken, including whether the outcome of the formal stage should be overturned, and what appropriate sanctions should be applied, if applicable.

### The Panel will normally meet no more than 30 days after receiving notification from the student that they wish to appeal.

### As in the earlier stages of the Procedure, the student has the right to be accompanied by a support person (e.g. friend, family member, officer of the Students’ Union or a professional union). The role of this person is to support the student and they will not be able to speak for or represent the student unless it has been agreed in advance as a reasonable adjustment due to a disability. The name and status of the support person must be provided to the University at least two working days before the meeting.

### Legal representation at an appeal disciplinary hearing would only be appropriate in exceptional circumstances and must be agreed in advance by both parties. If a student’s chosen support person has legal qualifications, they must notify the University of their name and status at least two working days before the meeting.

### If any party is considering legal action, Cardiff Metropolitan University reserves the right to take necessary steps to ensure that its legal position is fully protected.

###

### If the student is not available for the chosen date, then the student must notify the Registry Operations Manager (Complaints and Conduct) (or nominee) as soon as possible in order that a suitable alternative date can be arranged.

### If a student fails to attend without good reason on the first occasion, provided all reasonable steps have been taken to contact the student (which may include student and personal email, telephone), the hearing may not proceed on that day if the Chair is satisfied that it is fair and reasonable to do so. The hearing will be adjourned and a new date set if it is not considered fair and reasonable to proceed on that day.

### If a student fails to attend on a second occasion, and all reasonable steps have been taken to contact the student (which may include student and personal email, telephone), then the Panel may, at its discretion:

### conduct the hearing in the absence of the student;

### adjourn the hearing to a later date.

### **N.B. It is the student’s responsibility alone to ensure that their current contact details have been made known to Cardiff Metropolitan University.**

### Not less than 10 working days before the hearing, the Registry Operations Manager (Complaints and Conduct) (or nominee) will inform the student, in writing, of the following:

### the date, time and place of the hearing;

### the membership of the Panel and the procedure to be adopted;

### who will be presenting the case on behalf of Cardiff Metropolitan University;

### the evidence that been collated during the Formal Investigation stage, including full details of the allegation(s) and written statements in support of the allegation(s);

### the right of the student(s) to submit details of any mitigating circumstances;

### the right of the student(s) to be accompanied at the hearing (in line with paras 19.2.4 – 19.2.6 above).

### When all available evidence has been considered, the panel will retire to consider its decision. The student will be informed of the outcome of the hearing in writing normally within 5 working days of the date of the hearing.

### Where a sanction other than permanent or temporary exclusion is imposed, this will conclude the internal disciplinary procedure and a Completion of Procedures letter will be issued to the student by the Registry Operations Manager (Complaints and Conduct) (or nominee), advising of the right to take the matter to the Office of the Independent Adjudicator. The time limit for taking a complaint to the OIA is 12 months from the date of the Completion of Procedures (COP) Letter.

### A further appeal will be available to the student where a sanction of permanent / temporary exclusion is imposed.

## Appeal to Vice Chancellor (Permanent / Temporary Exclusions Only)

### Where a sanction of permanent or temporary exclusion is imposed at any of the previous stages, the student may appeal to the President and Vice Chancellor. The appeal must be lodged in writing with the Registry Operations Manager (Complaints and Conduct) (or nominee) within 30 days of the notification of the outcome of the Investigation / Appeal hearing being sent. The appeal letter must provide grounds for appeal and appeals will only be accepted on the following grounds:

### that there has been a procedural error in the conduct of the SDP;

### that new evidence is available, which the student could not reasonably have been expected to produce at the original hearing;

### that the penalty imposed could reasonably be seen as excessive.

### If the appeal meets the stipulated grounds, the appeal shall be considered by the President and Vice Chancellor. The President and Vice Chancellor will conduct a review of the reasonableness of the original outcome and/or sanction as appropriate.

### The Vice Chancellor may seek further information from the student, the Investigating Officer, and/or Appeal Panel.

### The President and Vice Chancellor may confirm, vary or rescind the decision of the Investigating Officer and/or Appeal Panel, substituting any alternative sanction available under the SDP or no sanction at all, as appropriate, or refer the matter back to the Appeal Panel for re-hearing. A note of the decision and reason(s) for it, will be passed by the President and Vice Chancellor to the Registry Operations Manager (Complaints and Conduct) (or nominee), to send onto the student.

### The decision of the President and Vice Chancellor shall be final and shall be notified to the student within a period of 30 days of the student making the appeal. If the appeal is successful, Cardiff Metropolitan University will ensure, so far as is possible, that the student has not been disadvantaged by any disciplinary action. This will conclude the internal SDP and a Completion of Procedures letter will be issued to the student by the Complaints and Conduct Manager, advising of the right to take the matter to the Office of the Independent Adjudicator. The time limit for taking a complaint to the OIA is 12 months from the date of the Completion of Procedures (COP) Letter.

# Misconduct that is also a Criminal Offence

## Any incident that affects Cardiff Metropolitan University’s members, property or reputation or that may amount to the commission of a criminal offence may be reported to the police by Cardiff Metropolitan University, depending on the individual circumstances of each case.

## Conduct that might constitute a criminal offence may also be dealt with as misconduct under the SDP if that conduct took place on Cardiff Metropolitan University premises and/or affected other members of the University and/or damaged or was likely to damage the reputation of the University.

## The following clauses apply where the alleged misconduct would also constitute an offence under criminal law, if proved in a court of law:

## where the offence under the criminal law is considered by Cardiff Metropolitan University to be insufficiently serious, action under the SDP may continue, but such action may be deferred pending any police investigation or prosecution;

## in the case of all other offences under the criminal law, a letter instituting disciplinary proceedings will be sent, which will also explain that the internal proceedings will be deferred (other than investigatory suspension pursuant to Para 14 of the SDP) until the matter has been reported to the police and either prosecuted or a decision not to prosecute has been taken, at which time the President & Vice- Chancellor (or nominee) may decide whether disciplinary action under the SDP may be taken / continue;

## where a student has been sentenced by a criminal court and a Formal Investigation is continued under the SDP based on the same facts, the court’s penalty shall be taken into consideration in determining the findings and any sanction by Cardiff Metropolitan University under the SDP.

## Help and support will be provided to students who are subject to criminal investigation or court proceedings.

## If a student discloses to a staff member that they are subject to criminal investigation or court proceedings, the staff member should take a note of that disclosure. They should record details of any initial allegation and what they told the student. Staff should be mindful that this note may be required as part of the criminal process, as well as any further investigation under the SDP. The staff member should seek further advice from the Registry Operations Manager (Complaints and Conduct) (or nominee).

# Monitoring and Review

## The SDP will be reviewed at the end of each academic year. This is the responsibility of the Registry Operations Manager (Complaints and Conduct) (Registry Services).

## Monitoring of the process is undertaken by:

## maintaining a complete tracking system and record of each disciplinary case;

## feeding back details of actions and outcomes to relevant Schools and Units;

## ensuring all staff responsible for dealing with cases of student discipline are aware of the SDP and receive training;

## establishing a rigorous and effective system of dealing with any proven culpability or risks to prevent the same situation happening again.

## Appendix 1

Student Code of Conduct

## 1. All students are expected to observe Cardiff Metropolitan University regulations, policies and procedures including, but not restricted to, those relating to financial requirements, health and safety, the use of IT and other facilities. Academic regulations and procedures are found within the University’s [Academic Handbook](https://www.cardiffmet.ac.uk/support/registry/academic-handbook/volume-1-regulations-and-procedures/section-7---appeals-and-complaints/). Other policies and procedures are available via the University’s [Policy Hub](https://www.cardiffmet.ac.uk/about/policies/).

## 2. The following constitutes a non-exhaustive list of the types of misbehaviour or misconduct that this Code is intended to cover, wherever this occurs (although, alleged criminal offences must be reported to the police immediately):

## Behaviour that constitutes a criminal offence.

## Possession or misuse of prohibited substances or weapons

## Violent, indecent, disorderly, threatening or offensive behaviour or language

## Fraud, deceit, deception or dishonesty in relation to Cardiff Metropolitan University or its staff or in connection with holding any office in the University or in relation to being a student of the University.

## Action likely to cause or impair the health, safety, and well-being of any student, member of staff or other employee of Cardiff Metropolitan University or any authorised visitor to the University.

## Verbal abuse, bullying or any form of harassment, intimidation, victimisation or discrimination of any student, member of staff or authorised visitor to the University

## Damage to, or defacement of, Cardiff Metropolitan University property or the property of other members of the University community caused intentionally or recklessly and misappropriation of such property. Misuse or unauthorised use of Cardiff Metropolitan University premises or items of property, including misuse of computers or other electronic devices to transmit, receive, view or display offensive, defamatory, discriminatory, obscene or otherwise illegal material or to introduce any virus, worm or other harmful or nuisance programme or file into any IT facility.

## Failure to disclose a name and other relevant details to an employee of Cardiff Metropolitan University in circumstances when it is reasonable to require that such information is given.

## Failure to comply with a previously imposed penalty under this Code.

## Behaviour that has damaged or was likely to damage the reputation of the University.

## Academic Misconduct is regulated under the Academic Handbook and not the Student Disciplinary Procedure.

Appendix 2

Risk Action Panels

# Purpose

## The Student Disciplinary Procedure is designed to provide a clearly formulated, effective and impartial process for dealing with non-academic problems of student discipline and behaviour. Its purpose is to ensure that, in taking disciplinary action against a student, Cardiff Metropolitan University acts fairly and consistently.

## The purpose of this Appendix is to outline to all members of the University community how Risk Action Panels (RAPs) will operate as a way of linking in to the Student Disciplinary Procedure.

## Only the most relevant sections of the Student Disciplinary Procedure are cited in this Appendix. Further sections may however still be relevant and can be found within the Academic Handbook.

# Application

## The Student Disciplinary Procedure and this procedure applies to every enrolled student of Cardiff Metropolitan University.

# Risk Action Panels

## A Risk Action Panel may be convened when the University is informed, or becomes aware that:

### a student has disclosed that during the course of their studies, they have been arrested for a criminal offence, received a criminal caution, charge or conviction;

### a student has disclosed that during the course of their studies that they have been the victim of a serious criminal offence, and the alleged perpetrator is a student of the University;

### a student has been arrested and /or is being investigated by the police or statutory authorities on suspicion of having committed a criminal offence;

### an investigation is about to commence;

### a concern has been raised during an investigation into alleged misconduct under the Student Disciplinary Procedure that the student poses a risk to themselves or others;

### any other circumstance where the actions of a student could cause a risk to the wellbeing of the University community or reputational damage to the institution.

# Role of the Risk Action Panel

## The role of the Risk Action Panel is to make recommendations and decisions in the context of exercising the University’s legal duty of care to each specific student, the Reporting Person [staff, student, or public] other members of the University community, and for protecting the University’s reputation.

## In exercising its function, it is not the role of the Risk Action Panel to investigate or determine whether an alleged incident has occurred as reported. The role of the Risk Action Panel is to identify and assess risks arising from an alleged incident on the basis of the allegation reported to the University.

## The Risk Action Panel will evaluate the circumstances as presented, identify particular risks, and agree a series of actions (if any) to mitigate or remove the risks.

## Following assessment of the risks associated with an allegation the functions of the panel is to make initial determination on the following matters:

1. Ensuring the reporting and responding student has access to welfare support (finance or wellbeing) from Student Services and /or external support;
2. What contact should be made with the responding student about the allegation;
3. What (if any) preventative measures should be put in place regarding the student [paragraph 9];
4. Whether a recommendation should be made for the student to be suspended under the Student Disciplinary Procedure [paragraph 8];
5. What considerations are there for accommodation of an alleged perpetrator or victim;
6. What members of the University’s Executive Group should be informed about the matter;
7. Ensuring the Marketing, Communications and Student Recruitment Team are informed of any matter that could potentially impact the reputation of the University.

# Membership

## The membership of a Risk Action Panel may comprise the following (or their nominees):

1. The Dean and /or Deputy Dean of School
2. Registry Operations Manager (Complaints and Conduct) [Chair]
3. Head of Student Wellbeing
4. Reporting Person [if a member of staff]
5. Accommodation Manager
6. Head of University Security
7. Representative from Marketing, Communications and Student Recruitment
8. Senior Registry Officer (Complaints and Appeals) [Secretary]

## The Chair, in consultation with the Chief Student Officer, will confirm which staff are required to form a Risk Action Panel, depending on the nature of the case.

## If it becomes apparent that a matter potentially involves either Prevent, or Safeguarding [Under 18 or Protection of Vulnerable Adults] considerations, then the Head of Compliance will also be invited to attend a Risk Action Panel.

## The Chair may ask any other member of staff with specific expertise or particular knowledge of a student to attend a meeting, if it is deemed necessary.

## The Responding Student will not normally be required to meet the Risk Action Panel. However, there may be circumstances where the Risk Action Panel considers this necessary.

# Assessing Risks

## In assessing risk and determining what actions / it will give as to what actions should be followed, the Risk Action Panel must consider the following factors:

1. The type of alleged misconduct;
2. The circumstances of the incident;
3. The circumstances of the individuals involved;
4. The views of the police, statutory services, probation service etc.

# Misconduct

## Paragraph 2.2 of the Student Disciplinary Procedure provides that disciplinary action may be taken if a student engages in activities or inappropriate behaviour on or off campus that are likely to disrupt, damage or otherwise adversely affect the normal functioning and /or reputation of Cardiff Metropolitan University and its academic or residential community, hereinafter referred to as ‘misconduct’.

## Paragraph 2.3 provides a non-exhaustive list of the types of behaviour or misconduct that the Student code of conduct and Student Disciplinary Procedure is intended to cover.

## It may be the case that as part of, or following a meeting of the Risk Action Panel, a recommendation is made by the Dean of School [or nominee] to instigate action under the Student Disciplinary Procedure. Alternatively, a recommendation to pursue another policy or procedure may be made.

## The failure of a responding student to adhere to the decision of a Risk Action Panel, including any imposed measure of precautionary action will result in more severe precautionary action, and /or the matter being taken forward under Student Disciplinary Procedure.

# Meeting

## A meeting of the Risk Action Panel should normally be held within two working days of the University being informed of a matter under paragraph 3.1 (above).

## Any report should be made immediately by a member of staff to the Registry Operations Manager (Complaints and Conduct), who will as Chair then convene a meeting of the Risk Action Panel.

## If considered appropriate under paragraph 4 [above] the Chair will write to the Responding Student with an outcome of the meeting, including any precautionary action.

## If the actions of the Responding Student have affected another student or staff member, the Chair will also inform them of any precautionary action taken, should that be deemed necessary.

## Any considerations and final decisions of the Risk Action Panel shall be recorded by the Secretary to the Panel.

# Precautionary Action

## Any precautionary action imposed on a student by a Risk Action Panel must be both reasonable and proportionate. Such action is not a sanction but a neutral act to allow the University to apply its policy and procedures.

## The following constitutes a non-exhaustive list of examples of precautionary actions in respect of a Responding Student.

1. Enquiring adherence to conditions to stay away from, and /or not to contact a particular student or group of students (including via social media);
2. Imposing conditions / restrictions / Action Plan requiring a student to move accommodation;
3. Restriction from IT or other University services, or particular areas of University campus;
4. Recommending temporary suspension from studies; this may be
5. interpreted as temporary suspension from all University campus and its services, including residential accommodation;
6. Recommending temporary suspension from a placement;
7. Requiring a student attend a meeting or meetings with an appointed member of staff or external agency.

## Any precautionary action (above) approved by a Risk Action Panel will be detailed in a letter that will be sent to the Responding Student as an outcome of the Risk Action Panel Meeting.

## A time period for review of any decision / precautionary action may be agreed by the Review Action Panel, taking the circumstances of the case into account.

## The Risk Action Panel will consider the impact or potential impact on the reporting / responding student or staff member of any measures taken as precautionary action, and support arrangements that need to be put in place.

## The Risk Action Panel will also consider any measures that need to be put in place to protect the investigation.

# Suspension

## Under para 14 of the Student Disciplinary Procedure, the Vice Chancellor or their nominee may suspend a student from attendance at Cardiff Metropolitan University for a specified period of time pending investigation. The circumstances specified for imposing suspension incudes (but not limited to):

1. Where allegations of serious breaches of discipline have been made;

or

1. Where the student is deemed to pose a risk to the health, safety or welfare of themselves for others.

## The full terms of the suspension should be notified to the student in writing to the student. A student who is suspended is generally prohibited from entering Cardiff Metropolitan University’s premises and from participating in the University’s activities, although exceptions can be allowed.

## Where a student under suspension is deemed to be in a state of health that is perceived to pose a threat to themselves or others, may affect the welfare of students or staff or disrupt the learning and teaching process, Cardiff Metropolitan University reserves the right to refer the student for medical or occupational health assessment before any recommencement of studies can be considered. This includes a Covid19 test.

## If no action is subsequently taken under the Student Disciplinary Procedure, the University will ensure so far as possible that the Responding Student has not been disadvantaged by the suspension (paragraph 13.5 of the Student Disciplinary Procedure).

# Review

## The Responding Student may request a review of any measures imposed by the Panel as precautionary action. A request must be sent in writing to the Registry Operations Manager (Complaints and Conduct) (or nominee) (complaints@cardiffmet.ac.uk), within 5 working days of notification of the outcome.

## The request for review will be considered within five working days of receipt of the request by Registry Services.

## The Review Panel will comprise the following members:

1. A member of the University’s Executive Group (or nominee)
2. Chief Student Officer

## The Secretary of the Risk Action Panel will also assist the Review Panel but will not be involved in the actual decision.

## In the event of disagreement between the Review Panel, the Member of the University’s Executive Group will have the deciding vote.

## The Review Panel may request further information from the Reporting Party and /or Responding Student, and /or from the Risk Action Panel who made the original decision on precautionary action.

## In making a determination on the request for a review by the Responding Student, the Review Panel, may make the following decision:

1. Uphold the original decision of the Risk Action Panel;
2. Replace the original decision of the Risk Action Panel, with their own decision.

### Appendix 3

Categorisation of Misconduct

### The nature and gravity of the alleged misconduct will be used to determine whether an informal resolution can be used for the matter or to determine under which Category the allegation should be investigated.

### The following non-exhaustive lists are examples of misconduct that could be considered under the different categories of the Student Disciplinary Procedure. This list is meant as a guidance and is not prescriptive; the details of each allegation will need to be considered on its own merit before determining the most appropriate category.

# Informal Resolution

### Defined as an incident or issue which is contained and minor in terms of impact.

### Actions which cause, or could have caused a health and safety concern

### Anti-social behaviour

### Behaviour which disrupts learning activities

### Incidents showing a lack of respect for other members of the University community and/or local community

### Minor misuse of social media which impacts on the University community

### Vexatious, defamatory or malicious claims about other members of the University community

### Misuse and/or unauthorised use of university property

# Category 1 Allegation Examples

### Defined as serious but contained incidents of misconduct and/or persistent minor incidents of misconduct.

### Attempted deception or fraudulent behaviour

### Impact on others from possession and/or use of illegal drugs

### Impact on others from use of other substances including alcohol

### Written or verbal abuse or intimidation against another member of the University community, including via social media

### Disruption of or improper interference with the academic, administrative, sporting, social or other activities of the University

### Bullying, harassment or discrimination against another person including the use of discriminatory language

### Failure to respect the rights of others to freedom of speech within the law

### Sexual harassment

### Damage to or theft of property from the University or members of the University community

### Acts which bring or threaten to bring the University’s reputation into disrepute

### Persistent failure to comply with Category 1 sanctions

# Category 2 Allegation Examples

### Defined as allegations of gross misconduct, or persistent serious incidents of misconduct at Categories 1 and/or 2.

###

### Dealing illegal drugs and/or possession of quantities of drugs beyond normally associated with personal use, and/or possession of paraphernalia used in dealing drugs

### Sexual misconduct, including sexual violence and abuse

### Serious sexual harassment

### Physical violence

### Serious deception or fraudulent behaviour

### Serious physical, written or verbal abuse or intimidation against another member of the University community, including via social media

### Serious bullying, harassment or discrimination against another person including the use of discriminatory language

### Serious failure to respect the rights of others to freedom of speech within the law

### The commission or suspected commission of a criminal offence

### Persistent failure to comply with sanctions under Category 2