

Regulations Governing Student Discipline

1. Introduction

- 1.1 The aim of these Regulations is to provide a framework within which students can understand what is expected of them in terms of how they act as members of the University of Southampton (the University) community and the implications if they breach these expectations.
- 1.2 This document sets out the scope and application of these Regulations and the principles to be applied in all cases.
- 1.3 These Regulations use the following definitions:
- i. Reporting student* refers to a student/students who have made an allegation against another student/students under these Regulations. However, these Regulations may also be used to investigate reports made by others such as members of staff, and individuals who are not otherwise connected to the University.
 - ii. Responding student* refers to the student or students who are the subject of the allegation.
 - iii. Case Officer* refers to a member of the University's staff who is assigned to manage the allegation.
 - iv. Investigator* refers to the individual who is nominated by the University to investigate the allegation.
 - v. Student Discipline Committee* is the Committee of Senate charged with implementing these Regulations.

2. Scope

- 2.1 These regulations apply in the following cases:
- All students enrolled at the University of Southampton including students in overseas campuses, in nominal registration and studying off campus for any reason. Incidents that cause concern about student behaviour may occur on or off university campuses. Where incidents happen in university accommodation, there are separate [Halls of Residence Regulations](#) included in the contract for accommodation. Serious incidents raised through the Halls of Residence Regulations may be referred to these Regulations for consideration.
 - For students based overseas, localised arrangements may need to be applied in agreement with the University.
 - Students on placements or apprenticeships with employers as part of their programme of study may be subject to local employee disciplinary procedures as well as University procedures.

- For students who are enrolled at another institution but who are studying at or otherwise visiting the University at the time the alleged incident took place. This is subject to the terms of the agreement entered into between the University and the other institution and these students may also be referred to their institution to initiate proceedings under their regulations.
- Students who are also staff members, i.e., those with an employee contract at the same time as a valid student registration. Guidance should be sought from the Secretary of the Student Discipline Committee who will consult with Human Resources as to which procedure to follow.

2.2 The University will work closely with students and the police when incidents are subject to criminal proceedings and may take separate action once a criminal case is concluded. The police assess cases with a criminal burden of proof that is 'beyond reasonable doubt'. The University must operate a different burden of proof when conducting investigations and making recommendations. Any case considered by these Regulations will be assessed 'on balance of probability', that is the decision maker is satisfied that an event is more likely than not to have occurred. The University will consider cases that have been concluded by the police but may be limited in doing so by the scope of these Regulations. During and after a police investigation, support for students will take priority.

2.3 Some cases are complex, and the Case Officer will decide how best to proceed within the regulations for each individual case. However, often there are clear cases where these Regulations do not apply and other regulations will be followed:

- **Academic Integrity:** Breaches of academic integrity (academic misconduct) are dealt with by separate [Academic Integrity Regulations](#).
- **Fitness to Practise:** A student's fitness to practise may be challenged when their behaviour, health and/or professional conduct gives cause for concern. See [Fitness to Practise Policy and Procedure](#).
- **Misconduct within University Halls of Residence** Regulations will be handled in accordance with the [Regulations Governing Halls of Residence](#).
- **The Students' Union:** Misconduct which is alleged to have occurred within premises occupied or managed by the Students' Union or during a Student's Union activity or event will be dealt with in the first instance by the [Students' Union](#).

2.4 In situations where signs of illness, mental health difficulties or disorders are thought to have direct impact on the conduct or behaviour of the student concerned, the Student Support Review may be used alongside, or instead of, these Regulations.

3. Guidance

- 3.1 Separate guidance is available on specific incidents of sexual misconduct, online harm and bullying and harassment on the [Expect Respect section](#) of the Student Life webpage.
- 3.2 Students may obtain free, independent and confidential advice throughout the process from the [SUSU Advice](#).
- 3.3 Guidance for staff on handling matters that may also be a criminal matter can be found on the Staff Information section of the [Expect Respect website](#).

4. Mediation - An Alternative Informal Method of Dispute Resolution

- 4.1 Mediation is a process in which disputing parties seek to resolve their differences in a mutually acceptable way with the assistance of a trained mediator acting as an impartial third party. Mediation is voluntary and aims to offer the disputing parties the opportunity to be fully heard, to hear each other's perspectives and to decide how to resolve their dispute themselves.
- 4.2 Mediation is a process which all parties agree to keep confidential and no record of the contents of the mediation process is held on any student file. The contents of all mediated conversations are not shared with anyone unless implicitly agreed by the parties involved in those discussions. All mediators through the University's Mediation Service are fully trained and accredited members of the Civil Mediation Council and remain impartial throughout.
- 4.3 Mediation may be recommended as an option for appropriate cases where solutions can be negotiated with support. If harm or offence has been caused by the behaviour of another student's words or actions, mediation may provide a positive opportunity to find resolution. Where a report of serious harm or sexual misconduct has been reported, mediation will not be presented as an option.
- 4.4 If mediation is entered into at any point in the management of a case, the usual timescales within the Student Discipline Regulations are suspended until mediation is concluded. If mediation is successful, the case may be considered resolved. If not, the case will continue through the procedure and the timeframes will resume.
- 4.5 Information about the [Mediation Service](#) and how to access it can be found on its [web pages](#).

5. Definitions of Misconduct and Expectations of Behaviour

- 5.1 **Misconduct** is an act or failure to act by a student which is unlawful or otherwise judged to be inappropriate or unacceptable behaviour where that behaviour does or could negatively affect any member of the University community or any person or entity associated with the University or the University itself
- 5.2 **Serious misconduct** is misconduct which appears in the reasonable opinion of the University to be significant due to its impact on the person or the property affected by the misconduct or the University itself.
- 5.3 Examples of misconduct and serious misconduct can be found on the [Expect Respect](#) webpage. This is a guide and is not exhaustive, the seriousness of cases will be judged on the report of the harm caused and the evidence of the impact of harm provided.
- 5.4 Failure to comply with a sanction decided as a result of an investigation or hearing may be considered a further incidence of misconduct and likely instigate another investigation and sanction if a breach of the Regulations is established.
- 5.5 Misconduct can be behaviour that is also a criminal offence if it contravenes the law of the UK. In such cases, the student will be advised of options and remit of the police and the powers of the University to reach conclusions.
- 5.6 Where a student's conduct is the subject of a criminal investigation, no immediate action will necessarily be taken under these Regulations to progress the case, but the University will take those decisions set out in 6.9 below. If the matter is not being dealt with under the criminal process or where the criminal process has concluded, then the University may proceed under these Regulations and may use evidence or findings from the criminal investigation as part of the University investigation. The University may investigate a student for misconduct which is not under criminal investigation.

6. Decisions and Actions Before Starting the Procedure

- 6.1 Once a report of concern has been made, the University will determine whether the matter falls within the scope of these Regulations. The Student Discipline Committee shall determine if a matter falls out of scope of the Regulations or it is not in the interests of the University to investigate. The University will advise the reporting student of their options for support and taking the matter forward.
- 6.2 The academic and welfare support needs of the reporting and responding students will be explored and taken into account when any action is taken whether internal or referral to the police or other external body.
- 6.3 If there is information held about students who may have been involved in previous behaviour incidents, this may be taken into account. Repeat behaviour may be considered to be a more serious case of misconduct.
- 6.4 The level of seriousness of the behaviour and therefore the recommended outcomes will be determined at the investigation stage of the case. Responding students will be informed whether the case is deemed 'misconduct' or 'serious misconduct' and what the maximum outcome is for that assessment.

- 6.5 Where reports indicate that there is a risk of harm, immediate measures may be taken to ensure the safety of students (see paragraph 6.8 below).
- 6.6 If a matter falls outside these Regulations, the reporting person will be referred to any other regulations that apply.
- 6.7 Mediation may be discussed as an option to resolve the issue in appropriate circumstances as set out in section 4.
- 6.8 Following a risk assessment, the University may put in place measures appropriate to manage the risks to the parties involved or to manage the behaviour of or contact between any or all of the parties. These measures may remain in place throughout the process even if no misconduct is found. The arrangements and the reasons for the decision will be conveyed to all affected parties in writing. These measures are not sanctions and do not imply that any decision has already been made about the allegations; any such measures will be for no longer than the University deems necessary to complete the investigation(s) into the allegation(s) and/or to hold a hearing. These measures will normally be reviewed every 20 days.

Suspension During Investigation

- 6.9 Acting through the President and Vice-Chancellor on behalf of Senate, the University may also temporarily suspend a student from the University (i.e. a total prohibition from the University) if a risk assessment deems this necessary. This will take place in accordance with Ordinance 7.7.
- 6.10 Before taking this decision, the student shall have been notified and provided with sufficient detail of the allegations and have been given an opportunity to be heard in person or virtually before a member of the of Student Discipline Committee. The arrangements and the reasons for the decision will be conveyed to the student in writing.
- 6.11 Due consideration should be taken of any imminent examination, assessment or other deadlines which are scheduled for the responding student who may be suspended.
- 6.12 The Student Discipline Committee may hear any representations put forward by the Responding Student concerning the proposed suspension. The decision to temporarily suspend does not imply that any decision has already been made about the allegations or the case. The suspension will be for no longer than the University deems necessary to complete the investigations into the allegations and/or to hold a hearing. These measures will be reviewed normally every 20 working days.

7. Procedure

- 7.1 The Procedure is summarised in Section 13
- 7.2 Allegations will initially be considered either Misconduct or Serious Misconduct, depending on the nature or circumstances of the report. This will dictate the next steps in how a case is handled, although allegations may move between both categories depending on the course of the investigation.
- 7.3 At all stages of the procedure, including during any hearing, the responding student may bring a companion. Any companion may make representations and ask questions, but cannot answer questions on the Responding Student's behalf.
- 7.4 If the allegation is admitted, no investigator is appointed and the case proceeds to the Student Discipline Committee for an appropriate outcome.
- 7.5 If the allegation is disputed, an **investigation** will take place according to Terms of Reference drafted by the Student Discipline office set out at the outset of the case. The Terms of Reference will set the expected duration of the investigation and anticipated deadlines for the report, depending on the complexity and severity of the case. If the duration or deadlines change and the investigation will take longer those involved will be kept informed.
- 7.6 Disputed **misconduct** allegations will normally be referred to an investigator within 5 working days. On the conclusion of an investigation report, misconduct allegations will normally be considered by a member of the Student Discipline Committee within 5 working days. The member will consider the report and will deliver an outcome within 5 working days. The possible outcomes are to:
- i. Find the responding student in breach of these Regulations, but not subject to a sanction.
 - ii. Find the responding student not in breach of these Regulations.
 - iii. Refer to a partial hearing. A partial hearing requires two members of the Student Discipline Committee to consider the allegation report.
 - iv. Refer to a full Hearing (see 7.8).
- 7.7 **Serious Misconduct** allegations will normally be referred to an appropriately trained investigator within 8 working days. If the investigation concludes that there is sufficient evidence and with the agreement of the Chair of the Student Discipline Committee, Serious Misconduct cases will be considered by a hearing of the Student Discipline Committee.
- 7.8 The **hearing** will normally be set within 15 working days of the decision of the Chair of the Student Discipline Committee. The responding student and any witnesses will have at least 10 working days notice of the date of the hearing. The length of the hearing will be set in conjunction with the Chair, based on the complexity of the case to be presented.

- 7.9 At least 5 working days prior to the date of the hearing, the University and the responding student will supply to one another:
- i. A copy of any relevant documents which will be used at the hearing. This will include witness statements. Witness statements may be redacted in exceptional circumstances to protect the identity of a witness.
 - ii. A statement from the responding student on whether they accept or deny the allegation.
 - iii. The names of any witnesses who should attend the hearing.
 - iv. (for the responding student) the name of any companion attending the hearing.
- 7.10 During the hearing, the investigator will present the case against the responding student and discuss the evidence that has been gathered. Witnesses may be called, and the panel may call upon the investigator. The responding student will be able to respond and present any evidence of their own. The responding student may confer privately with their companion at any time during the hearing. The responding student will be given the opportunity to respond to any information given by a witness through the Chair but will not be permitted to cross-examine witnesses. If the responding student chooses not to attend the hearing, the hearing will proceed in their absence.
- 7.11 The University may choose to adjourn the hearing, but will give the responding student appropriate notice of any new information obtained before the hearing is reconvened.
- 7.12 The hearing will find:
- i. That the responding student is in breach of these Regulations and impose an appropriate sanction.
 - ii. That the responding student is not in breach of these Regulations.

8. Confidentiality

- 8.1 The University will process all personal information in accordance with its [Data Protection Policy](#).
- 8.2 The University will disclose information to:
- Inform the responding student of the allegations made and give them an opportunity to respond as required by natural justice. This will include the investigation report and associated evidence.
 - Share the Investigation Report with the reporting student. Some information may be redacted in the accordance with obligations under the Data Protection legislation.
 - Inform the reporting and the responding students of the outcome of investigations and hearings where possible to ensure their safety and continued reassurance and health.

- To allow an investigation to be carried out properly. For the discharge of its duties or as required by law.
- 8.3 There may be exceptional cases where it is appropriate to preserve confidentiality in relation to the identity of witnesses where there is reasonably perceived to be a need to protect any students or members of staff from the risk of intimidation or retribution. This decision will be made by the Chair of the Student Discipline Committee based on submissions by the witness(es) involved and will balance this decision against the interests of natural justice.
- 8.4 The University may also adapt the procedures where it is considered undesirable for any one person to give evidence in the presence of another. During hearings, evidence may be given virtually in accordance with the Virtual Hearing Guidance.
- 8.5 Where a student against whom allegations have been made is not aware of the identity of all those who have given evidence, due weight to this factor must be given and their response to the allegations must be seen in this context. Natural justice must be observed, meaning that such a student has the right to fully understand the case made against them.
- 8.6 Audio and/or visual recording of meetings and hearings is not permitted. If, due to exceptional circumstances, it is agreed in advance that recordings are permitted, the recording is confidential and must not be copied, shared with any third party, published or disseminated in any way. A true and complete copy of the recording of the meeting must be provided to the other party as soon as possible after the recording was made.
- 8.7 Reporting and Responding students and all witnesses, companions and other representatives will be expected to maintain confidentiality of the case and how it is proceeding so as to ensure that the case is heard fairly and the impact on the students concerned and the student community is managed. All students will be signposted to relevant support services who can provide confidential support.
- 8.8 Reporting and responding students will be kept informed when there are updates as the case proceeds.

9. Sanctions and Outcomes of Investigations/Hearings

9.1 The usual sanctions for non-academic misconduct are set out below. Examples of sanctions aligned to forms of misconduct for illustrative purposes only can be found on the Expect Respect Webpage (link). This is a not exhaustive guide and may be updated from time to time by the University. Each case will be assessed in light of its facts.

9.2 The sanctions the University may levy are one or more of the following:

- A written reflection on behaviour to be provided to an aggrieved party that takes into account the reported impact of the behaviour on the reporting student.
- A written warning.
- To require the student to enter into a Good Behaviour Agreement. Fines ranging from £100 to a maximum of £300.
- To require compensation for damage to property.
- To require the student to undertake unpaid community services to the University community up to a maximum of 40 hours.
- To require the student to attend rehabilitation programmes.
- To exclude or restrict a student from access to parts of the University or University services (action taken by the President and Vice-Chancellor following a recommendation by the Student Discipline Committee).
- To suspend a student from the University (action taken by the President and Vice-Chancellor following a recommendation by the Student Discipline Committee, in accordance with procedures outlined in Ordinance 7.7).
- To expel a student from the University with a consequent loss of rights and privileges of University membership (action taken by the President and Vice-Chancellor following a recommendation by the Student Discipline Committee).
- To recommend that Senate consider withholding an award where it would otherwise withdraw a student's registration or cancel a registration if made pursuant to the [Ordinances](#) of the University part 7.7: Admission, Examinations and Awards (action taken by the President and Vice-Chancellor following a recommendation by the Student Discipline Committee).

9.3 If a student admits an allegation before or during the investigation stage of the procedure the University may make a recommendation to the Student Discipline Committee to agree a sanction for the behaviour incident. The student will have had an opportunity to make a statement and provide any further submissions including evidence of circumstance to the investigator on conclusion of the investigation who will report to the Committee, or a representative of the Committee.

- 9.4 The University may recommend the continuation of a no contact advisory notice post investigation alongside any sanction given. The no contact advisory notice is not a sanction. However, breaching a no-contact order awarded during or after an investigation may be determined as a separate misconduct (which may or may not require an investigation).

10. Appeal

- 10.1 Students (either the reporting or the responding) may, within 10 days of being notified of an outcome of an investigation or hearing, appeal a decision reached by the University on the following grounds:

- There is **new substantive information supported by evidence which was not known by the student and/or the evidence could not have reasonably been obtained by the student in time to present to the University at the time of the original decision**

and/or

- There has been **significant failure of due process** in the making of the original decision i.e. a material procedural irregularity or misinterpretation of the University's own regulations, or administrative errors which, if they had not occurred, might have impacted significantly on the original decision and/or the sanction imposed.

- 10.2 To appeal, students should submit a letter of appeal to the [Student Discipline Team](#).

- 10.3 Dissatisfaction with the outcome of a matter or sanction does not itself constitute grounds for appeal.

- 10.4 Appeals will be normally be heard by two members of the Student Discipline Committee. No members will be individuals who were previously involved in the case. Appeals will be heard within 15 working days of receipt of the appeal. Notification of the outcome of the appeal will be communicated to the student within 20 working days from the date of the hearing.

- 10.5 Appeal Hearings against a sanction of expulsion, suspension, exclusion or withholding of an award will be heard by a panel of three individuals, with a Chair appointed by the President and Vice-Chancellor.

- 10.6 Appeal Hearings will be serviced by an appropriate senior member of Professional Services staff who has not had any previous involvement with the case.

- 10.7 An Appeal Panel may decide to uphold an appeal or dismiss an appeal on some or all of the grounds presented and in addition it may:

- i. lower or remove any sanctions imposed;
- ii. decide that new issues have arisen which require investigation;
- iii. decide a re-hearing of the case is required;
- iv. alter or remove any other measures that have been put in place under Section 4.4.

11. Recording and Monitoring of Student Discipline Matters

- 11.1 Any previous behaviour incident which resulted in a sanction may be taken into account when determining any subsequent sanctions and kept on student file as indicated below:
- Sanctions for Misconduct: a maximum period of 12 months from the later date of either the Outcome Letter or Completion of Procedures Letter.
 - Sanctions for Serious Misconduct: for the duration of the student's registration period at the University.
- 11.2 The University will record, report on and monitor cases of student behaviour and anonymous reports of concern via the University's reporting platform to identify trends, inform University practices, procedures and activities and as required under the University's Charter, Statutes and Ordinances.

12. External Review - Office of the Independent Adjudicator for Higher Education

- 12.1 A Completion of Procedures letter signifies to the student that the University's internal procedure for reviewing and resolving student non-academic misconduct has been completed and should be sent to the student normally within 28 days of the University's final decision to reject a student non-academic misconduct appeal. The letter will provide information about complaining to the OIA. Students may request a Completion of Procedures Letter if their appeal is upheld or partly upheld. The letter will provide information about complaining to the OIA.
- 12.2 Information about the OIA's procedures may be found at <http://www.oiahe.org.uk> or in the OIA leaflet 'OIA for Students' which is available from the [Students' Union Advice Centre](#).
- 12.3 Students wishing to submit a complaint to the OIA must do so within the timeframe set down in the Rules of the Student Complaints Scheme. A complaint must be made in writing using the OIA Complaint Form.
- 12.4 Where a student requests a Completion of Procedures Letter more than a calendar month after the decision letter, the time for bringing a complaint to the OIA will normally run from the date of the final decision, rather than the date of the Completion of Procedures Letter.
- 12.5 Contact details for the Office of the Independent Adjudicator are: Office of the Independent Adjudicator
2nd Floor Abbey Gate
57-75 Kings Road READING
Berks RG1 3AB
Tel: 01189 599813
Email: enquiries@oiahe.org.uk
- 12.6 These Regulations are made subject to the Charter, Statutes and Ordinances of the University.

13. Procedure

Student Discipline Procedure

Timelines are indicative, but the University aims to meet the Office of the Independent Adjudicator’s advice to conclude disciplinary procedures normally within 90 calendar days of the start of the investigation.

There is no set length of time for investigations, as their length depends on the severity and complexity of the allegation.

At the outset of an investigation, both responding and reporting students will receive Terms of Reference setting out expectations of timelines for the length of the investigation and report.

