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OF ESTATE MANAGEMENT

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Disciplinary Procedure

UCEM Students

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Disciplinary Procedure

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Disciplinary Procedure

1. Introduction

This procedure outlines what constitutes behavioural misconduct and the disciplinary actions that may be taken if a student does not meet the conduct expectations as set out in the UCEM:

- [Academic and Programme Regulations – Applicable to all students studying on UCEM Taught Programmes at Levels 4 - 7 \(opens new window\) or Research Degree Regulations – Applicable to all students studying on UCEM Research Programmes \(opens new window\)](#);
- [Terms and Conditions of Contract \(opens new window\), Terms and Conditions of Contract Students on Apprenticeship Programmes \(opens new window\), Terms and Condition of Contract Postgraduate Research Students](#);

All incidents must be referred to disciplinary@ucem.ac.uk.

When investigating cases of behavioural misconduct, the burden of proof is on UCEM and UCEM will use the standard of proof based on the 'balance of probabilities' rather than 'beyond all reasonable doubt'. Evidence indicating that, on balance of probabilities, behavioural misconduct has occurred will be deemed sufficient evidence for action to be taken.

Where a student has a declared disability, UCEM will endeavour to ensure that information is available to them at all stages of the procedure in appropriate formats, and that any reasonable adjustments are made to the associated proceedings to accommodate their needs.

A summary of the procedure can be found in [Appendix A](#).

2. Scope

The Student Disciplinary Procedure applies to all UCEM students registered on programmes or modules including undergraduate taught students, postgraduate taught students, apprentices and Postgraduate Research (PGR) students. The term student is used throughout this procedure to refer to all the above learners.

This procedure does not apply to UCEM staff studying with UCEM as staff behavioural misconduct or disciplinary will be addressed under the staff disciplinary policy.

Additionally, where a student has nominated a third party to speak on their behalf; the student may be held liable for any misconduct committed by the third party in representing the student. In such cases, UCEM reserves the right to hold the student accountable for the actions of the third party.

Should a student's studies end (including withdrawal) part way through the process, prior to the final outcome, then UCEM may choose not to proceed with the investigation. UCEM reserves the right to investigate a case after a student has withdrawn or graduated.

The Student Disciplinary Procedure is intended to deal with student behavioural misconduct rather than to resolve disputes between individuals.

Disciplinary action may be taken in connection with UCEM facilities, services, or activities; for example, misconduct which happens on UCEM premises, online platforms or on social media which:

- interferes with UCEM academic or administrative activities;
- impacts UCEM itself, UCEM's reputation, UCEM students, UCEM employees and/or a member of the public.

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2.1 Relationship with other procedures

Fitness to Study

UCEM understands that there are instances beyond a student's control which can affect their behaviour. This can affect a student's physical or mental fitness to study. Where a member of staff is concerned that this is occurring, then their concerns should be raised via the [Fitness to Study Procedure \(opens new window\)](#).

Anti-Bullying, and Harassment and Sexual Misconduct

Referrals may be made to the Student Disciplinary Procedure as a result of an investigation under the [Anti-Bullying, and Harassment and Sexual Misconduct procedure \(opens new window\)](#).

Students should report any known or suspected cases of bullying, harassment, or sexual misconduct, towards themselves or another person, to the Safeguarding team. They can make this referral to Student Central, by contacting 01184672400, by emailing safeguarding@ucem.ac.uk or for postgraduate research students by contacting the [Graduate Research School](#). Alternatively, they can contact a trusted member of UCEM staff or student representative who will make the referral on their behalf.

Academic Misconduct

The Student Disciplinary Procedure relates to non-academic behavioural issues only. Academic misconduct is dealt with under a separate policies and procedures as follows:

- For undergraduate, postgraduate taught and apprentices via the [Academic Misconduct Procedure \(opens new window\)](#).
- For Postgraduate Research (PGR) students via Plagiarism and Research Misconduct Policy - Postgraduate Research Students (opens new window).

3. Types of behavioural misconduct

When students fail to comply with UCEM conduct expectations the matter will be considered on the grounds of either:

- Minor misconduct;
- Major misconduct.

All definitions apply to any form of contact, be it face to face, via telephone or online.

3.1 Minor misconduct

Where there is failure to observe UCEM conduct expectations, but the nature of the misconduct is not of a sufficiently serious nature or is not a recurring issue, it shall normally be dealt with as minor misconduct (see [section 4](#) below). Examples of behaviour which would be considered as minor misconduct include:

- swearing or use of offensive or derogatory language (for any reason, including on the grounds of race, sexuality, gender, or gender identity);
- inappropriate use of mobile phones, laptops, and/or other electronic devices;
- conduct that disrupts or improperly interferes with the teaching, learning, research, administrative or other activities of UCEM;
- minor incidents that undermine the British values of democracy, the rule of law, individual liberty and mutual respect and tolerance;

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- minor incidents that undermine UCEM's Freedom of Speech Policy and the rights of others to freedom of speech;
- making repeated and/or unfounded false, malicious, or vexatious complaints or appeals;
- minor incidents of misuse of programme materials, computing services, infringement of UCEM's Intellectual Property Rights or breaking any software licensing agreements;
- revealing confidential information without permission;
- breaches of other UCEM policies and regulations not covered by the above.

In addition to the above list, for students studying as part of an apprenticeship programme examples of minor misconduct also include:

- Unauthorised absence or persistent lateness;
- Insufficient monthly recording and submission of Off the Job Diary and insufficient monthly VLE activity.

3.2 Major misconduct

Where failure to observe UCEM conduct expectations is deemed to be of a sufficiently serious nature the matter will be treated as major misconduct. Examples of behaviour which would be considered as major misconduct include:

- Repeated incidents of conduct/behaviour initially classified and dealt with as 'minor misconduct';
- **Harassment** (as defined by Section 26 of the Equality Act 2010) includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because or, or connected to, one or more of the following protected characteristics:
 - i. Age
 - ii. Disability
 - iii. Gender reassignment
 - iv. Race
 - v. Religion or belief
 - vi. Sex
 - vii. Sexual orientation

UCEM understands harassment to include domestic violence and abuse (which can include control, coercion, threats) and stalking.

Harassment also includes any incidents of physical violence towards another person(s) on the basis of a protected characteristic, and hate crimes, such as those criminal offences which are perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.

Source: [Office for Students statement of expectations for preventing and addressing harassment and sexual misconduct affecting students in higher education \(opens new window\)](#).

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- **Sexual misconduct** related to all unwanted conduct of a sexual nature. This includes, but is not limited to:
 - i. Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)
 - ii. Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)
 - iii. Assault (as defined by the Sexual Offences Act 2003)
 - iv. Rape (as defined by the Sexual Offences Act 2003)
 - v. Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission, Sexual harassment and the law, 2017)
 - vi. Intimidation, or promising resources or benefits in return for sexual favours (as set out by the Equality and Human Rights Commission, Sexual harassment and the law, 2017)
 - vii. Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015).

Source: [Office for Students statement of expectations for preventing and addressing harassment and sexual misconduct affecting students in higher education \(opens new window\)](#).

- Physical or racial assault, or violent, indecent and/or abusive behaviour directed at other students, members of staff, visitors and any other person connected with UCEM programme delivery (for any reason, including on the grounds of race, sexuality, gender, or gender identity);
- Behaviour that brings UCEM's name into disrepute;
- Bullying or abusive behaviour;
- Theft of, damage to, or unauthorised use of property or systems belonging to UCEM, third-party learning delivery venues, other students, members of staff or visitors;
- Possession, sale, or use of illegal drugs on or in the local vicinity of UCEM property, and whilst at or in the local vicinity of third-party learning delivery or venues or whilst on UCEM organised activities;
- Being under the influence of alcohol or illegal drugs on or in the local vicinity of UCEM property, whilst at or in the local vicinity of third-party learning delivery venues or whilst on UCEM organised activities;
- Incidents other than minor incidents that undermine the British values of democracy, the rule of law, individual liberty and mutual respect and tolerance;
- The organisation of, or glorification of, criminal activity;
- The organisation of, or glorification of terrorism or extremist behaviour;
- Unlawful hate speech;
- Antisemitism (see [Appendix B](#): Definition of antisemitism);
- Islamophobia and all forms of racism
- Providing untrue or misleading information as part of the admissions process. This could include false information on previous qualifications you have obtained, or not supplying correct documentary evidence of previous qualifications;

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- Major incidents of misuse of programme materials, computing services, infringing UCEM's intellectual property rights or breaking any software license agreements;
- Other serious fraud, deception, or dishonesty, not covered by the Academic Misconduct Procedure.

4. Process for dealing with minor behavioural misconduct

4.1 Identification of suspected minor behavioural misconduct and verbal warning

If a student or member of staff witnesses or has been informed of minor behavioural misconduct, they should contact disciplinary@ucem.ac.uk immediately following the incident.

A verbal warning should be given in the first instance. The warning should highlight the Student Disciplinary Procedure and the consequences of the behaviour continuing (i.e., investigation and potential punishment). The warning should usually occur immediately after the behaviour has been witnessed or reported, but no later than 5 working days after. A UCEM staff member may issue this warning themselves or seek advice from disciplinary@ucem.ac.uk. The disciplinary team may advise an appropriate member of staff to give a verbal warning.

Any member of staff issuing a verbal warning should notify disciplinary@ucem.ac.uk of the details of the conversation so that this can be recorded on file. A template is provided in [Appendix C](#). A copy will be provided to the student and for students studying on an apprenticeship programme a copy will be given to the student's Apprenticeship Outcomes Officer and employer.

If the behaviour continues following the warning, this should be highlighted to disciplinary@ucem.ac.uk so that the matter can be investigated further.

4.2 Investigation

Following notification that a student's behaviour has not improved following a verbal warning for minor misconduct, the matter will be investigated by the Head of Academic Registry or Academic Registry Manager), referred to as the 'investigator'. This person will also make the ruling (see [section 4.5](#)). The investigator should have no perceived or actual conflict of interest when dealing with the case. If neither the Head of Academic Registry nor Academic Registry Manager is able to investigate for this reason, the Director of Academic Registry will nominate an appropriately trained alternate as investigator.

The investigator will liaise with the person making the referral and gather evidence. They may need to speak with anyone they believe will be able to provide information in relation to the matter. This may involve interview(s), phone/video call(s) and/or e-mail correspondence. Staff and/or students contacted are expected to cooperate in a timely matter. Evidence may include, but is not limited to, witness statements, attendance records, e-mails, social media and/or VLE posts. A Witness Statement Form is provided in [Appendix D](#).

As part of the investigation, it is expected that the investigator will meet with the student (see [section 4.4](#) below).

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4.3 Notice to student

In the event of suspected minor misconduct, students will receive notification in writing stating the nature of the suspected minor misconduct. This will detail how the investigation will be conducted so that they can respond appropriately. Students will be invited to meet with the investigator to discuss the matter. Students may find it useful to prepare a written statement or provide evidence in advance of the meeting, but this is not compulsory. Students should be given at least 5 working days' notice of the meeting.

4.4 Minor behavioural misconduct meeting

The discussion between the investigator and student will usually take place via teleconference. This meeting is an opportunity for the student to state their perception of the concern, respond to the allegation and present any mitigating factors and/or other evidence that would be important to the investigation. Mitigating factors may include (but are not limited to) a disability or mental health issues. The meeting is also an opportunity for the investigator to ask for any points of clarification and explanation from the student in order to progress their investigation and reach a conclusion. The meeting will be led by the investigator.

Those present will usually just be the investigator and student. For an apprenticeship student, this discussion may include the employer. The student is entitled to bring one additional person to the meeting for support, which could be a parent/guardian, colleague, friend or employer-designated support. This person should not normally be a legal representative unless there are specific reasons, agreed with UECM. The additional person should play no active part in the meeting except to offer support to the student. Where the student is aged under 19 or where the student is a 19–24-year-old care leaver, the student's parent/guardian will be informed, and the student's parent/guardian may also attend the meeting.

The investigator may record the meeting and they will take notes.

4.5 Outcome

The investigator should normally conclude their investigation within 20 working days of being notified of the suspected minor misconduct. The possible outcomes are:

- a. No case to answer:
- b. Proven minor misconduct.

If there is no case to answer, a referral may be made to the relevant UCEM support services, but otherwise no further action will be taken.

If the minor misconduct is proven, one or more of the following penalties may be applied:

- a written caution;
- a requirement to provide written confirmation agreeing to amend future behaviour;
- a requirement to write a letter of apology to a named party or parties;
- a fine not exceeding £250 to compensate a party or parties who have suffered a financially quantifiable loss as a result of the misconduct;
- a requirement to attend a particular course, training, or mediation session (which may be at the students' own cost, but will not exceed £150);
- changing of tutor groups;
- prevention from using a particular service to which the misconduct relates for a specified period of time (including permanently).

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The following factors will be taken into account when determining the penalty:

- severity;
- intent;
- persistence;
- any mitigating factors presented;
- admission of wrongdoing and/or remorse.

The student should receive written notification of the outcome of the investigation within 20 working days of the referral of their case. This notification will:

- summarise the allegation;
- summarise the investigation;
- state whether the case was proven/not proven;
- for proven cases, state action(s) required for improvement, any penalty or penalties applied, and the consequences of non-compliance with these (with clear deadlines);
- highlight the appeals process;
- highlight how to access support.

Where applicable, the student's parent/guardian or employer (only for apprentices) will also be provided with the written outcome.

The person or persons who referred the matter in the first instance should also usually be notified of the outcome. A witness will not be able to appeal the decision, but is entitled to raise a complaint under the [UCEM Student Complaints Procedure \(opens a new window\)](#) if they have concerns about how the matter was dealt with.

The investigator will be responsible for ensuring that the student has been offered any necessary support alongside monitoring the completion of any actions and/or penalties. They will also be responsible for signing off the completion of the actions. Records will be kept on the student file, and a further breach of UCEM conduct expectations will result in the process for dealing with major behavioural misconduct (see [section 5](#)) being initiated.

5. Process for dealing with major behavioural misconduct

5.1 Identification of suspected major behavioural misconduct

The process for dealing with major behavioural misconduct may be initiated in the following circumstances:

- the process for dealing with minor behavioural misconduct (see section 4) has been followed and there is no or insufficient improvement in behaviour; or
- a referral has been made following an investigation under the [Anti-Bullying, and Harassment and Sexual Misconduct procedure \(opens a new window\)](#); or
- the misconduct falls into one of the categories defined in [section 3.2](#) above.

If a student or any member of staff witnesses or has been informed of major behavioural misconduct, they should notify disciplinary@ucem.ac.uk.

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Safeguarding@ucem.ac.uk should be notified by the disciplinary team so that a risk assessment can be carried out (see [section 6](#)).

Allegations of major misconduct will be considered by the Student Disciplinary Panel.

5.2 Evidence gathering

The Head of Academic Registry or Academic Registry Manager will be responsible for gathering evidence and presenting it to the Student Disciplinary Panel. It is likely that they will need to will liaise with the person making the referral and they may need to speak with anyone they believe will be able to provide information in relation to the matter. This may involve interview(s), phone/video call(s), and/or e-mail correspondence. Staff and/or students contacted are expected to cooperate in a timely matter. Evidence may include, but is not limited to, witness statements, attendance records, e-mails, social media and/or VLE posts. A Witness Statement Form is provided in [Appendix C](#). In cases where the referral is due to persistence of an offence previously dealt with under the minor misconduct process, the records of that investigation should be included.

5.3 A student's right to reply

In the event of suspected major misconduct, students will receive notification in writing stating the nature of the suspected major misconduct within 10 working days of the major misconduct referral being made. This notification will outline the nature of the concern and inform the student that a Student Disciplinary Panel will be convened.

The student will also be given an opportunity of a 'right to reply'. This will require them to prepare a written statement of no more than 1500 words to present any mitigating factors and any other evidence that would be useful for the investigation. Mitigating factors may include (but are not limited to) a disability or mental health issues.

Where students choose not to provide a written statement, the investigation will still proceed based on the evidence available.

5.4 Student Disciplinary Panel

Please see the separate [Terms of Reference and Protocol for Student Disciplinary Panel \(opens a new window\)](#) meetings document for more information about the panel (including preparation, purpose, conduct and membership).

The panel will be convened to consider cases of potential major behavioural misconduct.

The panel will be convened in a timely manner and should not be unreasonably delayed. It should normally be held within 20 working days of the major misconduct referral.

Normally, the student will be invited to attend, either in person (if practicable) or via videoconference and will be given at least 10 working days' notice of the hearing. However, in some cases the Chair may decide it is not appropriate for the student to attend, in which case the student will be notified and will be allowed to make a written submission only.

For group allegations, the linked cases will normally be considered at the same Panel meeting so that all students involved will have an opportunity to hear and respond to what the other students have raised.

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No later than 5 working days prior to the hearing, the student will be provided with a copy of any documentation the panel will take into account in their decision, unless this is restricted by UCEM's Data Protection and Privacy Policy, the Data Protection Act 2018, or the General Data Protection Regulations 2016 (GDPR). The student will be asked to provide any evidence they wish to present at least 2 working days in advance of the panel.

For students who choose not to attend, their response to the right to reply will be fully considered. If a student does not attend or submit a written response, the panel will still go ahead.

Students are entitled to bring one additional person for support, which could be a parent/guardian, colleague, friend or employer-designated support. This person should not normally be a legal representative unless there are specific reasons, agreed with UCEM. Students studying on an apprenticeship programme should also be accompanied by their employer. For apprenticeship programmes where the student is aged under 19, or where the student is a 19–24-year-old care leaver, the student's parent/guardian will be informed, and the student's parent/guardian may also attend the panel meeting. Anyone accompanying the student should play no active part in the meeting except to offer support to the student.

All the evidence will be reviewed including the student's written or verbal submission(s) and a decision taken in line with the penalty sanctions detailed in [section 5.5](#) below.

5.5 Outcome

The possible outcomes are:

- a. No case to answer;
- b. Proven major misconduct.

If there is no case to answer, a referral may be made to the relevant UCEM support services, but otherwise no further action will be taken.

If the major misconduct is proven one or more of the following penalties may be applied:

- a written caution;
- a requirement to provide written confirmation agreeing to amend future behaviour;
- a requirement to write a letter of apology to a named party or parties;
- a fine not exceeding £250 to compensate a party or parties who have suffered a financially quantifiable loss as a result of the misconduct;
- a requirement to attend a particular course or training session (which may be at the students' own cost, but will not exceed £150);
- changing of tutor groups;
- prevention from using a particular service to which the misconduct relates for a specified period of time (including permanently);
- a final written warning stating that failure to comply with conditions set and/or any further breaches of UCEM student conduct expectations could result in temporary exclusion or the end of studies (end of contract);
- recommend temporary exclusion from UCEM in line with the [UCEM Academic and Programme Regulations - Applicable to all students studying on UCEM Taught Programmes at Levels 4 - 7 \(opens a new window\)](#) or [Research Degree Regulations – Applicable to all students studying on UCEM Research Programmes \(opens a new window\)](#);

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- recommend end of a student's study on their programme in line with the [UCEM Academic and Programme Regulations - Applicable to all students studying on UCEM Taught Programmes at Levels 4 - 7 \(opens a new window\)](#) or [Research Degree Regulations – Applicable to all students studying on UCEM Research Programmes \(opens a new window\)](#); including recommendation regarding whether the student should or should not be prevented from being considered for an intermediate exit award (provided they have achieved the required number of credits).

The student may be temporary excluded from UCEM or have their studies terminated, on the authority of the Vice-Chancellor, or on the authority delegated to the Deputy Vice Chancellor.

The following factors will be taken into account when determining the penalty:

- severity;
- intent;
- persistence;
- any mitigating factors presented;
- admission of wrongdoing and/or remorse.

For students on apprenticeship programmes, the outcome of the hearing will not be confirmed until after consultation with the Director of Apprenticeships and the apprentice's employer.

For students on postgraduate research programmes the outcome will be notified to The Open University as the awarding body for the programme.

The student should receive written notification of the outcome of the panel meeting within 5 working days of the date of the panel. This notification will:

- summarise the allegation;
- summarise the investigation;
- state whether the case was proven/not proven;
- for proven cases, state actions required for improvement, any penalty or penalties applied (including the reason), and the consequences of non-compliance with these (with clear deadlines);
- include the record of the panel meeting (minutes);
- highlight the appeals process;
- highlight how to access support.

Where applicable the student's parent/guardian, or employer (only for apprentices) will also be provided with the written outcome.

This may be the final written warning, and failure to comply with conditions set out in the letter and/or any further breaches of UCEM conduct expectations could result in temporary exclusion or the end of studies (end of contract) by the Vice Chancellor, or on the authority delegated to the Deputy Vice Chancellor.

The person or persons who referred the matter in the first instance should also usually be notified of the outcome. A witness will not be able to appeal the decision, but is entitled to raise a complaint under the [UCEM Student Complaints Procedure \(opens a new window\)](#) if they have concerns about how the matter was dealt with.

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The Head of Academic Registry or Academic Registry Manager (Academic Standards) will be responsible for ensuring that the student has been offered any necessary support alongside monitoring the completion of any actions and/or penalties. They will also be responsible for signing off the completion of the actions or referring non-completion of actions to the Vice Chancellor or Deputy Vice Chancellor for a decision on exclusion or end of a student's studies (end of contract) to be made.

If a student's study is terminated, they will be offered the support of UCEM's Careers Adviser to source further learning/employment opportunities.

6. Managing risk and criminal offences

A full risk assessment will be conducted in the following circumstances:

- cases of alleged major misconduct, or;
- where UCEM is made aware that the student is under investigation by the relevant authorities on suspicion of having committed a criminal offence, or;
- where UCEM is made aware that a student has been convicted of a criminal offence.

Risk assessments are conducted by a member of the Safeguarding team and should be carried out in a timeframe appropriate to the perceived risk, with serious cases being dealt with as a matter of urgency.

The UCEM Vice Chancellor or Pro-Vice Chancellor will consider any risks identified and whether precautionary action is required. Where one of the following conditions is satisfied the student may be temporarily excluded whilst the evidence is gathered, which will be followed by a Student Disciplinary Panel

- there is a risk that the student might harm others;
- there are safeguarding issues involved;
- there is a risk that the student might cause damage to property;
- there is a risk that the student may cause serious distress to other students or staff;
- there is reasonable suspicion that the student has been supplying illegal drugs;
- the incident involves the police or other authorities;
- there is a serious risk to the reputation or other aspect of UCEM;
- any other offence deemed to pose serious risk.

Normally, students will be informed that a risk assessment is being carried out and they will be given the opportunity to submit a written statement.

The UCEM Vice Chancellor or Pro-Vice Chancellor will provide final approval of whether the student poses a risk and whether it is possible for them to continue their studies. The student will be notified of UCEM's decision in writing. The notification will detail the length of any temporary exclusion and reasons for it.

Taking this action is not an indication that a student will be found guilty of misconduct; rather it is a safeguarding measure to protect those involved. This action would not be taken lightly and the full impact to the student (such as missing forthcoming assessments) should be considered.

Students have the right to appeal the decision as set out in [section 9](#).

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Where offences being investigated under the Student Disciplinary Procedure are criminal, UCEM will report these to the relevant authorities, as appropriate. Action taken under the Student Disciplinary Procedure may be deferred until the police action, criminal proceedings and/or civil proceedings against the student have been concluded. The student should be notified of any such deferral.

7. Timeliness

In line with guidance published by the Office of the Independent Adjudicator (OIA), the procedure should be concluded as quickly as possible; the investigation and formal proceedings should normally be concluded within 60 calendar days from the student being notified of the allegation. This timeframe does not encompass the time taken for any criminal proceedings to conclude.

UCEM recognises the importance of early intervention when there are concerns about a student's behavioural conduct. Each stage of the process should be dealt with in a timely manner and should not be unreasonably delayed. There is a balance between ensuring that meetings occur quickly, in order to support the student, and giving the student sufficient time to prepare.

8. Confidentiality

UCEM strictly adheres to the UK General Data Protection Regulation (GDPR) 2018 when dealing with personal and sensitive information (or special categories of personal data under UK GDPR).

Information about a student's disciplinary case will only be disclosed to those involved in:

- investigating or deciding upon it; and/or
- offering support; and/or
- providing evidence.

If it is deemed that a student has committed minor or major behavioural misconduct, this will be recorded on their student record. Record will also be kept of any verbal warnings issued.

Where there is alleged misconduct by an apprenticeship student, the student's employer will be informed. In addition, where the apprenticeship student is aged under 19, or where the student is a 19-24-year-old care leaver, the student's parent/guardian shall be informed.

For apprentices, the appropriate member(s) of the apprenticeship support team (for example the Apprenticeship Outcomes Officer (AOO)) will also be made aware of any investigations of misconduct so that they are able to provide any additional support and guidance in relation to the apprenticeship, for example through progress reviews.

For group allegations, it is important that all parties are aware of all evidence being presented to the panel, including the other student's 'right to reply' response. Sensitive personal information will be redacted.

UCEM may be required to inform relevant Professional Statutory and Accrediting Bodies about cases of behavioural misconduct.

As noted, where offences being investigated under the Student Disciplinary Procedure are criminal, UCEM will report these to the relevant authorities as appropriate.

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8.1 Witness confidentiality / anonymous concerns

In order for students to be able to properly defend themselves, it is not normally appropriate to keep the identity of any witnesses secret. If the witness expressly forbids their identity being made known, it may not be appropriate for the decision maker(s) to rely on the evidence of that witness. Anonymous concerns may also be more difficult to resolve if a case is proven, for example in situations where an outcome of the disciplinary process may be for someone to issue an apology, compensate a victim or change tutor groups. Witnesses should be assured that any information in relation to a case will be dealt with in line with the confidentiality principles outlined in [section 8](#) above.

Should a student wish to raise a concern anonymously, they can do so by logging it through a UCEM member of staff or student representative, stating that they wish to remain anonymous and asking the staff member or student representative to forward the concern. Alternatively, the student can contact disciplinary@ucem.ac.uk themselves, stating that they wish to remain anonymous. Any anonymous concern should be submitted with as much supporting evidence as possible (for example copies of emails or messages where inappropriate behaviour is alleged to have occurred) to support the investigation.

UCEM will endeavour to investigate all anonymous concerns wherever possible to the best of its ability. UCEM will consider each case individually and make a decision on whether it is possible to proceed with the investigation. Factors considered will include whether there is enough evidence to proceed, and also whether it is fair to the alleged perpetrator to proceed without knowing who has accused them and potentially without being able to view evidence of claims made against them (where this evidence would identify the accuser). Cases where an alleged party may not know who has accused them and cannot view any evidence against them will usually only proceed where UCEM reasonably believes there would be a genuine threat to the safety of the witness should their identity be revealed.

9. Right of appeal

A student has the right to appeal a disciplinary decision. Appeals can be made in line with the following procedures:

- For undergraduate and postgraduate taught students and apprentices via the [Student Appeals Procedure \(opens new window\)](#).
- For PGR students via the Postgraduate Research Students Appeals Procedure (opens new window).

10. Advice and support

Anyone may contact disciplinary@ucem.ac.uk for general queries regarding the process.

Students looking for particular support before, during or after a disciplinary case, either as someone accused or someone involved as a witness or victim, are advised to contact Student Central if they are on undergraduate or postgraduate taught programmes or the Graduate Research School if they are on a postgraduate research programme in the first instance, so that they can be directed to the most appropriate support service according to their situation.

Support available includes, but is not limited to:

- Disability and Welfare Team (including Safeguarding);
- Apprenticeship Outcomes Officer (Apprentices);
- External support (such as specialist organisations).

PGR students can also contact their personal tutor.

Disciplinary Procedure

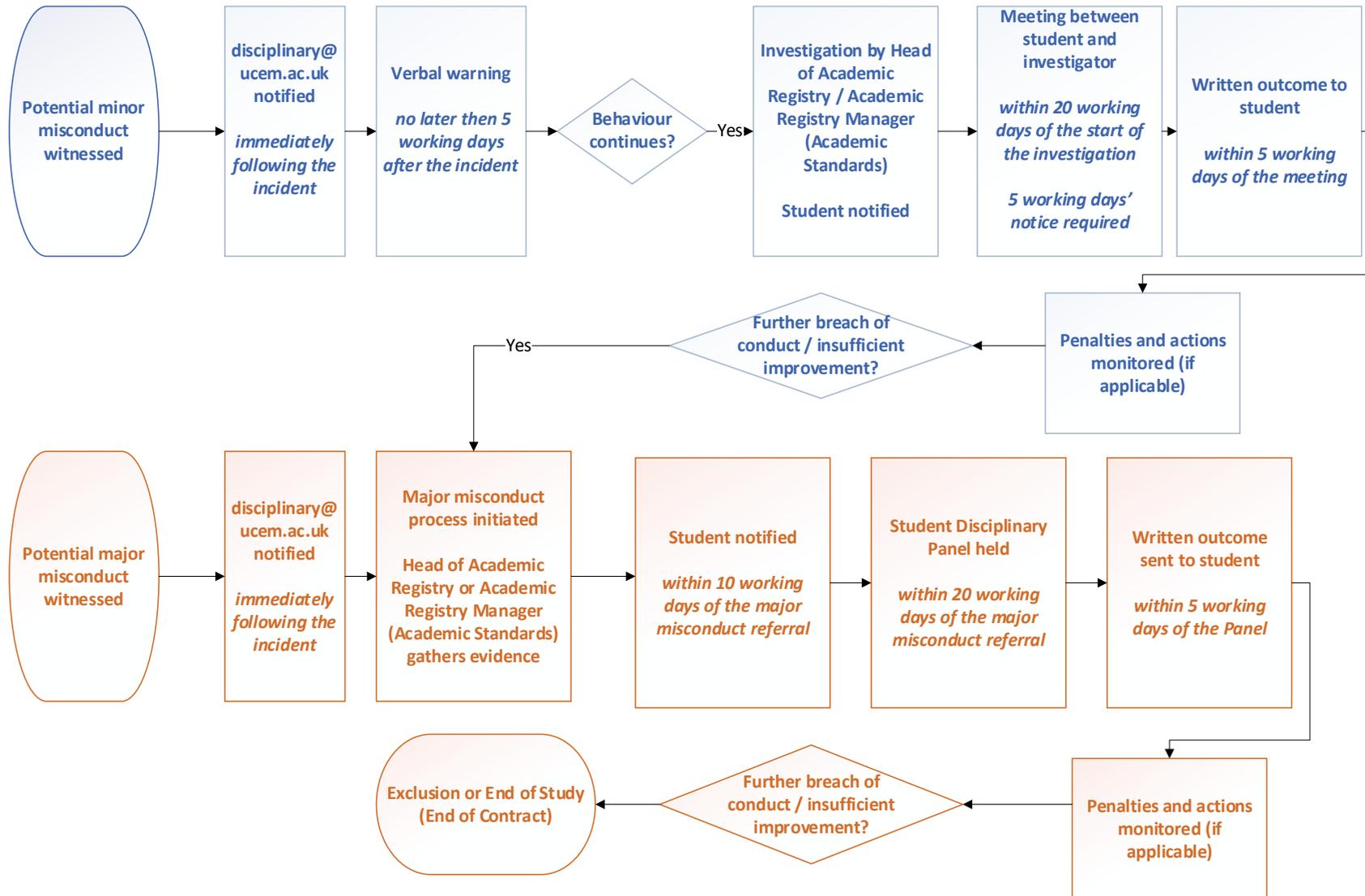
To avoid any actual or perceived conflict of interest, a member of staff offering specific support will not be involved in a decision-making capacity in any subsequent investigations, appeals or complaints.

As noted, students have the right to be accompanied by an additional person for support at disciplinary meetings or panels (see [section 4.4](#) and [section 5.5](#) for more information).

UCEM understands that going through a disciplinary process is likely to be difficult and stressful for a student. UCEM will act in the best interests of the whole student body at all times and commits to making appropriate support available.

Disciplinary Procedure

Appendix A: Student Disciplinary Process Diagram



Disciplinary Procedure

Appendix D: Witness Statement Form

This form is used in accordance with the UCEM Student Disciplinary Procedure, to record a witness statement in relation to suspected disciplinary misconduct.

<u>WITNESS STATEMENT</u>

On <ADD DATE> I, <ADD FULL NAME OF WITNESS>, witnessed the following behaviour by <ADD FULL NAME OF PERSON OR PERSONS WHOSE DISCIPLINARY MISCONDUCT WAS OBSERVED>:

Details:

<i>Please be as specific as possible and include date(s), time(s), location(s) and any relevant evidence.</i>

I confirm that the above statement is true and accurate.

Signed

Date
