

Non-Academic Misconduct Policy

Introduction

All University of East London students are expected to adhere to the standards of behaviour required of them as a member of the University community. The University recognises that students are responsible for their own behaviour and that in any community of adults' disputes between individuals will arise. This non-academic misconduct policy is not intended to address these interpersonal disputes. This document describes the University's disciplinary policy and procedures to be used when the University receives a written allegation that a student has broken the University's non-academic regulations, student codes of conduct, student contracts or other codes of practice.

The University will usually appoint an Investigating Officer to investigate whether a student has breached the University of East London's non-academic regulations. If the allegation is a Category 1 offence the investigation will take place at a local level e.g. Academic School, Residential Life, UEL Sports etc. If the allegation is a more serious Category 2 offence (see Appendix B) the investigation will take place at a formal level organised centrally by the Student Conduct Team. If the possible sanctions include suspension or exclusion, a formal disciplinary panel will hear the case. Category 2 offences may also include instances where student misconduct is frequent or repeated, or the student fails to comply with disciplinary decisions or sanctions previously applied. The student has the right of appeal at both levels.

<ul style="list-style-type: none">• Principles• Scope• Precautionary Measures• Category 1 Process (Local)• Category 2 Process (Formal)• Appeal against a sanction not involving expulsion• Appeal against expulsion	<ul style="list-style-type: none">• Appendix A – Code of Conduct• Appendix B – Category 2 offences• Appendix C – Precautionary Measures Risk Assessment• Appendix D – Category 1 Investigation Outcome Form• Appendix E – Support information
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1. Principles

1.1 The core principles of this policy and procedure are that the process is accessible, clear, proportional, timely, fair, and of benefit to the wider student experience

1.2 The University of East London's disciplinary process will operate in a fair and transparent manner in accordance with the principles of natural justice. It does not seek to reproduce elements of the criminal law and is not a formal legal process.

1.3 Individuals raising allegations of misconduct will normally be asked to confirm their allegations in writing and identify themselves and provide contact details. The University will not normally act in response to anonymous allegations of misconduct.

1.4 The University may terminate consideration of an allegation of non-academic misconduct complaint if it considers it to be frivolous or vexatious. The Director of Student and Academic Services will review such instances and if appropriate, they will write to the student explaining why the University is terminating consideration of the matter.

1.5 The standard of proof required for this disciplinary process is whether, on the balance of probabilities, that based on available evidence the misconduct was likely to have occurred.

1.6 A student who is alleged to have committed an act of misconduct will be informed of the nature of the allegation and will be given an opportunity to respond to the allegation. They will also be informed of the disciplinary process being followed and made aware of support options available (see Appendix E).

1.7 The University will conduct the disciplinary process in a timely manner, aiming to complete the process within 90 working days from start of investigation but this will depend upon the unique circumstances of each case e.g. the disciplinary process may be paused if a criminal investigation is ongoing.

1.8 The University will conduct its investigation into alleged misconduct in a fair and impartial way.

1.9 A student who is being investigated under this policy is entitled to be accompanied at any disciplinary meeting by a friend, relative or representative of the Students' Union. The accompanying person cannot be a professional legal representative who has been employed to act on the student's behalf nor can they act in the capacity of a legal advisor. Students are encouraged to seek advice and representation from the UEL Students' Union Advice Service.

1.10 Sanctions imposed under this Procedure will be reasonable, proportionate and consistent with standards applied across the University.

1.11 A student who is found, on the balance of probabilities, to have committed an act of non-academic misconduct has the right to appeal against any disciplinary finding or sanction.

1.12 The University believes that the purpose of a disciplinary process is to help raise the standard of behaviour in its community which is for the benefit of the wider student experience.

2. Scope

2.1 This policy applies to all students registered on any University module, programme or course.

2.2 This policy sets out how the University will address non-academic misconduct by students.

2.3 In broad terms this policy may be used when the University has received a report in writing of an allegation of;

- Misconduct which has caused actual or potential harm to people;
- Misconduct which has caused actual or potential damage to property;
- Misconduct which has disrupted or had the potential to disrupt the normal operations or safe use of the University
- Misconduct that has or could have caused reputational damage for the University in the community;

And where this misconduct has affected one or more of the following:

- The University of East London;

- A student or staff member of the University of East London;
- Others visiting the University of East London;

The University of East London may also take disciplinary action in response to misconduct which happens:

- During off-campus activities such as placements and field trips;
- On social media
- Whilst studying at partner organisations (though normally the partner institution disciplinary process will take priority);

2.4 Across the University there are a range of related procedures and policies which may offer a more relevant, effective and immediate means of influencing and managing student conduct. Where appropriate the University may choose to use one of the following policies and procedures in addition to, or instead of, the non-academic misconduct disciplinary procedure.

- For academic misconduct the Academic Integrity and Academic Policy will be applied
- For allegations of sexual violence or sexual misconduct the Sexual Violence and Misconduct Policy will be applied
- For complaints against the University the Complaints Procedure will be applied
- For students with health or mental health issues that are significantly impacting on their student experience the Responsibilities of students and fitness to study may be applied
- For students on professional courses the Suitability Procedure may be applied
- For students in University residential accommodation the Accommodation Agreement and Residential Life Handbook may be applied
- For students engaged in University of East London sports activities the Sports Code of Conduct may be applied

2. Precautionary Measures prior to disciplinary action

3.1 At times it may be necessary to mitigate risk and protect the University community by applying precautionary measures prior to the commencement of the non-academic misconduct process. Any such action is a precautionary measure only; it is neither a penalty nor sanction and does not indicate that the University has decided that the accused student has committed misconduct. Its aim is to protect all members of the University community.

3.2 The Director of Student and Academic Services, or nominee, makes the decision on whether to apply precautionary measures. The Director of Student and Academic Services, or nominee, will undertake a risk assessment and complete the Precautionary Measures Risk Assessment form (Appendix C) before a decision is made. If the Director of Student and Academic Services, or nominee, reasonably believes that a student against whom an allegation of misconduct has been made poses a risk, s/he may, acting under delegated authority from the Vice-Chancellor and President:

- Restrict a students' access to certain parts of campus, e.g. particular buildings or residential halls
- Restrict a students' participation to certain academic and/or non-curricula activities
- Restrict who a student can contact (e.g. a non-contact order may be issued)
- Suspend the student. Suspension means that the student is prohibited from participating in the academic activity of the University and the student's registration

on her/his programme of study is put on hold. A qualified or partial suspension may be put in place where appropriate.

- Exclude the student. Exclusion means that the student is prohibited from taking part in University activities, using University facilities and/or entering University grounds or premises. A qualified or partial exclusion may be put in place where appropriate

3.3 As part of her/his determination the Director of Student and Academic Services, or nominee, will consider whether specific arrangements can reasonably be put in place for any student subject to precautionary action, in order to minimise the impact on her/his studies and will liaise with the student's Academic School as appropriate.

3.4 The University may impose a requirement on all parties (including a student reporting a disciplinary concern) not to have contact with each other and with named others. This is called a non-contact order.

3.5 A student will be informed in writing when a precautionary measure has been applied to them and the reasons for this, normally within two working days of the decision.

3.6 A student has the right to appeal the precautionary measures applied to them. The student can appeal against the precautionary measures at any point during their application by writing to the Director of Student and Academic Services expressing their reasons for the appeal.

3.7 Any precautionary measures will be reviewed at regular intervals (and a minimum of every three months) to consider whether they should be revoked, extended or the terms amended. In the case of the University awaiting the outcome of any criminal proceedings or investigations the precautionary measures are likely to remain in place for the duration.

3.8 If a student breaches the precautionary measures applied to them then this is non-academic misconduct and may be subject to further disciplinary action.

3. Category 1 Local Process

4.1 The University of East London recognises that incidents may occur which do not need to be investigated through a central disciplinary process. Academic Schools and other local departments being able to recognise and intervene early in local incidents is likely to better improve the wider student experience, educate students on the required standards of behaviour and lead to more constructive resolutions. The intention of the Category 1 process is to try and resolve local, less serious issues as constructively as possible in a timely manner to better equip students to adhere to the standards of behaviour expected of the University of East London community. However, it is important that for those non-academic misconduct cases where an upheld allegation may result in sanctions being applied to the student that a thorough and fair process is followed. The Category 1 Local process should therefore be followed if the misconduct is likely to result in a disciplinary sanction.

4.2 Where it is not clear to the Dean of School/Head of Department/Head of Service how the alleged offence should be categorised e.g. Category 1 or Category 2, they should contact the Student Conduct Team who will advise accordingly.

4.3 The relevant Dean of School/Head of Department/Head of Service is responsible for the investigation into the non-academic misconduct, but they may nominate someone in their School/Department to be the Investigating Officer.

4.4 The Investigating Officer will review the allegation and the evidence and/or witness statements provided. The Investigating Officer will contact the accused student inviting them to discuss the case so they can provide their response to the allegation and to offer any evidence which supports their case. The Investigating Officer will collect further evidence from relevant parties and make any further enquiries that they deem necessary for the investigation. The Investigating Officer is looking for evidence to determine whether, on the balance of probability, the alleged misconduct took place.

4.5 The student may choose to admit to the allegation and this admission may be taken favourably into account when considering what sanction, if any, to apply.

4.6 If the student does not take up the opportunity to speak to the Investigating Officer the disciplinary process will still proceed, and a finding will still be made based on the evidence available to Investigating Officer. It is strongly recommended that the student engages with the Investigating Officer.

4.7 Once the investigation has concluded the Investigating Officer may;

- Dismiss the allegation as on the balance of probability misconduct was not found
- Conclude that on the balance of probability the misconduct took place
- Suggest a different University procedure be used to address the misconduct
- Refer the case to the Formal stage if during the investigation new information emerged that elevated the misconduct to a Category 2 case

4.8 The Investigator should complete the Category 1 Investigation Outcome form (Appendix D) and the finding should be reviewed by the Dean/Head before being sent to the Student Conduct Team studentconduct@uel.ac.uk . The Dean/Head can recommend a sanction, but it will be the Student Conduct Team who apply the sanction to ensure sanctions are proportionate.

4.9 The Student Conduct Team will formally write to the student within three working days of the Category 1 Investigation Outcome form being received, notifying them of the outcome of the investigation and any sanction applied.

4.10 A student may appeal the finding and sanction by contacting the Student Conduct Team studentconduct@uel.ac.uk within 10 working days of the date of their sanction letter. The appeal will only be accepted if it meets one or more of the following grounds:

- the University has failed to follow the procedure set out in this Procedure
- the decision was unreasonable and/or a disproportionate outcome has been imposed
- the student has material new information/evidence which was not reasonably available before.

4.11 The appeal will be heard by a Reviewing Officer, who will be the Director of Student & Academic Services, or nominee. They will not re-investigate the whole case but will review whether the correct processes were followed, review the assembled evidence (including any new evidence provided) and review the sanction applied to assess if it was unreasonable or disproportionate.

4.12 Once the review has concluded the Reviewing Officer may;

- Uphold the appeal as the correct processes were not followed

- Uphold the appeal as the new evidence has changed the balance of probability so misconduct is now not found
- Reject the appeal and support the original finding and sanction
- Reject the appeal and support the original finding but recommend a lesser sanction
- Suggest a different University procedure be used to address the misconduct
- Refer the case to the Formal stage if the Reviewing Officer felt that the case required a panel hearing

The Reviewing Officer will complete a written report, providing their decision and explanation for their decision. This will be forwarded to the Dean/Head and the Student Conduct Team. The Student Conduct Team will inform the student of the outcome of the appeal within three working days.

4.14 The decision of the Reviewing Officer will be final and there shall be no right of appeal.

5. Category 2 Formal Process

5.1 A student may find their misconduct elevated to the Category 2 Formal process if it is unable to be resolved at the Category 1 level, if the student misconduct is frequent or repeated, if the student fails to comply with disciplinary decisions or sanctions previously applied, or if the allegation is a more serious Category 2 offence (see Appendix B). If a student is faced with the possibility of suspension or exclusion their case will be heard by a disciplinary panel.

5.2 In the Category 2 Formal process an Investigating Officer will be appointed centrally by the Student Conduct Team. The Investigating Officer should not know the Responding Student, Reporting Student or any witnesses.

5.3 The Investigating Officer will review the allegation and the evidence and/or witness statements provided. The Investigating Officer will contact the accused student inviting them to discuss the case so they can provide their response to the allegation and to offer any evidence which supports their case. The Investigating Officer will collect further evidence from relevant parties and make any further enquiries that they deem necessary for the investigation. The Investigating Officer is looking for evidence to determine whether, on the balance of probability, the alleged misconduct took place.

5.4 If the student does not take up the opportunity to speak to the Investigating Officer the disciplinary process will still proceed, and a finding will still be made based on the evidence available to the Disciplinary Panel. It is strongly recommended that the student engages with the Investigating Officer and the Disciplinary Panel.

5.8 Once the investigation is complete the Investigating Officer will write an Investigation Report which will be shared with the student(s) and the Disciplinary Panel.

5.9 A Disciplinary Panel will be convened with administrative support provided by the Student Conduct Team. The Disciplinary Panel members will be appointed by the Director of Student and Academic Services, or nominee. The Chair of a Disciplinary Panel will usually be a senior member of staff. Panel members contributing to the decision (i.e. all staff except the administrative support) will have had no prior involvement with the Responding Student(s). Where possible we will seek to ensure the composition of the panel reflects the diversity of our institution.

5.10 The student(s) will be notified in writing that they are requested to attend a Disciplinary Panel and will normally be provided with at least seven working days' notice of the hearing date.

5.11 All relevant documentation available to the Disciplinary Panel will be shared with the student at least 3 days before the hearing.

5.12 The student is permitted to call witnesses to the hearing. The names of any witnesses must be provided to the Student Conduct Team in writing at least 5 days before the hearing date so logistical arrangements can be put in place. If any of the witnesses are new to the case, i.e. they were not called as witnesses during the investigation, the Chair of the Disciplinary Panel will decide whether to admit them.

5.13 The University may also invite witnesses to the hearing. If it does so, the Responding Student will be informed of this in advance of the hearing. If any of the witnesses are new to the case, i.e. they were not called as witnesses during the investigation, the Chair of the Disciplinary Panel will decide whether to admit them.

5.14 The Responding Student has the right to be accompanied at the hearing (as per section 1.9 above) but that this persons' name needs to be submitted in writing to the Student Conduct Team at least five days before the date of the hearing. If details of the accompanying person are not provided by then the Chair of the Disciplinary Panel can reserve the right to refuse admission to the accompanying person. If the accompanying person's behaviour at the hearing is deemed inappropriate, the Chair has the right to demand that they be removed.

5.15 It is in the best interest of the Responding Student to attend the Disciplinary Panel. If they choose not to appear before the panel, the panel has the right to hear the case in their absence.

5.15 The University strongly advises that a student attending a disciplinary panel seeks the advice and support of the Student Union Advice Team <https://www.uelunion.org/advice/>

5.16 At the Disciplinary Panel the Investigating Officer will present their findings. The Responding Student will be invited to respond to the allegations of misconduct made. The panel will ask questions of the Investigating Officer, Responding Student and any witnesses.

5.17 At the conclusion of the hearing the Disciplinary Panel will discuss the case in private and will reach a decision based on the available evidence. The Panel will endeavour to make a decision on the same day as the hearing, but this may not always be possible. The Disciplinary Panel may make one of the following decisions:

- Dismiss the allegation as on the balance of probability misconduct was not found
- Conclude that on the balance of probability the misconduct took place but take no further action
- Conclude that on the balance of probability the misconduct took place and apply a proportionate sanction
- Conclude that on the balance of probability the misconduct took place and recommend the student be suspended, excluded or expelled

5.18 Should the Disciplinary Panel be unable to reach a consensus the Chair will have the determining voice. The Chair of the Panel, through the Student Conduct Team, will write to the student conveying the Panel's decision, together with reasons and any associated conditions, in writing and normally within two working days of the date of the decision.

5.19 The Reporting Student will, where appropriate, also be notified of the outcome.

5.20 In the event that the decision involves the suspension or exclusion of the student then the relevant Dean of School will work with the Department of Student and Academic Services to devise and implement a plan to support the student's study where that is possible and appropriate.

5. Appeal against a sanction not involving expulsion

6.1 Students can appeal the decision within ten working days of the date of the letter detailing the Disciplinary Panels decision.

6.2 Students can appeal by contacting the Complaints and Appeals Team complaints@uel.ac.uk detailing the reasons for their appeal. An appeal can only be made because of one or more of the following grounds:

- the University has failed to follow the procedure set out in this Procedure
- the decision was unreasonable and/or a disproportionate outcome has been imposed
- the student has material new information/evidence which was not reasonably available before.

6.3 Pending the outcome of any appeal the decision and sanction of the Disciplinary Panel will remain in force.

6.4 The Complaints and Appeals Team will consider the appeal submission and determine whether there are valid grounds to proceed. The student will be notified by the Complaints and Appeals Team within seven working days of their appeal being received whether there are valid grounds to proceed, or not.

6.5 Where valid grounds have been determined for an appeal, a nominated Head of School/ Director of Professional Service not previously involved in the case will determine the appeal solely by review of the documentary evidence available and will either:

- dismiss the appeal (in whole or part), and/or
- uphold the appeal (in whole or part) and:
- refer the matter back to an earlier Stage of this Procedure for reconsideration, e.g. if procedure had not been followed
- refer the matter back to an earlier Stage of this Procedure for fresh consideration, e.g. if material new information or evidence was made available, or
- impose an alternative sanction.

The student will be notified of the appeal outcome by the Complaints and Appeals Team within ten working days of the date of the letter informing the student that the appeal was being considered.

6.6 The decision of the Head of School/Director of Professional Service will be final and will conclude this Procedure

6. Appeal against expulsion

7.1 Where a Panel decides that a student should be expelled, a full report on the matter should be submitted to the Vice-Chancellor by the Student Conduct Team, with the recommendation that any student concerned be expelled under the general disciplinary powers of the Vice-Chancellor

7.2 Students can appeal the decision within ten working days of the date of the letter detailing the Disciplinary Panels decision

7.3 The University Secretary will consider the appeal submission and determine whether there are valid grounds to proceed. The student will be notified by the University Secretary within seven working days of their appeal being received whether there are valid grounds to proceed, or not.

7.4 Where valid grounds have been determined, the University Secretary will invite the student to submit additional evidence for further consideration and may also invite the student to attend a meeting, if this is deemed appropriate based on the evidence presented. A student may make a request in writing to the University Secretary to attend a meeting with the Vice-Chancellor, or senior nominee, to discuss the appeal.

7.5 The Vice-Chancellor, or their nominated senior alternate, will determine the appeal, and will make one of the following decisions:

- dismiss the appeal (in whole or part) and/or
- uphold the appeal (in whole or part) and:
- refer the matter back to an earlier Stage or section of this Procedure for reconsideration, e.g. if procedure had not been followed
- refer the matter back to an earlier Stage or section of this Procedure for fresh consideration, e.g. if material new information or evidence was made available, or
- impose an alternative sanction.

7.6 The student will be notified in writing of the appeal outcome by the Vice-Chancellor's Office within fourteen working days of the date of the letter informing the student that the appeal was being considered

7.7 The decision of the Vice-Chancellor will be final and will conclude this Procedure.

8. Completion of the University Student Disciplinary Procedure

8.1 At the conclusion of the University's Student Disciplinary Procedure a Completions of Procedures letter will be issued to the Responding Student within 28 days. The conclusion of the University's Student Disciplinary Procedure occurs when;

- The student's opportunity to appeal elapses;
- Or when the student receives notification that their appeal will not proceed;
- Or when the student receives notification that their appeal has not been upheld;
- Or when the student receives notification that their appeal has been wholly upheld, and no further action is required

8.2 UEL will provide the Responding Student with a Completion of Procedures letter which confirms that the University's internal procedures have been completed.

8.3 If either the Responding Student or Reporting Student are dissatisfied with the way the University have handled the disciplinary process they can raise a complaint through the Student Complaints Procedure <https://www.uel.ac.uk/about/about-uel/governance/policies-regulations-corporate-documents/student-policies/student-complaint-procedure> The University recommends any student wishing to raise a complaint receives support from the Student Union Advice Team <https://www.uelunion.org/advice/>

8.4 If a student is not satisfied with the way the University have handled their complaint, they can raise a complaint to the Office of the Independent Adjudicator (OIA). Complaints must normally be received by the OIA within twelve months of the date of the Completion of

Procedures Letter; otherwise the OIA may consider the complaint to be out of time. Further information is available from the Students' Union Advice Centre and at: <http://www.oiahe.org.uk/>

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Appendix A – Code of Conduct

Links to all codes of conduct here

Appendix B – Category 2 offences

List of possible category 2 offences

Appendix C – Precautionary Measures Risk Assessment

Template to be inserted

Appendix D – Category 1 Investigation Outcome Form

Template to be inserted

Appendix E – Support information

Links to support options