

# **The University of Bolton**

## **Student Non Academic Conduct and Disciplinary Policy and Procedure**

**Students, as independent learners of the University of Bolton, are expected to behave in a mature and responsible manner. This policy and**

Health and Safety Policy  
 Library Rules and Regulations  
 Mental Health Policy  
 Policy on use of illegal drugs and misuse of legal drugs by students  
 Prevent Policy  
 Regulations on the use of University IT Facilities  
 Sports Facilities Regulations  
 Student Admissions Policy  
 Student Attendance Policy  
 Student Complaints Procedure  
 Health, Wellbeing and Supported Study Policy

1.5 It is expected that, where appropriate, staff and students will seek to resolve matters informally before any formal disciplinary procedures are invoked. During the informal process the issues should be explained to the student clearly so that they understand the concerns and what the expectations are in order that the invocation of the formal procedure will be rendered unnecessary. Whilst this stage is informal in order to maintain clarity the outcomes of the meeting should be provided to the student in writing.

1.6 Should the required improvement not be forthcoming, or if the perceived problem is considered to be of a sufficiently serious nature, then the formal procedure as set out in section 6 of this document should be followed.

1.7 result of illness, mental health difficulties, psychological, personality or emotional disorders, the applicability of the Mental Health Policy/Health, Wellbeing and Supported Study Policy and Procedure should be considered.

1.8 If there are Fitness to Practise issues to be considered, the Initial Investigation Stage (see Section 4) may require action to be taken to mitigate immediate risks to third parties e.g. patients, clients, and once the Disciplinary Procedure is completed the case may be considered under the Fitness to Practise Procedure.

1.9 The University has a duty of care to the students of the University and there may be occasions when decisions are taken to protect the interests of the student body.

**2 Variations to the Procedure**

2.1 The University reserves the right to vary any stage in this procedure as it deems appropriate after consultation with the Union in order to comply with any current legal obligations and best practice.

2.2 Where mention is made in this procedure of action by specific post holder or role holder this action may be delegated to an appropriate nominee where warranted by the circumstances, for example, where there is or may be any potential conflict of roles or

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interests, or the specific post holder or role holder is absent, so long as the nominee has appropriate seniority and/or experience to be able to act on behalf of the specific post or role holder.

### **3 General Principles**

#### **3.1 General Principles**

- 3.1.1 In all cases the principles of natural justice will be applied.
- 3.1.2 Information and formal meetings may take place in person or via remote telecommunications systems. When remote telecommunications systems are to be used all parties are normally expected to activate their camera during the entirety of the meeting.
- 3.1.3 No formal disciplinary action will be taken against a student until the initial investigation stage has been completed. It is expected that minor issues of misconduct can normally be resolved informally between those involved either, student and student or student and member of staff.
- 3.1.4 In the event that criminal proceedings have been taken against the student, the University disciplinary procedure will normally be suspended until the criminal proceedings are complete.
- 3.1.5 In the first instance it will be the duty of the Investigating Officer (as defined in paragraph 4.1) to decide, in consultation with the Standards and  
whether and at  
what level the formal procedure should be initiated.
- 3.1.6 A student may be summarily excluded, i.e. excluded without notice, for

### 3.1.9

nominee providing the nominee is a member of the University Executive Board or Dean of Faculty and they inform the Vice Chancellor of the suspension so that the/she may affirm the action) shall have the right to suspend a student for misconduct or any good and urgent cause (see Section 5).

3.1.10 Only the Vice Chancellor shall have the right to expel a student for misconduct or any other good and urgent cause.

3.1.11 The University in undertaking any aspect of this procedure will seek to make reasonable adjustments for students with a disability and in particular refer to the Health, Wellbeing and Supported Study Policy where reasonable to do so.

## 3.2 Notice of Hearings

### 3.2.1

hearings. It is recognised, however, that this may have to be exceeded in exceptional circumstances.

## 3.3 Confidentiality/Recording of Meetings

3.3.1 The University aims during an investigation or any steps under this procedure to deal with matters sensitively and in confidence, to the extent that it is able to do so. All students will be required to treat as confidential any information communicated to them in connection with an investigation or disciplinary matter. Witnesses will be required to treat as confidential any information given to them during the course of an investigation, including tdu756 (g th)-3(e cours)-4(oem5eW\*ionf)-2g0 G[

- 4.2 A student involved in the investigatory stage is expected to cooperate fully and promptly and provide such assistance to the Investigating Officer as is required. This will include informing the Investigating Officer of the names of any relevant witnesses, disclosing any relevant documents to him/her and attending any investigative interviews. The student and any witnesses will be advised as to the sensitive nature of the investigation and the need for confidentiality.
- 4.3 The extent of any investigation and/or enquiry will depend on the nature of the allegations of misconduct and will vary from case to case.
- 4.4 The Investigating Officer, with the Head of School/Centre and/or Dean of Faculty, taking advice from the Standards and Enhancement Office as necessary, will determine if the investigation indicates that a formal disciplinary hearing is warranted, and if so the matter should proceed under the process set out at Section 6 below.
- 4.5 In cases whereby the Health, Wellbeing and Supported Study Policy and Procedure is to be invoked this will form part of the investigation and

Disciplinary Officer will be a member of the University Senior Management Team. Support for the Disciplinary Officer will be arranged by the student's Faculty. Such notice will also detail the allegations of misconduct that will be considered at the disciplinary hearing, clearly state the date, time and place of the hearing, and state the entitlement to be accompanied by a companion who will normally be a representative of the student's Faculty. The notice will also invite the student to inform the Disciplinary Office of any reasonable adjustments that are required which will be accommodated where reasonably practicable. Reasonable time should be permitted for the student to prepare for the hearing.

- 6.2 At least 5 working days before the date of the disciplinary hearing (unless this is not reasonably practicable) the student should be provided with information and copies of any relevant documents and/or witness statements adduced as part of the investigatory stage that will be used at the hearing. confidential, the student will be provided with as much information as possible in relation to the evidence provided by the witness in question, whilst maintaining confidentiality.
- 6.3 The student should attend the hearing. If the student cannot attend at the date/time specified he/she should inform the Disciplinary Officer immediately who will seek to agree an alternative date/time.
- 6.4 If the student does not attend the hearing without giving notice and/or without good reason the Disciplinary Hearing will be held and a decision made on the information and evidence available to the Disciplinary Officer.
- 6.5 The purpose of the disciplinary hearing is to review the evidence and to enable the student to respond to any allegations of misconduct that have been made against him/her. may make representation and ask questions but should not answer questions on the hearing. The student's representative at any time during the hearing.
- 6.6 At the hearing the Disciplinary Officer will explain the process that will be followed and will confirm the allegations of misconduct. The case against the student will be presented, together with any supporting evidence. Representative) shall set out his/her response, referring where appropriate to evidence.
- 6.7 The disciplinary hearing may be adjourned if the Disciplinary Officer deems that further investigations are necessary. The student will be given reasonable opportunity to consider any new information obtained before



7.4.3 The student may be required to give a written undertaking as to his/her future conduct.

7.4.4 The student may be required to make restitution for any damage, loss and/or theft they have caused by the misconduct.

7.4.5 remaining period of their registration at the University of Bolton, after which time it will be removed from their student record

## **7.5 Final Formal Action for Misconduct**



appeal. The grounds for an appeal may be:

- a) There was a procedural irregularity in the conduct of the Disciplinary Panel or the investigation that may render the original decision unsafe;
- b) New material evidence is available which the student was unable, for valid reasons, to provide earlier in the process and which may have resulted in a different outcome;
- c) The outcome (whether the decision or sanction) was unreasonable.

The Standards and Enhancement Office will determine if the request for an appeal is to be permitted or is to be rejected based on the grounds that the student has identified and the student will be informed of that decision in writing. If the appeal is rejected the letter explaining the reasons why will also be the Completion of Procedures Letter which indicates that the internal procedures have now been completed.

- 8.7 If the appeal is permitted, the student will be notified in writing of the arrangements for the appeal, whether the appeal will be considered by the written submission or at a hearing, and his/her right to be accompanied at a hearing by a companion who will normally be a representative of the The notice will  
also invite the student to inform the

themselves based on evidence and on the balance of probabilities that the case against the student is proven, the Appeal Officer will determine what the disciplinary sanctions(s) should be revoked or amended.

- 8.13 The student will be informed of the outcome of the appeal in writing normally within five workingdays of the appeal hearing. The appeal process is the end of the University internal procedures and the Appeal Outcome Letter will also be the Completion of Procedures Letter.
- 8.14 There is no further right to appeal and the internal procedure is exhausted at this stage.
- 8.15 In circumstances where the Appeal Officer determines to uphold an appeal by a student:
  - 8.15.1 In the case of verbal or written warning being given the warning will be removedfrom record;
  - 8.15.2 In the case of theexpulsion took effect and the student will not be deemed to have had any breakin their studies.

## **9 Completion of Procedures and**

and diversity means that this policy has been screened in relation to the use of plain English and the promotion of the positive duty in relation to the protected characteristics of race, sex, disability, age, sexual orientation, religion or belief, gender reassignment, marriage and civil partnership, pregnancy and maternity.

#### **14 Dissemination of and access to the Policy**

- 14.1 This policy is published on the University of Bolton [Student Information Policy Zone](#) and on the [University of Bolton Governance website](#).

<b>Student Non Academic Conduct and Disciplinary Policy and Procedure</b>	
Policy Ref	
Version Number	4
Version Date	June 2021
Name of Developer	Hilary Birtwistle
Policy Owner (School/Centre/Unit)	Standards and Enhancement Office
Person responsible for implementation (post holder)	Head of Quality Systems
Approving Committee/Board	Board of Governors Updates approved by Senate
Date approved	1 <sup>st</sup> March 2016 Updates approved by Senate 22 May 2017
Effective from	01/08/2021
Dissemination method (e.g. website)	Web pages
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Document History (e.g. rationale for and dates of previous amendments)	V1 2016 - To update the policy and procedures in line with legislation and to reflect organisational changes V2 2017 To update related policies (1.4); Disciplinary Officer role to be undertaken by member of Senior Management team (6.1); clarify that hearings will take place in the event that the students does not attend and has not notified the Head of QualitySystems that they need to make alternTf1 i.9

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## Appendix A

### An illustrative, non-exhaustive list of unacceptable behaviours and conduct

The aim of this appendix is to give illustrations, which are not exhaustive, of behaviours and conduct which will normally be deemed by the University to constitute serious breaches of discipline for the purposes of this Policy, whether expressed orally, in writing or electronically, occurring on University premises or elsewhere, including social networking/media sites, blogs, websites or other media.

In investigating the circumstances surrounding a particular incident, and being presented with any other mitigating factors, the University may choose to impose sanctions less than those outlined in this appendix.

Sanctions which warrant expulsion from the University for the first breach are considered to be examples of serious misconduct

	<b>Breach</b>	<b>First Formal Sanction</b>	<b>Second Formal Sanction</b>	<b>Final Formal Sanction</b>
<b>1</b>	<b>Conduct to Others</b>			
1.1	Use of violent, aggressive, disorderly, threatening, intimidating, defamatory, derogatory, offensive, indecent/sexual/inappropriate language and/or behaviour exhibited during the academic, administrative, sporting, social or other activities whether directed to other students, staff, visitors or members of the public which would be deemed by common consent likely to cause fear, distress or offence;	Up to and including expulsion		



2.6	Involvement in unauthorised gambling activity on University Premises or via University online platforms;	Verbal Warning	Written Warning	Expulsion
2.7	Communicating information confidential to the University to anyone outside of the University;	Verbal Warning	Written Warning	Expulsion
2.8	Misuse, inappropriate or unauthorised use of University premises, facilities, equipment, University online platforms or property, including the unauthorised possession of a key to University premises;	Up to and including expulsion		

2.9

2.16	Failure to disclose a criminal record;	Up to and including expulsion		
2.17	Any conduct which constitutes a criminal offence where that conduct: <ul style="list-style-type: none"> <li>a. takes place on University online sites, facilities or platforms and University premises or premises hired in the Universities name; or</li> <li>b. affects or concerns other members of the University community; or</li> <li>c. damages the good name of the University; or</li> <li>d. itself is a breach of this procedure; or</li> <li>e. Any conduct where that conduct encourages terrorism and/or invites support from a proscribed terrorist organisation.</li> </ul>	Up to and including expulsion		
<b>3</b>	<b>Health and Safety of self and others</b>			
3.1		Verbal Warning	Written Warning	Expulsion
3.2	Actions likely to cause harm, endanger safety or cause false fire alarms in breach of the Health and Safety Policy	Verbal Warning	Written Warning	Expulsion
3.3	Willful and deliberate contravention of			



## Appendix B

### Minimum Levels of Authority in Respect of the Formal Stage of the Student Non Academic Conduct and Disciplinary Policy and Procedure

	<b>Formal Verbal Warning /Written Warning/ requirement for written undertaking with</b>	<b>Suspension</b>	<b>Expulsion</b>	<b>Appeal against Discipline</b>	<b>Appeal against Expulsion</b>
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**If appealing under Ground B – New information.** Please explain clearly in the box below why this was not available at an earlier stage of the process and the relevance of the evidence to your appeal - include relevant documents with your submitted appeal, or indicate if the item(s) are 'to follow' with timescale for their availability

**If appealing under Ground C – Outcome unreasonable.** Please explain clearly in the box below why you believe the outcome of the panel was unreasonable

**Request for an extension to acquire further information:**

Should you require further time to acquire additional documentary evidence you can make a request here. To do this you must state:

- the precise nature of the documentation to follow,
- the grounds for appeal it relates to,
- the reason that it is not currently available,
- the date by which you will be able to submit the document.

Please provide details below:

**Declaration** (you must complete this section)

I declare that the information given in this form is accurate, the supporting evidence is genuine, and that I have read and understood the relevant Procedures.

Name:

Date:

The completed form and supporting documentation should be submitted via e-mail to: [SEO@Bolton.ac.uk](mailto:SEO@Bolton.ac.uk)

An officer of the University will review your appeal to confirm that you have submitted your appeal in time, and have established allowable grounds with appropriate and relevant evidence.