

QUALITY ASSURANCE DOCUMENT QA 60 – STUDENT DISCIPLINARY PROCEDURE

INTRODUCTION

All Arden University students are expected to abide by the University's rules and regulations, including those relating to conduct as defined in the Code of Conduct. This document outlines the processes for dealing with behaviour that may be considered unacceptable within this context.

STAGE ONE: INITIAL INVESTIGATION

Any complaint must be made in writing within 10 working days of the incident.

Complaints made about a student by a member of staff or by another student will be dealt with using this procedure.

Arden University will deal with any complaint about a student's behaviour in the following way:

1. The complaint will be investigated initially by the Director of Student Experience or nominee.
2. Where the Director of Student Experience or nominee, in consultation with a Head of School, deems it appropriate, they may suspend the student from their programme of study until the investigation has taken place.
3. If the Director of Student Experience or nominee, in consultation with a Head of School, decides that there is no evidence of unacceptable behaviour, no action is taken.
4. In the event that the Director of Student Experience or nominee determines that there is sufficient evidence of a case of unacceptable behaviour then the student will be advised of the allegation and asked to provide a response on the matter within a specified time period. If the student is under 18 years old, details of the complaint will also be sent to the parent or guardian with an explanation of the action taken.
5. On receipt of the response, the Director of Student Experience or nominee, in consultation with a Head of School, may dismiss the allegation or, if they feel it appropriate, deal with the matter through the issuance of a verbal or written warning. In all other cases the matter must be referred to the Student Disciplinary Committee. Where a case is referred the student must be advised of this.
6. A reference to the Student Disciplinary Committee, will outline which part of the Code of Conduct the student is alleged to have broken and must provide:
 - a. A written record of the complaint
 - b. A report of the initial investigation
 - c. Any evidence on which the complaint is based and the response

STAGE TWO: REFERRAL TO THE STUDENT DISCIPLINE COMMITTEE

Student Discipline Committee

7. The Head of Quality or nominee will contact the student to arrange his/her attendance at a meeting of the Student Discipline Committee, normally within 10 working days from the day in which they received the information in section 6.
8. If an agreeable date for the hearing cannot be arranged with the student within 30 working days, the hearing will go ahead on the basis that the student denies the allegation. If the student does not respond to confirm attendance at the hearing, the committee will still go ahead as long as the panel is satisfied that the student has received the information about the hearing.
9. At least 10 working days before the hearing, the Head of Quality or nominee will give notice to the person making the complaint that the Student Discipline Committee will be meeting to consider the complaint. It will explain that the complainant will need to attend in person, by Skype or telephone and will include full details of the date, time and location of the hearing.
10. At least 10 working days before the hearing, the Head of Quality or nominee will give notice to the student of:
 - a. The complaint
 - b. A copy of Arden University's Code of Conduct
 - c. The name(s) of the person or people making the complaint
 - d. The names of any witnesses to be called
 - e. The time, date and location of the hearing
 - f. The student's right to attend the hearing in person, by telephone, Skype or any reasonable electronic medium.
 - g. The right to be accompanied by a friend or a student representative
 - h. The student's right to submit a written statement for the panel to consider that must be received at least 5 working days before the hearing
 - i. The student's responsibility to give details of any witnesses they wish to call
 - j. The student's responsibility to inform the Head of Quality or nominee if they wish to be accompanied by a friend or student representative
 - k. At least 5 working days before the panel hearing, the Head of Quality or nominee will provide the student and the person making the complaint with a copy of any documents to be placed before the Student Discipline Committee
11. The student may request an earlier hearing and the student may be offered an earlier hearing where this is believed to be in their interests. Where the student agrees to an earlier hearing the timescales in the preceding paragraphs will be adjusted accordingly.

The Hearing

12. The Student Disciplinary Committee will consist of at least two members, nominated by the Head of School, one of whom will be named as Chair.
13. The Secretary will take minutes of proceedings for record keeping.

14. In order to respect the privacy of individuals the University will not permit the use of any form of recording device, whether this be a tape recording machine or other digital facility such as a telephone for the purposes of recording any meeting unless express permission has been given by the University. Permission may be granted in cases where it would be a reasonable adjustment for an employee with a relevant disability. The University reserves the right to record meetings for record keeping purposes. In the event that a recording is undertaken the student and the complainant will be notified of the fact that the meeting is being recorded and a digital transcript will be available to the all parties.
15. Students may be accompanied at the committee by a friend, adviser or representative who may speak on their behalf. They cannot be accompanied by a professional (e.g. solicitor or barrister) acting on their behalf in a professional capacity.
16. If two or more students are being complained about, the panel may decide to hear the students jointly or individually.
17. The panel will decide whether to call in witnesses jointly or individually.
18. Time limits may be set by the Committee on any verbal representations and on the time spent questioning witnesses.
19. Evidence and representations will be taken in the following order:
 - a. From the Director of Student Experience or nominee who carried out the initial investigation
 - b. From the person making the complaint
 - c. From witnesses on behalf of the complainant
 - d. From the student the complaint is about or their friend/student representative
 - e. From witnesses on behalf of the student
 - f. Final statement from the person making the complaint
 - g. Final statement from the student about whom the complaint is about or their friend/student representative
 - h. Final statement from the Director of Student Experience or nominee
20. All of the above must leave after the final statement. The panel will sit in private to make decisions and the Secretary will be present.
21. At the end of the hearing the panel will give their decision. A decision will be sent to the student in writing within 5 working days of the panel hearing. If the student decides to appeal, they must do so within 10 working days of the panel's decision.

Outcome of the Student Discipline Committee

22. The Student Discipline Committee may:
 - a. Decide there is no case
 - b. Issue a verbal or written warning

- c. Suspend the student's studies for a specified period of time, usually this will not exceed 6 months
- d. Make a recommendation of expulsion to the Pro Vice-Chancellor
- e. If expulsion is recommended the Head of Quality or nominee, shall arrange for referral to the Examination Board to consider whether any credit should be awarded or cancelled
- f. Student representatives subject to disciplinary proceedings may be removed for their role as a student representative
- g. Propose any other suitable remedy subject to agreement by the Pro-Vice Chancellor

STAGE THREE: REVIEW STAGE

23. If a student is not satisfied with the outcome of the Stage Two process, they may request a review of the outcome within 10 working days of the written appeal decision. Requests for review received after this deadline will not normally be considered.
24. A request for review may only be considered on the following grounds:
 - a. There is evidence of procedural irregularity in the conduct of the disciplinary procedure
 - b. There is new material information available which, for valid reasons, was not provided earlier in the process
25. A Stage Three Review form should be completed and submitted to appeals@arden.ac.uk within ten working days of dispatch of the Stage Two outcome letter.
26. Students should include full details on the grounds on which the review is being requested and indicate within their correspondence why the outcome of the Formal Appeal was not satisfactory.
27. The Head of Quality or nominee will undertake an initial evaluation to check that the request has been submitted within the appropriate timescales, meets the criteria and is in the required format with includes supporting evidence where applicable.
28. The Head of Quality or nominee will acknowledge receipt of the request within two working days.
29. They will undertake an initial evaluation to check that the request has been submitted within the appropriate timescales, meets the criteria, and is in the required format and that it includes supporting evidence where applicable.
30. The Head of Quality will nominate a senior staff member who was not involved in the original consideration of the academic appeal to review the concerns raised. This will normally be a senior member of the academic team who has had no involvement in the particular case they are reviewing. Reviewers will be supported by the Head of Quality or nominee.
31. The reviewer may request additional information or evidence from the student, in which case the student will be notified in writing and given at least five working days to respond.

32. The outcomes available are as follows:

QA 60 Student Disciplinary Procedure

Version 6

May 2019



- a. That the appeal be upheld in whole or in part and a resolution offered
 - b. That the appeal be rejected
33. The student will be notified in writing of the outcome of the review within 20 working days of receipt of the original review request. The decision of the Stage 2 Review outcome is final and a Completion of Procedures letter will be issued including details of the students right to appeal to the Office of the Independent Adjudicator for Higher Education (OIA).
34. In the event of an appeal being upheld whole or in part, recommendations should be made in respect of remedial action required. A report on the matter and any actions arising will be referred to the next meeting of the Quality and Standards Committee.

INDEPENDENT ADJUDICATION

35. Students who have been issued with a Completion of Procedures letter may seek review by the Office for the Independent Adjudicator for Higher Education (OIA) if they remain dissatisfied with the University's final decision, providing the complaint is eligible under the OIA's rules of the complaints scheme as detailed on their website <http://www.oiahe.org.uk/>. Complaints must be made within 12 months of the date of the Completion of Procedures letter.