Student Discipline Policy and Procedure

Student discipline policy

General principles

1. Birkbeck, University of London (the University) actively encourages all students, staff and visitors to engage positively and participate fully in the life of the University. This Policy is designed to support students, staff and visitors by providing a mechanism through which behaviour or actions contrary to the Principles of Dignity at Work and Study and the University's expectations on conduct, can be addressed. The University is an adult learning and social environment and we treat all our students as independent and mature individuals who are expected to act responsibly and appropriately. Our aim is to provide a safe and secure learning environment: therefore, if any of our students behave in a way that adversely affects the comfort and safety of others, we will take action to protect the wider University community.

2. This policy operates in conjunction with the University Principles of Dignity at Work and Study. The University is committed to providing the highest quality academic and work environment where all are welcomed, respected and treated in a consistent and non-discriminatory manner. More information can be found online: Principles of Dignity at Work and Study.

3. Students are expected to conduct themselves appropriately at all times. Examples of misconduct are outlined in Annex 1 and include but are not limited to the following:
    a. Physical misconduct
    b. Abusive behaviour
    c. Sexual misconduct
    d. Damage to property
    e. Unauthorised use or taking of property
    f. Causing a health and safety concern
    g. Failure to follow University procedures
    h. Reputational damage

Scope

4. The purpose of this Policy is to enable the University to fulfil its obligations relating to the care of and responsibility for staff, students and visitors. The Policy applies to

any person reasonably defined as a student at the University, including but not limited to applicants; registered students; students on a break in study, undertaking reassessment without attendance and writing up and alumni (including students who did not complete their studies). The University reserves the right to use these procedures for students who withdraw while the disciplinary process is in progress.

5. The Student Discipline Policy and Procedure applies to any action of misconduct occurring on University premises or in the context of University activities, including: offsite University activities, such as placements and field trips, study abroad; and online activities, including social media, where the alleged victim is a student or member of staff at the University or others visiting, working or studying at the University, or where damage, including to the reputation of the University, occurs to the University as a result of the student's actions.

6. Registration as a student at the University shall carry with it an obligation and an undertaking on the part of the student to conduct themselves in a manner compatible with the principles in paragraph 1 and the other University policies and regulations. Breaching these principles may result in disciplinary action being taken under this Policy.

7. This policy should be read in relation to the other University Student Regulations and Policies. Separate procedures apply where an allegation of academic misconduct is made; they are detailed in the Academic Integrity and Misconduct Policy. The policies on Free Speech and Whistleblowing will be considered the primary policies where an issue arises, which might fall under either those policies or the Student Discipline Policy.

8. Separate procedures exist where an allegation of misconduct is made against a member of staff or others visiting or working at the University. Full details can be found on the Human Resources website. Relevant manager(s) for the responding member of staff may receive HR support and advise on the application of the staff disciplinary policy. The complainant will not be informed of the outcome from disciplinary investigation or staff disciplinary hearing outcome.

9. Where there is a concern that a student's mental health, illness or disability may have directly affected behaviour and/or conduct, the Head of Student Services or nominee will be consulted as to whether it would be more appropriate to consider the matter under the Wellness and Support Policy, as an alternative to disciplinary action.

However, the University strongly believes that inappropriate conduct is unacceptable regardless of the circumstances and will take action where required.

10. This policy uses the following terminology:
    a. Complainant- the person or persons who make an allegation of misconduct; this will usually be the person affected by the misconduct but there may be instances where an allegation of misconduct is made by someone not directly affected by the alleged misconduct. Where the misconduct affects a physical product, for example, a building or a piece of equipment, or affects a School, Service or the University more generally, a representative of the area involved will be identified as the complainant for the purpose of this policy
    b. Respondent- a student(s) accused of breaching the Student Discipline Policy and Procedure.

11. If you are concerned for your safety or the safety and well-being of others due to a potential and/or actual breach of the Policy, the first action should be to contact either a member of the security staff on extension 555, via the main reception desk at Malet Street or to contact the relevant emergency service directly via 999. Further information can also be found in the Safeguarding Policy.

Information and support

12. Complainants and respondents are entitled to be supported throughout the disciplinary process. Support for those involved in disciplinary proceedings may vary depending on the nature of the allegation and could include but not be limited to: ongoing access to Wellbeing Services, ongoing access to the Students' Union, provision of information about the disciplinary process, the ability to bring a companion to disciplinary meetings and referral to external specialist support services. Where a student's ability to continue with their studies is affected as a result of disciplinary procedures, consideration will be given as to how best to support them in managing their studies during the procedures or returning to their studies following completion of procedures.

13. As with other University procedures, reasonable adjustments will be considered for students with disabilities or other health issues; students will be actively encouraged to advise the University of any adjustments that may be helpful. Advice may be sought from Student Wellbeing and Support Services, the Students' Union, the University Safeguarding Officers or other professionals (including but not

limited to medical practitioners), in determining the adjustments that can be put in place.

14. The University acknowledges that the support provided for reporting/affected parties and responding parties may need to continue beyond the outcome of any disciplinary proceedings. A review of support needs will be undertaken at regular points during and after disciplinary proceedings to ensure all parties are receiving fair and equal treatment.

15. Students involved in the disciplinary process may wish to consult with the following sources:
    a. Your personal tutor or programme director
    b. The Students' Union, studentsunion@bbk.ac.uk
    c. Student Wellbeing and Support Services – includes disability support, counselling and mental health advice and support (initial queries can be directed to the well-being administrators, who will help put students in touch with the relevant service:
    Telephone 020 7631 6316 or +44 (0)20 3907 0700)
        - Dignity at Work and Study contact
        - Dean of College- who can provide confidential and impartial advice for students relating to their welfare in the University
        - Academic Standards and Quality -the ASQ team can provide information and guidance on the disciplinary process

16. Where a case involves an allegation of sexual violence, the complainant will be provided with a dedicated support advisor to support them throughout the process. Please see Annex 2 for more information on the process for cases involving sexual violence.

17. Members of staff involved in the disciplinary process who need support can consult with the HR department or their line managers in the first instance.

Allegations of Misconduct

18. Any student whose conduct is incompatible with the Principles of Dignity at Work and Study and/or Annex 1 here and other codes, rules and regulations of the University, may be subject to the disciplinary proceedings laid out in this Policy.

19. Any member of the University may make an allegation of misconduct against a student under these provisions. This includes members of staff or a department's identification of a reported pattern of harassment or unwanted behaviour where the reporting student(s) does not want to make a formal complaint. Where the allegation is made by a student, this would normally be considered under the Student Complaints Policy first. Where the allegation is made by a person unconnected with the University, consideration will be given by the Academic Registrar or nominee as to whether it would be appropriate to conduct an investigation. Where the allegation is made by a member of staff, the processes set out in Stages One or Two, below, should be followed.

20. Where an allegation of student misconduct made to the University is an offence committed against the University and could be considered a criminal offence, the Director of Education and Student Experience (or their nominee) will determine whether the incident should be reported to the Police. The Director of Education and Student Experience (or their nominee) may seek advice from other University Officers whether external reporting is appropriate. Decisions will be made on a case-by-case basis and will be based on a number of factors, including the nature and seriousness of the case and whether there is any risk to the health, safety and well-being of the complainant or others.

21. Where an allegation of student misconduct made to the University could be considered a criminal offence but not an offence against the University, the Director of Education and Student Experience (or their nominee) normally will allow the complainant to determine whether they will report the incident to the Police. Only in exceptional circumstances will the University report an alleged crime to the police against the wishes of the complainant (where it has been determined that reporting the incident is necessary to protect University members from harm or prevent a further crime occurring). Any such decision would be communicated to the complainant and would take into consideration the University's responsibilities under the Data Protection Act 1998.

22. The University will follow the latest government and judicial guidance in determining any exceptions to paragraph 21. This includes where the University has a legal responsibility to report alleged crimes relating to money laundering and terrorist activity.

Criminal / Legal Proceedings

23. Allegations of criminal behaviour of students (on or off-site) may come to the University's attention in three ways:
    a. Allegations by another member of the University community (e.g. student, staff or visitor)
    b. Allegation by an external party (e.g. alumni, member of the public)
    c. Report/enquiry from the police or equivalent body

24. In all cases, the Director of Education and Student Experience (or their nominee) should be informed. They will be able to provide advice on liaising with the police or equivalent bodies and on next steps. The assessment of risk to students, staff and visitors will be conducted via the University Safeguarding Policy and Procedure.

25. Any student who is the victim of an alleged criminal act is encouraged to report the crime to the police without delay. Where a matter reported to the University has also been reported to the Police, the criminal process will take priority. Where a University process is started, which relates to civil or criminal proceedings, usually it will be put on hold until such time as the external process is at an end. A decision to defer proceedings does not prevent the University from taking necessary precautionary action, such as a suspension, until such time that the internal procedure restarts. Where the disciplinary proceedings are based on facts and matters which are different to those being dealt with under concurrent criminal proceedings, the University can decide to pursue the investigation without waiting for the outcome of the criminal investigation. The University may liaise with the relevant external authorities in determining whether to undertake internal disciplinary procedures while external proceedings are under way.

26. Where an allegation of misconduct is made which could be the subject of criminal proceedings but where a decision is made not to prosecute or where a prosecution does not result in a conviction, the University will follow its normal procedures as outlined in this Policy, to determine whether disciplinary proceedings should be enacted. It is noted that the burden of proof for disciplinary proceedings is the balance of probabilities; this differs from the requirement for proof beyond reasonable doubt which is used in the courts. If a student is convicted of a criminal offence, then the conduct or behaviour they have been found to have committed can be relied upon to establish a disciplinary offence; the focus of any disciplinary process in this case will be to determine the impact and effect of the criminal offence, in order to determine the sanction(s) (if any) to be applied by the University. Reference should be made to the Criminal Convictions Policy if a student's criminal status changes at any point during a disciplinary investigation.

27. Where an allegation of misconduct is made which could be the subject of criminal proceedings, the complainant will be advised by the Director of Education and Student Experience (or their nominee) of the range of options open to them, including but not limited to:
    a. Reporting the incident to the police
    b. Not reporting the incident to the police but requesting consideration of the incident under the Student Discipline Policy
    c. Taking additional time to make a decision (where a complainant chooses this option, advice will be given about access to external services which enable the collation and retention of evidence, including forensics, without requiring further investigation at this stage)
    d. Taking no further action.

28. Where a complainant is considering whether to report an allegation of misconduct to the police, basic advice can be provided upon request by the Director of Education and Student Experience (or their nominee), on the difference between criminal investigations/proceedings and University disciplinary investigations/proceedings.

29. A complainant will not be coerced to follow a particular course of action. Should the University determine it has sufficient evidence to proceed with a disciplinary investigation without the consent of the complainant, it will undertake a risk assessment to judge whether it is in the best interests of all parties, including in relation to the University's legal responsibilities, to proceed. This will be conducted in line with the Safeguarding Policy. If this occurs, the complainant will be made aware of the decision but will not be required to participate in the process.

30. As noted in paragraph 26, this Policy operates from the presumption that a student is innocent until proven, on the balance of probabilities, that they have breached the disciplinary principles. However, the University will take any necessary precautionary actions once an allegation of misconduct has been made to exercise its duty of care to all students, staff and members of the University community. This duty of care extends to all parties involved in this process. Paragraph 37 provides details of the precautionary actions which may be used by the University.

Deadlines

31. Although the University aims to operate within the time limits set out in this policy, we accept a degree of flexibility may be required in some cases. Any extension or alteration to the time limits requested by a student must be fully justified and the Academic Registrar or nominee's decision whether to allow any changes will be final. Students are expected to familiarise themselves with the key deadlines outlined in this Policy. Ignorance of these regulations does not excuse students from adherence to them. If you anticipate that it may be difficult to meet the deadlines expressed in this Policy because of a disability, you should inform the University, before the relevant deadline elapses.

32. The University will make every reasonable effort to meet the time limits as stated in this Policy. Where they are not met, we will provide a justifiable explanation to you. It should be recognised however, that to ensure a thorough review of a case, it may, by exception, be necessary to take a case beyond the standard time limit. In such circumstances, you will be notified of this in writing before a deadline elapses.

Reasonable adjustments

33. If you have a disability and need additional support or a reasonable adjustment to the disciplinary policy and procedure, you are advised either to contact the Academic Standards and Quality team or Student Wellbeing and Support Services to request support through this process. They will provide advice about how to support you effectively. Wellbeing Services can also advise the University if reasonable adjustments are required to enable your engagement in the disciplinary process.

Confidentiality

34. Disciplinary cases will be dealt with in a confidential manner. Everyone involved in the procedures for investigating and managing disciplinary cases through the University processes, has a duty to maintain confidentiality. For an allegation of misconduct to be investigated fully and action taken, it may be necessary to disclose the identity of the students involved to others involved in the process. Where something is disclosed that could have a safeguarding impact, the University reserves the right to liaise with appropriate professionals; this will usually be with the consent of the relevant party but on occasion the University may need to take action without their consent.

Record keeping

35. Written documentation (electronic and paper) relating to disciplinary cases will be kept for at least two years after the conclusion of a disciplinary process, in line with the University's Data Protection Policy and Record Retention Schedule. Records from Stage One investigations should be kept within the School or Service; where possible, a note should be added to the student's electronic record. Records will be stored confidentially. Those involved in the disciplinary process will be advised that where the case relates to possible criminal activity or becomes subject to legal action, that any documentation relating to the case may be requested by the police as part of criminal proceedings. In addition, documentation may be requested in line with the Data Protection Act 2018.

Student discipline procedure

36. The University's internal student discipline procedure consists of up to three stages:

Stage One- disciplinary procedures (minor)

- The University aims to resolve most concerns about conduct within the school or service concerned.
- Where a concern has been raised, an investigation will be carried out within the school or service.
- When a concern is considered to be regarding a major breach of student discipline, the school or service may request for the case to go directly to Stage Two.

Stage Two- disciplinary procedures (major)

- If the alleged breach of the Student Discipline Policy is serious enough to warrant possible suspension or discontinuation of study, the case will be investigated under the Stage Two process.
- The case will be considered by the Academic Registrar or nominee; an independent investigator may be appointed.
- A panel hearing may be held to determine the outcome.

Stage Three- review stage

- Stage Three is enacted if the respondent has grounds to believe the Stage Two outcomes were not in accordance with these procedures.
- The review stage is not an automatic reconsideration of the issues raised but of the operation of the process at Stages One and Two.
- The review will be conducted by the Vice-Chancellor or nominee.
- The student will be provided with a written outcome at the conclusion of this stage.

- A Completion of Procedures letter will be issued at this stage.

If the internal procedures are exhausted, students have the option to go to the Office of the Independent Adjudicator for Higher Education:

Office of the Independent Adjudicator for Higher Education

- Students who have exhausted the University's internal procedures for student discipline may bring a complaint to the OIAHE within one calendar year of receiving a Completion of Procedures letter.
- The OIA is a review body; this means it considers how the University handled the disciplinary case and its final decision; it will not undertake a review of the content of the disciplinary action itself.

Precautionary Action

37. Where the nature of the alleged disciplinary offence suggests that there may be risk to the safety of others, or where the student accused of the offence may be at risk of harm, the Safeguarding Panel will undertake a risk assessment which may result in action including but not limited to:
    a. The respondent may be required to comply with specific conditions, for example agreeing not to contact another student or member of staff
    b. The respondent may be prevented from enrolling on specific modules
    c. The respondent may be suspended from classes and/or excluded from any part or all of the University's facilities, grounds and premises, including external premises used by the University, until such a time as any criminal proceedings and/or University disciplinary proceedings have been concluded
    d. The respondent may be suspended from their studies, including being prohibited from accessing the virtual learning environment, submitting assessments and/or receiving feedback or grades.

    Details on the Safeguarding Panel can be found in the Safeguarding Policy and Procedure.

38. Written confirmation of any precautionary action taken by the University will be provided to the respondent within three calendar days.

39. A precautionary suspension and/or exclusion should not be regarded as a penalty and does not indicate that the student is presumed to have committed the alleged

offence. Precautionary measures will be undertaken on the basis of a risk assessment carried out by the Safeguarding Panel and will be made on a case-by-case basis. Where the respondent is the recipient of bail conditions relating to ongoing criminal proceedings, these will be considered carefully as part of any decisions around suspension and/or exclusion.

40. A review of precautionary suspensions and/or exclusions will take place at least every four weeks, until such time as criminal proceedings and/or University disciplinary proceedings have been concluded.

41. The consequence of any breach of these conditions may result in additional precautionary action being taken and may be considered in disciplinary proceedings.

42. A student who is subject to precautionary action has the right to appeal the decision. This appeal should be made in writing and submitted to the Academic Standards and Quality team within 10 calendar days of receiving written notification of the action which has been taken or within five calendar days of further written communications relating to a review of, or change to, the precautionary actions. The appeal will be considered by the College Secretary or nominee.

43. Appeals will be considered on the following grounds:
    a. The precautionary action is disproportionate to the alleged misconduct
    b. New material evidence has come to light that alters the circumstances of the case
    c. The procedure has not been conducted in accordance with this policy.

44. A written response to the appeal will normally be provided within 10 calendar days of receipt.

45. There may be occasions where interim precautionary action is put in place as a result of a specific incident witnessed by staff. All members of staff have the authority to manage disorder and to take action to deal with a potential and/or actual breach of the Student Discipline Policy. This may include giving a student an oral warning or requiring a student to leave a particular area of the University premises, such as a lecture room or library, for a specified period (not exceeding two hours or the end of the teaching day, whichever is longer). If necessary, staff

may seek assistance by calling 555. As this is a short-term measure, there is no right of appeal against a member of staff's decision.

Stage One disciplinary procedures (minor)

46. The University operates a three-stage disciplinary process. Stage One allows for local consideration of allegations of minor misconduct to be carried out by the relevant school or service. Annex 1 includes examples of offences and the type of penalties that may be imposed; some offences have been separated out to provide a guide as to whether they may be considered minor or major.

47. Staff are encouraged to deal with minor misconduct issues as they arise and to make clear the expectations, rights and responsibilities of students and staff. Where possible and appropriate, staff should try to discuss concerns about a student's behaviour or conduct directly and outline the problem and possible ways to address it, to avoid having to undergo a formal process.

48. Where the informal process noted in paragraph 47 above is not possible or appropriate, a member of the University wishing to complain of misconduct by a student shall bring it to the attention of a senior member of staff in the school or service concerned. For a faculty, this will normally be the Head of School or a designated member of staff; for a service this will normally be the Director or a designated member of staff. Where the allegation is considered to be sufficiently serious, could be the subject of criminal proceedings or the respondent has already been found guilty of previous misconduct charges, the investigation should be referred to the Academic Registrar or nominee via the Academic Standards and Quality team.

49. The person considering the matter may do one or more of the following:
    a. Discuss the allegation informally with those involved
    b. Ask the respondent to attend a meeting to discuss the allegation. A member of staff not involved in the matter should be present at any such meeting and the respondent may be accompanied by a member of the University or a companion. A brief written summary of the meeting should be made and circulated to all involved
    c. Give a written warning to the respondent setting out the nature of the misconduct, noting that failure to remedy the matter or to observe the Student Discipline Policy may lead to formal disciplinary action and referring the student to the appeals policy; a copy of any such written warning should be kept with the school and kept on a student's file for two years

d. Recommend to the Academic Registrar or nominee for a sanction to be implemented; for example, a restriction or condition on access or use of services or a non-contact order.
e. Recommend for escalation to Stage Two.

50. An appeal against the outcome of a Stage One disciplinary procedure can be made to the Executive Dean or Director of Service within 14 days of receipt of the decision. Appeals should be made on one or more of the following grounds:
    a. The sanction imposed was excessive or inappropriate
    b. The process applied or the decision reached is not in accordance with the policy
    c. The conclusion of the investigation was not reasonable and in accordance with the facts.

51. The Executive Dean or Director of Service (or nominee) should review the handling of the Stage One process and the outcomes. They may consult with the Academic Registrar or nominee for guidance on the process. A response should be provided in writing within 14 days of receipt of the appeal. If the appeal is upheld, the original investigating officer should be informed and the original decision removed from the student's file.

Stage Two- disciplinary procedures (major)

52. If alleged misconduct by a student is sufficiently serious that the possible outcomes include suspension or discontinuation of studies, a written request for formal disciplinary proceedings, which should include supporting evidence where available, may be made by any member of the University to the Academic Registrar or nominee. This should normally be submitted via the Academic Standards and Quality team. A risk assessment will be conducted to determine if any precautionary action should be taken in line with paragraph 37.

53. The Academic Registrar or nominee shall consider the proposed charges and supporting evidence and shall determine one of the following:
    a. A full investigation by an independent investigator is needed to confirm whether there is sufficient evidence of a breach of the Student Discipline Policy, to proceed to a hearing
    b. There is sufficient evidence already to determine whether to proceed to a hearing

c. The matter should be considered by the school or service under Stage One of this procedure
d. A formal written warning should be issued, which will remain on the respondent's file for a duration of up to six years and may be considered, should there be further allegations of misconduct; or
e. No further action should be taken.

54. If the Academic Registrar or nominee determines that there shall not be a formal hearing of the allegation, the parties involved will be advised accordingly.

55. If the Academic Registrar or nominee determines the case should be considered by the school or service, this does not preclude the matter from being referred back to the Academic Registrar or nominee, should further evidence regarding the seriousness of the alleged offence come to light.

56. Where a full investigation is required to determine whether a hearing should be held, an independent investigator will be appointed from among the University's trained investigators. The purpose of the investigation will be to obtain more evidence on the alleged misconduct. A report will be produced which will outline the allegations, the parties involved, the evidence available and include a recommendation as to whether there is sufficient evidence to proceed to a hearing. The decision as to whether to proceed to a hearing will be made by the Academic Registrar or nominee.

57. The Academic Registrar will nominate a member of the Academic Standards and Quality team to collate the evidence base for the hearing. This normally will include but not be limited to, all evidence used in determining the charges, a summary of the disciplinary process to date and a list of expected attendees including any witnesses.

58. If the Academic Registrar or nominee determines that there shall be a hearing, the respondent will be informed in writing of the charges which shall be considered at the hearing. The respondent will be provided with a copy of all evidence to be used in the hearing or advised about how to access the evidence, full details on the disciplinary process and information on where to seek further support and advice. The respondent will be asked to confirm within 10 calendar days if they plan to contest the charge(s).

59. The Academic Registrar or nominee shall nominate a University Disciplinary Panel to be held on a date at least 14 calendar days after the date of notification to the respondent. Where the charges are also a matter of criminal investigation, normally the case will be deferred until after the completion of legal proceedings in line with paragraph 25.

60. A University Disciplinary Panel will comprise two senior members of the University (at least one of which is an academic member of staff, employed at Senior Lecturer level or above) and one representative of the student body, nominated by the Executive Committee of the University Students' Union. One of the staff members will act as chair. The panel members chosen will have had no previous connection with the disciplinary case and will not be from the school in which the complainant or respondent are based or a school or service affected by the alleged misconduct.

61. The Academic Registrar or nominee will nominate a member of Registry Services to act as secretary to the panel. The secretary is not formal member of the panel but can advise on procedure and is expected to make and keep a record of the proceedings.

62. The chair of the panel will confirm who should be invited to give evidence at the hearing. This normally will comprise the list of potential attendees as noted in paragraph 60. Where the panel decides to call someone not on the original list or to not invite someone on the list, this should be discussed with the secretary.

63. All students invited to attend will be able to be accompanied by a companion, who should be a member of the University, for example a fellow student, member of staff, or representative from the Students' Union. The role of the companion is to provide support to the student. Anyone acting in this role is not a member of the panel and should not be involved in determining the outcome of the hearing. Companions should not contribute to a hearing unless invited to do so by the chair. The University does not encourage students to be accompanied by a legal representative at a hearing, as the processes are different from those in formal legal proceedings. Students who are considering who would be best placed to act as a companion are encouraged to discuss this with the Students' Union. The secretary should be notified at least two calendar days before the hearing if a companion will be present.

64. Members of staff who are invited to attend a hearing may request to be accompanied by a trade union representative or a fellow member of staff. The companion should not contribute to a hearing unless invited to do so by the chair. The secretary should be notified at least two days before the hearing if a companion will be present.

65. The chair will consider making alternative arrangements to enable a complainant to give evidence if there are concerns about their ability to attend the hearing, particularly where this is due to concerns over their well-being. This may include giving evidence via a video link.

66. The disclosure of evidence to parties involved other than the complainant, respondent and the panel normally will be restricted to that which is directly relevant to their involvement. The release of data to associated parties will be considered in line with the University's Data Protection Policy.

67. The order and conduct of business will be determined by the panel. The complainant, respondent and any witness will be allowed to make a statement outlining their position; panel members may then ask questions of all parties. Cross-examination will be permitted in most circumstances; however, the chair may make arrangements for any questions from non-panel members to be put via the chair, who may choose not to allow them.

68. The panel will be required to reach a decision on whether the disciplinary charge is upheld in whole, in part or not upheld and will produce a report, normally within 14 days of any hearing, confirming its decision, giving details and reasons and outlining the action to be taken. Where possible, the respondent will receive verbal confirmation of the outcome after the panel hearing or in writing within three calendar days. The respondent will receive a copy of the report of the panel hearing within 21 calendar days.

Stage Three- disciplinary procedures request for review

69. A student may request a review of the University Disciplinary Panel's decision. The request for review should be in writing and lodged with the Academic Registrar within 14 calendar days of notification of the University Disciplinary Panel's decision. Grounds for appeal, which shall be specified in writing by the student in the appeal letter, must be from among the following:
    a. The penalty imposed was excessive or inappropriate

b. There was a procedural irregularity or a failure to observe the provisions of this policy
c. The conclusion of the University Disciplinary Panel was not reasonable and in accordance with the facts.

70. The request for review shall be considered by the Vice-Chancellor or nominee, who may dismiss or allow it. If the request for review is allowed, the Vice-Chancellor or nominee may reverse or modify all or any of the decisions of the University Disciplinary Panel or may call for a re-hearing of the case.

71. If the case is to be re-heard, the University Disciplinary Panel procedures in above shall apply but new members of the panel with no prior involvement in the case shall be appointed.

72. The Vice-Chancellor's decision shall be communicated to the student within 14 calendar days of receipt of the appeal and shall be final.

Completion of procedures

73. At the conclusion of these procedures a student will be provided with a Completion of Procedures letter.

74. A Completion of Procedures letter is required should the student wish to advance a complaint with the Office of the Independent Adjudicator regarding the disciplinary procedure. The University will usually only issue a Completion of Procedures letter once the disciplinary procedure has concluded and a final decision has been provided to the student.

Office of the Independent Adjudicator for Higher Education (OIAHE)

75. Students who have exhausted the University's internal procedures under the Student Discipline Policy and Procedure may bring their complaint to the Office of the Independent Adjudicator for Higher Education (OIAHE) within one calendar year of receiving a Completion of Procedures letter. The OIAHE's website (at https://www.oiahe.org.uk/) contains full information and the OIAHE can also be contacted at: OIA, Second Floor, Abbey Gate, 57-75 Kings Road, Reading, RG1 3AB, tel: 0118 959 9813, email the OIA. Anyone wishing to pursue a complaint through the OIAHE must complete a special Scheme Application Form, downloadable copies of which are available from the website.

Policy Review

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SLT owner:	DVC Education and Student Experience
Committee oversight:	Education and Student Experience Committee for Academic Board

Annex 1 - Disciplinary Offences: indicative offences and sanctions

Please note that this list is not exhaustive and the University can bring action in relation to any actions or behaviours which are considered to have breached the Policy.

The following list is intended to provide guidance on the types of offences which are covered under this policy and on the possible sanctions that may be imposed if a breach of the policy is proven. Previous offences may be considered when determining sanctions. Each case will be considered individually and will take into account all factors considered relevant by the University and its representatives during the disciplinary process.

Type of offence- Physical Misconduct

Examples of unacceptable behaviour:

a. Pushing
b. Shoving
c. Pulling hair
d. Slapping
e. Biting
f. Punching
g. Kicking

Examples of sanctions:

a. Formal written warning
b. Written apology from the student
c. Mandatory engagement with relevant workshops/support services
d. Restrictions or conditions (for example, issuing a non-contact order)
e. Suspension of studies
f. Discontinuation of registration with or without a specified period of non-re-enrolment

Type of offence- Abusive Behaviour

The Free Speech Policy and Procedure provides further information regarding the University approach to Free Speech. The Free Speech Policy is the primary policy in relation to free speech and those upholding the policy may choose to refer a student for investigation under the Student Discipline Policy.

Examples of unacceptable behaviour:

a. Use of inappropriate language
b. Making remarks, gossip or jokes about another person
c. Acting in an intimidating and hostile manner, including following, stalking or spying on another person
d. Cyberbullying
e. Making abusive comments related to a protected characteristic (sex, sexual orientation, religion or belief, pregnancy/maternity, marriage/civil partnership, gender reassignment, disability, age)
f. Generating and/or sharing offensive material
g. Seeking advantage over another person by threatening or pressuring them
h. Threatening to hurt another person

Examples of sanctions:

a. Formal written warning
b. Written apology from the student
c. Mandatory engagement with relevant workshops/support services
d. Restrictions or conditions (for example, issuing a non-contact order)
e. Suspension of studies
f. Discontinuation of registration with or without a specified period of non-re-enrolment

Type of offence- Sexual Misconduct

Examples of unacceptable behaviour:

a. Making persistent unwanted remarks of a sexual nature
b. Inappropriately showing sexual organs to another person
c. Touching inappropriately through clothes without consent
d. Kissing without consent
e. Sharing private sexual materials of another person without consent
f. Attempting to engage in sexual intercourse or a sexual act without consent
g. Engaging in sexual intercourse or a sexual act without consent

Examples of sanctions:

a. Formal written warning
b. Written apology from the student
c. Mandatory engagement with relevant workshops/support services
d. Restrictions or conditions (for example, issuing a non-contact order)
e. Suspension of studies
f. Discontinuation of registration with or without a specified period of non-re-enrolment

Type of offence- Damage to Property

Examples of unacceptable behaviour:

a. Causing minor damage to University or University-related property
b. Causing minor damage to the property of students or staff of the University or visitors to the University
c. Causing significant damage to University or University-related property
d. Causing significant damage to the property of students or staff of the University or visitors to the University

Examples of sanctions:

a. Formal written warning
b. Written apology from the student
c. Mandatory engagement with relevant workshops/support services
d. Requirement to make good the damage caused at the respondent's expense
e. Restrictions or conditions (for example, issuing a no-entry order)
f. Suspension of studies
g. Discontinuation of registration with or without a specified period of non-re-enrolment

Type of offence- unauthorised use or taking of property

Examples of unacceptable behaviour:

a. Misuse of University or University-related property (for example, computers, laboratory equipment)
b. Unauthorised entry onto or use of University or University-related premises
c. Taking property belonging to the University or another person without permission

Examples of sanctions:

a. Formal written warning
b. Written apology from the student
c. Mandatory engagement with relevant workshops/support services
d. Requirement to pay for the replacement of property and/or compensation
e. Restrictions or conditions (for example, issuing a no-entry order)
f. Suspension of studies
g. Discontinuation of registration with or without a specified period of non-re-enrolment

Type of offence- causing a Health or Safety Concern

Examples of unacceptable behaviour:

a. Engaging in an act or omission that did or could cause a health and safety concern on University or University-related premises (for example, smoking in a non-designated area)

b. Engaging in an act or omission that did or could cause serious harm on University or University related premises or during University activities (for example, disabling a fire extinguisher or possessing/suppling controlled substances)
c. Possession of an offensive weapon

Examples of sanctions:

a. Formal written warning
b. Written apology from the student
c. Mandatory engagement with relevant workshops/support services
d. Restrictions or conditions (for example, issuing a no-entry order)
e. Suspension of studies
f. Discontinuation of registration with or without a specified period of non-re-enrolment

Types of offence- failure to follow University procedures

Examples of unacceptable behaviour:

a. Improper interference with University activities (including academic, administrative, sporting and social) on University or University-related premises
b. Improper interference with the functions, duties or activities of any student, member of staff or authorised visitor to the University
c. Refusal to identify yourself to University staff or using false ID
d. Making acts, omissions or statements intended to deceive the University
e. Misrepresenting your relationship to the University or documentation provided to you by the University
f. Disrupting the activities of the University (including academic, administrative, sporting and social) on University or University-related premises
g. Disrupting the functions, duties or activities of any student, member of staff or authorised visitor to the University

Examples of sanctions:

a. Formal written warning
b. Written apology from the student
c. Mandatory engagement with relevant workshops/support services
d. Restrictions or conditions (for example, issuing a no-entry order)
e. Suspension of studies
f. Discontinuation of registration with or without a specified period of non-re-enrolment

Type of offence- Reputational Damage

Examples of unacceptable behaviour:

a. Engaging in behaviour that has damaged or could have damaged the reputation of the University
b. Engaging in behaviour that has caused serious damage or could have caused serious damage to the reputation of the University

Examples of sanctions:

a. Formal written warning
b. Written apology from the student
c. Mandatory engagement with relevant workshops/support services
d. Restrictions or conditions
e. Suspension of studies
f. Discontinuation of registration with or without a specified period of non-re-enrolment

Annex 2 - Additional guidance for students who are affected by violence (including sexual violence), harassment or hate crimes

1. The University recognises the additional or specific burden placed on students who experience violence (including sexual violence), harassment or hate crimes. While these all fall within the principles of this Policy, the University acknowledges there may be occasions where it is necessary to make alterations to the procedures to best support a student facing distressing circumstances. In addition, while the University provides an extensive range of support to students through Student Services, the University also encourages students to reach out to specialist support when needed. This guidance note sets out the ways in which students who are affected as a result of violence (including sexual violence), harassment or hate crimes can report incidents and seek support, including from services outside of the institution.

Procedural amendments

2. As noted above, incidents involving violence (including sexual violence), harassment and hate crimes falls under this Policy and will as far as possible, follow the procedures contained within it. However, there may be occasions when the University will consider making alterations to the procedures to support a student who has been affected by an incident of this kind and therefore may find it more difficult to engage in the same way. This might include but not be limited to:
    a. adapting timescales
    b. providing additional information about the format of a disciplinary hearing including allowing a complainant to visit the room beforehand
    c. restricting communications between the complainant and respondent at any hearings by allowing the giving of evidence via video-link or having all communications come via the chair.

Reporting mechanisms

3. The University recognises that students affected by violence (including sexual violence), harassment and hate crimes may be reluctant to come forward. However, we encourage all those affected to inform the University, as it can enable the University to best support both individual students and to ensure it has the necessary support and resources in place to undertake targeted and general prevention and response work.

4. The University encourages students to raise concerns about possible breaches of the Student Discipline Policy through its student complaint processes. This is normally done

through completing and submitting a copy of the complaints form. More details are available online: Student Regulations and Policies.

5. The University also has dedicated routes for reporting incidents of violence (including sexual violence), harassment or hate crimes, both online and in person. Online reporting can be done via the Ask system, which can be accessed by all students on or off site via their My Birkbeck profile or ASK. When a disclosure is made via the Ask system, a specialised point of contact from Student Services will aim to make contact with the student within two working days and will work with them to determine what action, if any, needs to be taken and what support the student needs.

6. Students who have been affected by violence (including sexual violence), harassment or hate crimes can also report this in person by requesting to speak to a Safeguarding Officer. Details of the University's Safeguarding Officers can be found in the Safeguarding Policy.

7. If a student discloses an incident of violence (including sexual violence), harassment or hate crimes to another member of staff, it is expected that the student will be signposted to the reporting mechanisms listed above and the support services available, or supported in disclosing, for example, by having the member of staff make an initial referral on the student's behalf to the Head or Deputy Head of Student Services.

Support services

8. Those affected by violence (including sexual violence), harassment and hate crimes may wish to access the support available from the Wellbeing Service (including counselling). Complainants, respondents and witnesses affected by cases or incidents of sexual misconduct, violence (including sexual violence), harassment and hate crimes may wish to access the support available from the Student Wellbeing and Support Service (including counselling). Details on the support provided can be found via the Student Services website. In addition, students may wish to seek specialist support directly via:

London-based support services

- The Havens – Specialist centres in London for people who have been raped or sexually assaulted. Helpline: 020 3299 6900
- London Rape Crisis – Support and services for women and girls and information about support agencies for men. Helpline: 0808 500 2222 or 0808 802 9999

Gender-based violence

- Mankind – support for men who have been sexually abused

- National Association for People Abused in Childhood – national charity which offers support to adult survivors of child abuse and training to those who support them
- The NHS website has a service search function – inputting 'rape and sexual assault referral centre' and the postcode will identify the nearest local service
- Rape Crisis England and Wales
- The Survivors Trust – provides details of available support by region
- Survivors UK – helps men who have been sexually abused and raises awareness of their needs
- Women and Girls' Network – Counselling and support to help women and girls recover from violence. Sexual violence helpline: 0808 801 0770

Forced marriage

- Karma Nirvana – a national charity supporting male and female victims of forced marriage and 'honour-based' abuse
- Forced Marriage Unit (government)

Domestic violence

- National Domestic Violence Helpline
- Refuge
- Women's Aid
- Woman's Trust

Race or religion

- The Community Security Trust (National Organisation for Jewish victims)
- Federation of Student Islamic Societies
- Forum Against Islamophobia and Racism
- TELL MAMA (National organisation for Muslim Victims)
- Union of Jewish Students

LGBT+

- Galop – the LGBT+ anti-violence charity. Helpline: 020 7704 2040
- The Gender Trust
- Imaan – supports LGBT Muslim people
- LGBT Foundation – a national charity delivering a wide range of services to lesbian, gay and bisexual and trans communities
- Stonewall
- The Stop LGBT Hate Crime Helpline – 0808 801 0661

Disability hate crime

- Disability Rights UK
- Leonard Cheshire Disability
- Scope

National charities

- Respond – Helps children and adults with learning disabilities who have experienced abuse or trauma, as well as those who have abused others, through psychotherapy, advocacy and other support. Tel: 020 7383 0700 or 0808 808 0700
- Samaritans – Talk to the Samaritans any time you like, in your own way, and off the record, about whatever's getting to you. Helpline: 116 123 (24 hours)
- Stop Hate UK – charity providing independent and confidential support to people affected by hate crime
- Support Line – provides a confidential telephone helpline offering emotional support to any individual on any issue
- Victim Support – Free and confidential support to help you deal with your experience, whether you report a crime or not. Also supports witnesses of crime. Support line: 0808 1689111