**ORDINANCE 2**

**CODE OF STUDENT DISCIPLINE**

Reference: Charter article 3(m), Statute 10(2)

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# General Principles

1. This Ordinance exists as part of the overall regulatory framework of the University of Stirling and forms part of the contractual basis upon which the relationship between a student and the University exists. It clearly sets out the robust process the University follows in respect of student disciplinary action and the rights and responsibilities of both students and the University in relation to this.
2. The University seeks to provide a positive, safe environment in which all students have equality of opportunity and can succeed. As part of this, the University expects all its students (as defined in paragraph 23), as ambassadors for the University, to conduct themselves appropriately at all times, in a way which demonstrates respect. Students are also expected to comply with all policies, regulations, and the [Student Charter](https://www.stir.ac.uk/study/important-information-for-applicants/student-code/), which sets out expectations in respect to student conduct. Where conduct is not appropriate, this Code of Student Discipline may be used and is applicable to all students of the University (as further set out in the definition of ‘students’ provided in paragraph 23). Moreover, where a student has a visitor to the campus or University activity, the student will be regarded as responsible for the conduct of their visitor and will be required to take responsibility for any inappropriate conduct of their visitor as it if it was their own.
3. In broad terms, Academic Council considers conduct to potentially constitute a disciplinary offence where it:
	1. causes or could cause actual or potential undue distress or harm to others;
	2. causes or could cause actual or potential damage to facilities or property of the University or members of its community;
	3. prevents or disrupts, or has the potential to prevent or disrupt the normal functioning of the University or its activities;
	4. impedes or interferes with the pursuance of work/ study/sporting/day-to-day activity of University members;
	5. causes or may cause reputational damage to the University.

1. Disciplinary offences are categorised into three levels, as set out in paragraph 27 and further set out in Appendix 1.
2. Action under this Code will be conducted in line with the procedure set out in the Code and will be taken on the basis of fairness to all parties as set out in paragraphs 6 and 7.
3. Where the University progresses action under this Code all students involved will be treated fairly, and in line with the principles and procedure of this Code. Within this, a responding student (as defined in paragraph 23) will be treated fairly and as such can always expect to have:
	1. the matter considered objectively by a person or persons appointed in accordance with this Code who have no previous involvement in the matters forming the basis of the allegation;
	2. the opportunity to be advised of and respond to allegation(s) against them;
	3. the right of appeal within the parameters set out in this Code in paragraphs 113 - 115;
	4. any appeal considered objectively by a person or persons appointed in accordance with this Code who have no previous involvement in the matter;
	5. information relating to the action treated confidentially and shared only as appropriate in respect of the full consideration and conclusion of the matter. See paragraph 21 for further detail.
4. The University recognises that involvement of any kind in student disciplinary action can be difficult. Support for students, whether a reporting student, a responding student, or a witness (as defined in paragraph 23), is available through the University’s Student Support Services and information on these Services and how to access them will be routinely provided to students at points throughout a process of disciplinary action. In respect of level 1 offences, where a student wishes a referral to Student Support Services to be made on their behalf, or agrees to Student Support Services being notified of their involvement in disciplinary action, this will be progressed by the relevant staff member undertaking the disciplinary action. In instances where the University has a concern for the wellbeing of a student involved in disciplinary action, the University may consider it necessary to notify Student Support Services of a student’s involvement in the disciplinary action even where the student has not expressly agreed to this notification. In respect of level 2 and 3 offences, Student Support Services will be routinely notified of the name of both reporting and responding students involved and whether they are reporting or responding to an allegation. This notification will facilitate contact being made with both/all students regarding support that could be provided to them.

# Scope

1. This Code exists alongside the range of policies and procedures in place within the University. In some circumstances, it may be necessary/appropriate for more than one course of action to be taken in response to a single matter. Therefore, the same matter may be subject to action under this Code, and under another University policy or procedure. Paragraphs 9 – 22 set out the scope of this Code, including how it aligns with a range of policies and procedures that are also in place within the University.
2. This Code does not apply to failure by a student to meet contractual obligations in relation to the payment of fees and the discharge of non-discipline debts to the University. These matters are dealt with under the separate regulations/policy for payment of fees and other debts to the University.
3. Academic misconduct is primarily dealt with through the University policy and procedure specifically regarding [academic misconduct/integrity](https://www.stir.ac.uk/about/professional-services/student-academic-and-corporate-services/academic-registry/academic-policy-and-practice/quality-handbook/academic-integrity-policy-and-academic-misconduct-procedure/) and not under this Code. However, where a student is found to have engaged in academic misconduct and their actions may also represent non-academic misconduct / an offence under this Code, the University may decide that it is necessary for action to be taken under this Code, in addition to that taken through the academic integrity/misconduct procedure. Where this is the case, action under this Code will be progressed after the outcome of the academic misconduct procedure has been determined.
4. Where a complaint is made via the University’s [Complaints Handling Procedure](https://www.stir.ac.uk/about/contact-us/complaints/) regarding the behaviour of a student, it will normally be considered under this Code rather than being dealt with under the Complaints Handling Procedure. In these circumstances, the complainant will be advised of this, and then communicated with on the conclusion and/or outcome of the disciplinary action as appropriate to the circumstances and our obligations under data protection legislation.
5. Where there is a concern regarding a student’s conduct, the University may decide that it is appropriate for the concern to be considered under the [Fitness to Study policy and procedure](https://www.stir.ac.uk/about/professional-services/student-academic-and-corporate-services/academic-registry/academic-policy-and-practice/quality-handbook/policy-and-procedure-on-fitness-to-study/), rather than this Code. Where a matter of student conduct is considered through the Fitness to Study policy and procedure, this does not preclude the University from also taking action under this Code in relation to the same matter, where this is most appropriate in the circumstances.
6. Students registered on programmes leading to membership of a professional body should demonstrate that they adhere to appropriate behaviour and standards required for entry into that profession. Conduct that may be judged to fall short of the relevant professional codes of conduct is considered where appropriate under the relevant fitness to practise policy/procedure. Where a student’s conduct is considered through a Fitness to Practise procedure, at the conclusion of the process, if the conduct may also call into question the conduct of the student more broadly, the same matter may be referred for consideration, and considered under this Code at an appropriate time.
7. Where there is a concern regarding a student’s conduct in relation to, or in the context of, a Students’ Union club or society, it may be necessary for disciplinary action to be progressed by both the Students’ Union and the University. Where the conduct may represent a Level 2 or 3 offence under this Code, the University’s action will generally take precedence and therefore be progressed ahead of the Students’ Union’s action. However prior to any action proceeding, the most appropriate sequence of action will be discussed between the Students’ Union (normally the Chief Executive Officer and Discipline Secretaries) and the Academic Registrar, or in the absence of the Academic Registrar, the Deputy Secretary.
8. Where consideration of intellectual property rights is required as a result of or in association with action taken under this Code, such a consideration will be undertaken in line with the [University’s Intellectual Property Policy](https://www.stir.ac.uk/media/stirling/services/policy-and-planning/documents/rules-and-regulations-intellectual-property.pdf).

1. Campaign activity authorised and organised by the Students’ Union and arranged in line with protocols and procedures agreed between the University and the Students’ Union will not be subject to action under this Code.
2. It is not a requirement that the University follows procedural rules of evidence applicable in a court of law, and the University cannot and will never seek to internally progress a criminal process of any kind through this Code or action taken under this Code. Decisions under this Code will be made on the balance of probabilities. This means that those authorised to make decisions in line with this Code will consider the information that is available / has been gathered through the investigation process and decide, on the basis of this information, which version of events is most probably true, and therefore whether the occurrence of the allegation is more probable than not. In cases where versions are judged to be equally probable, allegations will not be considered to be confirmed.
3. A student with outstanding disciplinary action against them will not be permitted to graduate or otherwise conclude their studies until the action is concluded, unless it is determined at the University’s sole discretion that exceptional circumstances exist. This includes those students who have registered an intention to appeal against a disciplinary decision taken against them and students who have decided that they wish to withdraw. In such situations, the University will seek to conclude the disciplinary action as swiftly as possible. Where the conclusion of any disciplinary action includes the penalty of a fine, if the student is otherwise eligible and permitted by the University to graduate, the student will be permitted to graduate prior to the payment of the fine taking place, where full payment has not been possible in advance of the graduation ceremony.
4. Further to paragraph 18, where a student with outstanding disciplinary action against them decides that they wish to withdraw from the University, the disciplinary process will continue and will be concluded by the University in line with the provisions of this Code. If the conclusion of the disciplinary process is an outcome of expulsion, the expulsion will be recorded by the University as the reason for the student’s enrolment ending.
5. Where a student has outstanding disciplinary action against them, through a risk-based approach, the University may decide that it would not be appropriate for the student to enrol for a new semester or academic year. In such circumstances, the student will not be permitted to enrol, pending the conclusion and outcome of the disciplinary action.
6. The University will treat information relating to disciplinary action it takes, and any decisions as a result of such action, in line with the Data Protection Policy, which takes account of data protection legislation requirements (The Data Protection Act 2018 and the General Data Protection Regulation). Confidentiality will be maintained within the process as far as is appropriate and necessary, and as required to fully conclude the process. The University may communicate an appropriate level of information on disciplinary action to an individual who has a legitimate interest in such information through their direct or indirect involvement in the matter. Such communications will be undertaken in line with data protection obligations. Paragraphs 58, 59 and 71 set out further detail on confidentiality in relation to disciplinary action.
7. Any complaint regarding the procedure itself as set out in this Code, or the execution of the procedure should be directed to, and will be considered through the University’s [Complaints Handling Procedure](https://www.stir.ac.uk/about/contact-us/complaints/), generally following the conclusion of any action under this Code that is ongoing, and to which a complaint relates.

# Definitions

1. In this Code the following will be the meanings of expressions used:
* **“Students”** refers to individuals who are undertaking a University of Stirling course of study including those who:
	+ are based entirely away from the main campus. In these circumstances, responsibility for taking action under the Code may be delegated to staff at the centre where the student is based. Where this is the case, such delegated authority and the parameters and requirements of this authority will be specified within the relevant agreement or memorandum of understanding;
	+ are temporarily based at the main campus through arrangements such as an educational exchange;
	+ have accepted an offer of a place at the University;
	+ have arrived on campus or into University accommodation to embark on their programme but have not yet completed formal enrolment processes;
	+ have completed their programme of study and who have become graduands;
	+ are studying for a University of Stirling award and spend time away from the main campus (such as exchange, placement, leave of absence, year abroad/in industry, off-site research) orundertake study on an on-line basis;
	+ are undertaking the role of a Sabbatical Officer with the Students’ Union
* **“Reporting student”** refers to a student who makes a report to the University on another student’s conduct thus making an allegation regarding the conduct of another student
* **“Responding student”** refers to a student who has had an allegation made against their conduct and is required to respond to the allegation
* **“Graduand”** refers to an individual who has attained and is about to receive an academic award, therefore becoming a graduate of the University;
* **“Action”** refers to any action that is taken under the provisions of this Code, including consideration or investigation of an allegation, decision-making action and the application of a penalty.
* **“Investigative Officer”** refers to a person who conducts an investigation into an alleged disciplinary offence.
* **“Authorised Officer”** refers to the person who is authorised to make disciplinary decisions under this Code.
* **“Witness”** refers to an individual who is able to contribute directly relevant information to a process of disciplinary action on the events forming the basis of the alleged disciplinary offence”.
* **“Suspension”** refers to action that may be taken under this Code or under Ordinance 30 to suspend an individual as a student of the University, on a temporary basis. Suspension normally means the full or partial withdrawal of the student’s right of access to University services or facilities and/or participation in University activities. Suspension may be applied as a precautionary measure or as a penalty, and the communication to the student to advise of the suspension will clarify the specific nature, details, parameters and constraints of the suspension.
* **“Exclusion”** refers to an action that may be applied through this Code or through Ordinance 30 which results in the individual being denied access to a place, area, space, facility or activity. Exclusion may be applied as a precautionary measure or as a penalty and may be temporary or permanent.
* **“Expulsion”** refers to the penalty that may be applied through this Code which results in the individual being permanently removed from their studies and as a member of the University of Stirling community.
* **“Student Discipline Committee”** refers to the University’s Student Discipline Committee, which makes decisions on Level 2 and 3 disciplinary allegations.
* **“Secretary of the Discipline Committee”** will be a member of the University staff who has the role of providing administrative input and support to the Student Discipline Committee.
* **“Appeal Officer”** refers to the person to whom appeals against the decision of the Authorised Officer are made.
* **“Student Discipline Appeal Board”** refers to the University’s Student Discipline Appeal Board, which receives appeals against decisions of the Student Discipline Committee.
* **“Secretary of the Appeal Board”** will be a member of the University staff who has the role of providing administrative input and support to the Student Discipline Appeal Board and its functioning.
* **“University members”** are individuals who are members of the University of Stirling through their being the Chancellor, the Vice Chancellor, a staff member, student, court member or alumnus of the University as set out in Ordinance 64.
* **“Working day”** will mean Monday to Friday, 9am to 5pm inclusive, excluding public and University holidays.

# Police Action and Legal Proceedings

1. Where a matter reported for action under this Code has been confirmed as being the subject of police investigation or a pending legal case, the University will consider the most appropriate course of action in the circumstances.
	1. The key purpose of this consideration will be to determine whether or not the University should proceed with action under this Code in respect of the matter, and if so, if it would be appropriate for such action to progress straightaway or at a later point.
	2. In all cases, where a matter of student conduct is the subject of police investigation or charge, the University will recognise that the criminal process takes priority and will seek to act in a way that does not impact upon the criminal process. The University will, as appropriate, seek to engage with the police in order to ensure this. However, the University recognises that criminal processes can take many months to conclude. If the police are not yet able to, or do not proceed with criminal or other legal proceedings, or circumstances otherwise make action by the University appropriate and/or necessary, the University may decide to undertake its own disciplinary action in relation to the matter at the point of its choosing.
	3. Where necessary the consideration will be undertaken by the Academic Registrar, and/or the Deputy Secretary, and/or a Deputy Principal or collectively by these individuals as appropriate to the circumstances. In some instances, the University may wish to meet with or otherwise seek information from the student who is the subject of the police investigation or charge in order to inform this consideration. However this will not necessarily be the case, and where this is the case, any information gathering will seek only to inform the University’s considerations on the police action being taken and will not be investigative of the disciplinary matter. The University may also seek information from the police.
	4. Consequent to the consideration, the University may decide to suspend a student or restrict the activity or movement on campus of a student connected with the matter, where this is required to support the management of risk to individuals and the University community as a whole. Where such action is considered to be necessary, it will be taken as a precautionary measure only and not as a penalty. Moreover, such action would not indicate that the University had concluded that a student has committed a student disciplinary offence. Action to suspend or exclude a student will be taken in line with [Ordinance 30](https://www.stir.ac.uk/media/stirling/services/policy-and-planning/documents/30-ordinances-exclusion-from-university.pdf), ‘Exclusion or Suspension from University’.
2. Where a student has been convicted by a court of law, the court’s penalty, conviction, sentence or order may be taken into consideration by the University. This consideration could be in respect of matters such as, but not limited to: undertaking risk assessment; determining any requirement for precautionary action; determining a penalty under this Code, either at the point of a penalty being decided upon and applied, or by reviewing and amending a previously applied penalty.
3. On occasion, where a matter considered under this Code may also constitute a criminal offence, the University may decide that it is appropriate that it is reported to the police by the University. The University may feel obliged to report a matter to the police for example, where this is necessary in order to protect a student or other person from harm, or prevent a crime from taking place. In all cases, in determining whether or not a matter should be reported to the police by the University, the University will take the views of the victim(s) of the matter into account. The final decision on whether to report a matter to the police will be taken by a Deputy Principal or the University Secretary.

# Disciplinary Offences and Authorised Officers

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## Disciplinary Offences

1. **The University considers all breaches of student discipline and offences at all levels to be serious matters.** Disciplinary offences under this Code are categorized into three levels – 1, 2 and 3 – and are broadly identified as those set out in the lists below. It should be noted however that the University considers any conduct of the nature set out in paragraph 3 to potentially constitute a disciplinary offence and therefore, the list of offences noted below should not be considered as exhaustive.

**Examples of conduct that could represent the offences noted below are provided in Appendix A.**

##

## Level 1 Offences

* Abusive or intimidating behaviour (through verbal, written or on-line/electronic means);
* Anti-social or offensive behaviour, or conduct in general, which causes or could cause undue distress, concern or disruption to others and/or to University activity;
* Anti-social or offensive behaviour, or conduct in general, which causes or could cause reputational harm to the University;
* Anti-social or offensive behaviour, or conduct in general, which causes or could cause damage to the University’s relationship with the local or wider external community;
* Causing or attempting to cause minor damage to University or University members’ property;
* Causing or attempting to cause minor damage or disruption to the University campus or the campus environment;
* Misuse or unauthorised use of University premises, facilities, services or items of University property. This includes but is not restricted to, computers, IT networks/technologies, or information resources;
* Causing a health or safety concern;
* Failure to comply with University ordinances, regulations, codes of practice, contracts or policies.

## Level 2 Offences

* Multiple or repeated Level 1 offences;
* Causing or attempting to cause physical harm;
* Serious or persistent threatening or abusive behaviour; bullying; harassment; or intimidation;
* Causing a serious health or safety concern;
* Causing or attempting to cause serious damage to property, the University campus or the campus

environment;

* Stealing;
* Deception or dishonesty;
* Persistent refusal or failure to observe and comply with another penalty applied under this Code.

## Level 3 Offences

* Multiple or repeated Level 2 offences;
* Causing or attempting to cause serious physical harm;
* Gender-based violence, sexual violence or sexual misconduct;
* Abuse, threat or intimidation motivated by prejudice or discrimination;
* Coercion, persistent or serious harassment, bullying or intimidation;
* Making a threat to life;
* Conduct which is lewd or obscene or which otherwise could be reasonably deemed to be offensive;
* Use of University premises, facilities or services, or items of University property, including computers and IT networks for illegal purposes;
* Possession of a weapon or firearm including imitations or replicas;
* Actions which bring or could/are likely to bring the University into significant disrepute.
1. Where it is not immediately clear whether an allegation against a student should be considered as a Level 1, 2 or 3 matter, the Academic Registrar and/or the Deputy Secretary/nominee will make a decision regarding this. However it should be noted that, as set out in paragraph 76, a matter may be initially considered at one offence level, but may subsequently be escalated to a higher offence level within this Code where a Level 1 or Level 2 Disciplinary Officer considers that an allegation is confirmed and the penalties available to them under this Code are or may be inadequate to address the gravity of the offence, and therefore escalation is required in order to ensure the matter is addressed appropriately and proportionately.

## Authorised Officers

1. Action under this Code will be taken by members of staff who are authorised officers under the provisions of the Code.
2. Staff may be authorised as:
	1. an Investigative Officer and able to undertake investigations of student disciplinary matters;
	2. a Disciplinary Officer and able to make decisions on matters of student discipline.
3. The Academic Registrar or nominee (or in the unavailability of the Academic Registrar, the Deputy Secretary or a nominee of the Deputy Secretary) is authorised to:
	1. provide advice on this Code, its provisions and process, to students, staff and Investigative / Disciplinary Officers;
	2. oversee processes of disciplinary action;
	3. assess risk on an ongoing basis throughout processes of disciplinary action;
	4. contribute to the undertaking of investigations and, in respect of cases where they are not the Disciplinary Officer, to act as an Investigative Officer.
4. The Academic Registrar (or Deputy Secretary/nominee in the absence of the Academic Registrar) is further authorised to make decisions and take action as set out in paragraphs 28, 31, 33v, 34, 42 and 43.
5. The following are authorised as Disciplinary Officers in relation to allegations relating to Level 1 disciplinary offences:
	1. in the learning, teaching and research context, the Dean of the student’s faculty or a nominee of the Dean;
	2. relating to the use of the library or the University’s information resources, IT networks and/or technologies, the Executive Director of Information Services (or nominee);
	3. where an offence is alleged to have been committed within or in relation to University residential accommodation, the Director of Accommodation Services (or, in their absence or prior involvement, a nominee determined by the Executive Director of Commercial Services);
	4. where an offence is alleged to have been committed which relates to damage to or impact on the use of any of the University’s facilities, buildings, campus or property, the Executive Director of Estates and Campus Services (or nominee);
	5. where it is inappropriate for any of the designated disciplinary officers above to act, a Disciplinary Officer will be nominated by the Academic Registrar or Deputy Secretary.
6. The Academic Registrar (or Deputy Secretary/nominee in the absence of the Academic Registrar) is authorised as Disciplinary Officer in relation to allegations relating to Level 2 disciplinary offences.
7. The Student Discipline Committee, chaired by a Deputy Principal, normally the Deputy Principal (Education and Students), acts as Disciplinary Officer in relation to allegations relating to Level 3 disciplinary offences. Further detail on the composition of the Student Discipline Committee is provided in paragraphs 80 – 84.
8. Investigative Officers are appropriate nominees of a Disciplinary Officer. Level 1 investigations are normally undertaken by an appropriate nominee from within the Disciplinary Officer’s own area.
9. On an ongoing basis, Investigative and Disciplinary Officers will be provided with relevant guidance, development and support in relation to the undertaking of these roles.

# Disciplinary Process

1. The Investigative/Disciplinary Officers taking action under this Code will be a person/persons with no prior involvement in the matters forming the basis of the allegation(s) / alleged disciplinary offence.
2. Where a faculty or professional service receives a notification of an alleged Level 1 offence, studentdiscipline@stir.ac.uk should be advised straight away and then the faculty/service should proceed with consideration of the matter in line with this Code. Once the matter is concluded, the investigation report and outcome letter should be passed to studentdiscipline@stir.ac.uk for retention on file by Academic Registry, in line with the Student Discipline Data Retention Schedule.
3. Where a faculty or professional service receives notification of an alleged Level 2 or 3 offence, studentdiscipline@stir.ac.uk should be advised straight away. Academic Registry will then coordinate action in line with this Code. This action will include a notification being sent to Student Support Services of the names of both reporting and responding students involved and whether they are reporting or responding to an allegation. This notification will facilitate contact being made with both/all students regarding support that could be provided to them.
4. Where the matter forming the basis of an alleged offence has been considered as per paragraph 24 of this Code, the outcome(s) will be provided by Academic Registry to the relevant Investigative/Disciplinary Officers at the outset of the process of investigation/decision-making in order to inform the process from that point.
5. In cases of urgency, where a student may pose a risk to themselves or to the University community, studentdiscipline@stir.ac.uk must immediately be informed. The level of risk and whether or not there is a need for the student to be suspended from the University or restricted in terms of access to the University or the campus while the investigation/disciplinary process is ongoing will be assessed by either the faculty or professional service area and the risk assessment will be considered by the Academic Registrar and/or Deputy Secretary and/or Deputy Principal.
6. Where it is concluded that it is necessary or appropriate for a student to be suspended/restricted from: the University; aspects of University activity; or areas of University facilities or buildings, a Deputy Principal may act to impose such a suspension, under the provisions of Ordinance 30. However, in cases of urgency, the Academic Registrar or the Deputy Secretary or a nominee of the Deputy Secretary are authorised under this Code to act to impose a suspension from the University and the Director of Accommodation Services or Executive Director of Commercial Services are authorised under this Code to act to impose a suspension/restriction from student accommodation. Any such suspension/restriction may be imposed for a period of up to ten working days, pending action by a Deputy Principal under Ordinance 30. There will be no limit on the period of time for which a student may be suspended/restricted, however in line with paragraph 51, the University will seek to minimise the period of suspension that is necessary, as much as possible.
7. In cases where the allegation involves more than one student, one overall action may be progressed under this Code to consider the allegation. However where this is the case, the conduct of each student involved will be considered individually within the action.
8. Where an allegation is made against a student whilst action is currently ongoing under this Code in relation to another allegation against the same student, both / all allegations will generally then be considered through the existing/ongoing course of action, unless the University considers it more appropriate that a separate action is initiated for the new allegation.
9. Where it becomes necessary for the University to take action under this Code, all students are expected to engage and cooperate constructively with all aspects and stages of the process, as required by the University. Where a student’s engagement with the University in respect of the disciplinary process or towards authorised officers is inappropriate, this may, in its own right, represent an offence under this Code and the University may take action under this Code in response. Where a student does not engage with a disciplinary process, this will not preclude the University from progressing and concluding the process.
10. Where a student whose input to an investigation is essential is unable to engage with the investigation, for example, because of health or personal reasons, the University will seek to be as flexible and proactive as possible in terms of the timescale in which the investigation is completed, and the means through which the student can provide their input. However, an indefinite delay to an investigation proceeding creates the risk of it not being possible to robustly or effectively conclude the investigation due to the passage of time, and/or an ongoing detrimental impact on another person. On this basis, an investigation will not be postponed or delayed for this reason for a period longer than three months from the point the University is advised the student is not able to engage with the investigation. After the three-month period, the investigation will proceed to conclusion with or without the input of the student, and the relevant Disciplinary Officer will make a decision on the matter on the basis of the information available.
11. Students will have the right to be accompanied to any discipline-related meeting for support by another member of the University community under the following terms:
12. The student may be accompanied by one person who is one of the following:
	1. fellow student;
	2. member of staff of the University,
	3. registered chaplain or faith representative of the University;
	4. professional member of staff or sabbatical officer of the Students’ Union.
13. In exceptional circumstances, where it is not possible for a student to be accompanied by a member of the University community as specified in paragraph 48 a. i - iv, the University may consider allowing the student to be accompanied by a person from outside the community.
14. The accompanying person must not be a witness or party to the matters under investigation.
15. The accompanying person must not be a legal practitioner of any kind.
16. Since the purpose of an accompanying person attending a discipline-related meeting will be to provide support to the student, the accompanying person will not normally be expected to participate within the meeting. Should the student advise that they wish an accompanying person to make a contribution to a meeting, this will be permitted by the Investigative / Disciplinary / Appeal Officer, on the basis that such a contribution is not provided as a replacement to the contribution from the student.
17. Students (and any accompanying person) are expected to engage in a disciplinary meeting in a way which is professional, courteous and constructive, and can similarly expect the same approach from the staff members who are involved in the meeting.
18. Any electronic (audio or video) recording of any disciplinary meeting is expressly forbidden. Any electronic recordings of disciplinary meetings will not be admissible to the investigation and they will not form part of the disciplinary process or decision-making. Moreover, a student having made an electronic recording of a meeting may constitute an offence under this Code.
19. In all cases, the University will ensure that disciplinary action is undertaken and concluded as quickly as possible. The University will endeavour to complete all processes of disciplinary action within a maximum period of three months from the date the action is commenced. In some cases, it may not be possible for action to be concluded within this timescale, and in all cases a thorough and complete investigation will take precedence. The University will seek to provide updates to relevant parties on timescales throughout a period of disciplinary action.

## Level 1 and Level 2 Offences

1. On receipt of a notification of an alleged Level 1 or Level 2 offence, the appropriate Disciplinary Officer will consider the information already available in relation to the matter and may decide:
	1. That sufficient information is already available to enable a decision on the matter to be taken summarily at that point, and therefore with no further investigation. Generally, action will be taken summarily either where the responding student has confirmed/admitted the allegation against them, or where information is available, including a response from the responding student, which otherwise is sufficient to confirm an allegation or to confirm that an allegation does not represent a breach of this Code. Where a decision is taken summarily, no further investigation will take place, and the Disciplinary Officer will make a decision in line with paragraph 72.
	2. That an investigation is required before a decision can be made.

## Level 3 Offences

1. Further to paragraph 40 on receipt of a notification of an alleged Level 3 offence, the Chair of the Student Discipline Committee will consider the information already available in relation to the matter and will decide either:
2. That sufficient information is already available to enable a decision on the matter to be taken by the Student Discipline Committee and therefore with no further investigation. Generally, this course of action will be taken either where the student has confirmed/admitted the allegation against them, or where information is available, including a response from the responding student, which otherwise can effectively inform a consideration of an allegation. In these circumstances, no further investigation will take place, the matter will progress to the Student Discipline Committee and a decision will be taken in line with paragraphs 80 – 101.
3. That an investigation is required before a decision can be made.

## Investigation Process

1. Where an investigation is required, when carrying out an investigation, the Investigative Officer will work in line with the following eight key principles and also the provisions of paragraphs 55 – 71. The Investigative Officer will:
	1. identify themselves as Investigative Officer within the investigation to relevant parties;
	2. identify the Disciplinary Officer in respect of the matter to relevant parties;
	3. seek information from the reporting student/individual making the allegation as required in order to ensure sufficient clarity on the nature and details of the allegation. This will include information in relation to the impact that the matter to which the allegation relates has had upon them;
	4. provide the reporting student/individual making the allegation the opportunity to notify the investigation of appropriate witnesses who can provide directly relevant information;
	5. notify the responding student of the allegation against them, and provide opportunity for the responding student to fully respond to the allegation and provide any follow up information within an agreed timescale;
	6. provide the responding student the opportunity to notify the investigation of appropriate witnesses who can provide directly relevant information
	7. seek information from appropriate witnesses, including but not restricted to any proposed by the reporting student/individual making the allegation and the responding student;
	8. seek to progress and conclude the investigation as quickly as possible;
	9. be accompanied to any meetings that form part of an investigation, by an appropriate member of University staff who may take notes and provide support, and administrative input.
2. The Investigative Officer will meet/seek to meet with the reporting student/individual making the allegation in order to gather information about the allegation in person.
3. Where it is not possible for the Investigative Officer to meet in person with the reporting student/individual making the allegation, an investigation may still proceed if it is possible for sufficient information to be obtained through other communication means.
4. Where a reporting student/individual making an allegation does not, cannot or refuses to meet with the Investigative Officer, and/or insufficient information is provided to the investigation regarding the allegation, the Disciplinary Officer may decide that the allegation cannot be considered any further under this Code.
5. Whilst the University will seek to protect the confidentiality of a reporting student/individual making an allegation against a student, confidentiality can only be maintained as far as is reasonable and consistent with the progression of the matter. A reporting student/individual making an allegation will be made aware that in order for action to be progressed under this Code, it will generally be necessary for the University to make that student aware of the details of the allegation, and the name of the person making the allegation. This is in order to provide the responding student with a fair opportunity to respond to the allegation, and ensure a robust decision can be made on the outcome of the disciplinary action.
6. If a reporting student/individual making an allegation is not willing for their name or the details of the allegation they wish to make to be provided to the responding student, it will generally not be possible for the University to progress any action in response to the allegation. However, where an allegation is made which indicates that the responding student may pose a risk within the University community, the University may decide that it is essential for the University to progress action under this Code. In such circumstances, the University would adopt a risk-based approach and would seek to ensure that the responding student is directed to avoid any contact with the reporting student/individual who has made the allegation and where this individual is a student, that appropriate support is provided. Where the individual is not a student, the University will seek to offer advice on potential sources of support outwith the University if required.
7. Where a reporting student/individual who has made an allegation indicates that they wish to withdraw the allegation, such a withdrawal would be noted and acknowledged by the University. However, the University may still decide that it is necessary/appropriate for action under this Code to continue, unless the withdrawal is made on the basis that the reporting student/individual who made the allegation has since determined, or admits that, it is not true. It should be noted that within this Code, maliciously making an allegation or deliberately making a false allegation may constitute a Level 2 offence under this Code.
8. The Investigative Officer will contact the responding student to provide brief notification of the allegation and guidance on the disciplinary process, and to invite the student to attend a meeting with the Investigative Officer. This meeting will be an opportunity for the allegation to be fully notified to the student and for the student to respond to the allegation.
9. Where a responding student does not engage with the University or the University’s action under this Code, this will not prevent or preclude the University from progressing action and making decisions in respect of the matter, including decisions to apply a penalty or penalties against the student.
10. Where a student wishes to nominate a witness to contribute to a disciplinary process, they may do so where the proposed witness is appropriate to the matter in that they can provide directly relevant information on the events that form the basis of the matter being investigated/considered. Individuals who can act only as a character witness for a student will not normally be considered as an appropriate witness within this Code because they are not a witness to the particular matters forming the basis of the disciplinary action. However in some cases, the Investigative Officer may decide to accept a character reference where this could be relevant to the circumstances of the matter.
11. The Investigative Officer may decide either to meet with appropriate witnesses during the investigation, or to seek a written statement from such witnesses as the Investigative Officer considers most appropriate in the circumstances of the investigation. Where a written statement is considered appropriate, support can be offered where required in terms of the statement being prepared, and any reasonable adjustments that may assist the witness with this. If a witness considers that a meeting would be most appropriate, a meeting will be arranged with the witness.
12. Where any witness does not engage with the University or the University’s action under this Code, this will not prevent or preclude the University from progressing action and making decisions in respect of the matter.
13. It is the sole responsibility of the University to investigate matters of student discipline and to conduct the processes set out in this Code, including to engage with and seek information from witnesses as part of a disciplinary investigation. Any information gathered or obtained from a witness by any person other than the Investigative Officer (or any staff members supporting the Investigative Officer with the investigation) will not be admissible to the investigation and will not form part of the disciplinary process or decision-making. Moreover, if the University considers that any individual is acting in a way which disrupts or obstructs or could disrupt or obstruct the disciplinary process, the individual will be directed by the University to recuse themselves from such action, and may be required by the University to cease their involvement in the process.
14. Furthermore to paragraph 66, if the University believes that an individual has sought to influence a witness or lead the actions, responses or input of a witness to an investigation, or otherwise influence the disciplinary process, the University may decide to deal with this as a disciplinary matter under the provisions of this Code. Where the individual is not a student of the University, but has acted on behalf of a student of the University, this student may be held accountable for the actions under any disciplinary action the University decides to take in response.
15. At any investigation meeting or through any discipline-related communication, the student involved will have the right to provide any information or statement that is relevant to the investigation.
16. Throughout the investigative process, notes will be taken, and information gathered by the Investigative Officer and/or the staff member attending a meeting or discussion with the Investigative Officer as support/administrative support. A summary note of a meeting will be shared and agreed with the student/individual with whom discussion at the meeting took place. Where a point within the summary note of a meeting is disputed by the student/individual but considered accurate by the Investigative Officer, both views will be recorded in the final version of the note.
17. On conclusion of the investigation the Investigative Officer will prepare an investigation report that will summarise the investigation process and note the key findings and conclusion of the investigation.
18. Information gathered through an investigative process will be retained in line with the Student Discipline Data Retention Schedule.

## Level 1 and Level 2 Offences Decisions

1. When a Level 1 or Level 2 Disciplinary Officer has received and considered an investigation report, or sufficient information is available to enable a decision to be made summarily, the Disciplinary Officer may decide:
	1. that further information is required before a decision can be made (see 73); or
	2. that the allegation is not confirmed and should not be the subject of further action under this Code (see 74); or
	3. that the allegation is confirmed and either:
		1. to make a decision on the penalty at that point (see 75); or
		2. that the penalties available to them are insufficient to address the gravity of the offence (see 76).
2. Where the Level 1 or Level 2 Disciplinary Officer considers there is insufficient information relating to the allegation, the Disciplinary Officer will seek further information and/or clarification from the relevant parties, via the Investigative Officer, in order to enable a decision to be reached.
3. Where the Level 1 or Level 2 Disciplinary Officer decides that: the information gathered through the investigation process is sufficient; the information does not support an allegation being confirmed, and: the matter should not be the subject of further action, the investigation report should be retained on file by Academic Registry, in line with the Student Discipline Data Retention Schedule.
4. Where the Level 1 or Level 2 Disciplinary Officer considers that the information gathered through the investigation process is sufficient and that the allegation is confirmed, they may make a decision on the penalty to be applied in respect of the matter. Where penalties are to be applied the Disciplinary Officer may act in line with the provisions set out in sections 102 – 106 as appropriate. The investigation report/information in respect of the matter and the outcome decision will be retained on file by Academic Registry, in line with the Student Discipline Data Retention Schedule.
5. Where the Level 1 or Level 2 Disciplinary Officer considers that an allegation is confirmed and the penalties available to them under this Code are or may be inadequate to address the gravity of the offence, in order to ensure the matter is addressed appropriately and proportionately, he/she may escalate the matter to the next level of offence, and the relevant Disciplinary Officer for that level within this Code. Therefore, a matter may be initially considered at one offence level, but may subsequently be escalated to a higher offence level within this Code as appropriate to the circumstances. Escalation may take place from a Level 1 Disciplinary Officer to a Level 2 Disciplinary Officer, or from a Level 2 Disciplinary Officer to the Student Discipline Committee which acts as the Level 3 Disciplinary Officer. Such escalations to Level 3 should be directed to Academic Registry via studentdiscipline@stir.ac.uk in the first instance. Academic Registry will then facilitate the matter being considered by the Student Discipline Committee.
6. Where a matter is escalated and is to be considered and decided upon by the Student Discipline Committee, this will progress in line with the overall provisions of this Code regarding the disciplinary process, as set out in paragraphs 38 – 51 and also in line with paragraphs 80 to 101.
7. Where a Disciplinary Officer has decided on the outcome of disciplinary action, the decision will be simultaneously communicated to the responding student and the student/individual who made the allegation, in writing. The communication will provide both with a concise summary of reasons for the decision and details of any right of appeal. Notifications of disciplinary outcomes are also communicated to Student Support Services to facilitate support being provided to students where appropriate.

## Level 3 Offences Decisions

1. Decisions regarding allegations of level 3 offences are taken by the Student Discipline Committee.

## The Student Discipline Committee

1. A Deputy Principal, normally the Deputy Principal (Education and Students), will be the ex-officio chair of the Student Discipline Committee and will therefore manage meetings of the Committee and ensure their effective operation.
2. Academic Council will appoint a panel of nominees from the University staff to serve as Officers of the Student Discipline Committee. These nominees will serve for up to three years. After a period of three years, nominees may have their authorisation renewed once or twice on a consecutive basis, after which they will be required to step down as a nominee for a period of at least three years.
3. The Student Discipline Committee will meet when required and for each meeting Academic Registry will draw together two members of the panel including the chair, ensuring appropriate balance in terms of gender and faculty, and will also seek a nominee from the Students’ Union to participate as the student member. The student nominee will be determined by the Students’ Union from the Union’s membership, and must be an individual who: has never had a disciplinary offence confirmed against them; does not have a disciplinary allegation outstanding against them; has no prior involvement and otherwise no conflict of interest in the matters being considered by the Committee.
4. The three staff and student members as set out in paragraph 82 will form the Student Discipline Committee and will be collectively accountable for the decisions made by the Committee.
5. An individual may not sit on both the Student Discipline Committee and the Discipline Appeal Board in relation to the same case. The Academic Registrar will be in attendance in an advisory capacity at meetings of the Student Discipline Committee and Discipline Appeal Board apart from where their prior involvement precludes this. In such circumstances, the Deputy Secretary/nominee will be in attendance.

## Procedure for the Student Discipline Committee

1. In the case of Level 3 offences, and therefore where the Student Discipline Committee will act as Disciplinary Officer, the Committee will meet to consider the investigation findings and make a decision on the outcome.
2. The responding student, and the reporting student/individual who made the allegation, will be provided with updates on the timeline in which it is anticipated the Student Discipline Committee will make its decision.
3. Neither the responding student nor the reporting student/individual who made the allegation, will be required to attend the Committee meeting in person, however both will have the right to request that they attend, should they wish.
4. Should a reporting or a responding student indicate that they would like to attend the meeting, the request will be considered by the Committee Chair. Where it is agreed that a reporting or responding student may attend a meeting of the Student Discipline Committee they will be able to do so only for the portion of the meeting in which the case relevant to them is being considered, and only for the purpose of making a brief statement to the Committee and answering any questions the Committee chooses to ask. A student attending will have the right to be accompanied at the meeting for support as set out in paragraph 48.
5. Attendance at a meeting of the Student Discipline Committee will not constitute an opportunity for a student to provide new information on the matter being considered. If new information is provided, it will be passed from the Student Discipline Committee to the Investigative Officer to be included within the investigation and the matter will require to be considered by the Student Discipline Committee at a later date.
6. Should it be agreed that both the reporting student and the responding student are to attend the meeting of the Student Discipline Committee, they will do separately.
7. Where it has been agreed that a student may attend a meeting of the Student Discipline Committee, failure by either to do so will not preclude the Committee from considering the matter and reaching a decision.
8. Where the Student Discipline Committee considers it necessary, an appropriate member of University staff, normally the Investigative Officer, will be invited to attend the meeting of the Student Discipline Committee to answer any questions the Committee has on the investigative report/information on the matter. The member of staff attending will do so separately to any students who are also attending.
9. The Secretary of the Student Discipline Committee will act as clerk and will keep a record of the proceedings but not otherwise take part in them.
10. The Student Discipline Committee will consider the matter and reach its decision in private. Decisions will be taken on the basis of majority among the members of the Student Discipline Committee.
11. The chair of the Student Discipline Committee will hold a casting vote which will apply in circumstances where there is a split-decision.
12. The Student Discipline Committee may decide:
13. that the allegation is not confirmed and should not be the subject of further action under this Code;
14. that the allegation is confirmed and to decide upon an outcome / penalty; or

1. that further information is required before a decision can be made.
2. Where the Student Discipline Committee concludes that further information is required before it can make a decision on the matter, the Committee will specify the information it requires.
3. This information will be sought and gathered by an appropriate member of University staff, as identified by the Academic Registrar / Deputy Secretary / nominee acting as adviser to the Student Discipline Committee.
4. When the information required by the Student Discipline Committee has been gathered, it will be provided to the members of the Student Discipline Committee. The Committee will then re-convene in private to consider the information and reach a decision as per paragraphs 94 to 96.

1. The decision of the Committee will be simultaneously communicated to the responding student, and the student/individual who made the allegation, by the Secretary to the Student Discipline Committee in writing at the latest within five working days of the date of the meeting. The communication will provide both with a concise summary of reasons for the decision and details of any right of appeal. Notifications of disciplinary outcomes are also communicated to Student Support Services to facilitate support being provided to students where appropriate.
2. The Secretary of the Student Discipline Committee will prepare a documented brief outline of the Committee’s business and decisions which will be retained on file by Academic Registry, in line with the Student Discipline Data Retention Schedule.

## Penalties

1. Where a penalty is to be applied against a student, the offence that has been confirmed will be the fundamental consideration in the determination of the penalty. However, where a student has previously had a disciplinary offence confirmed, this will be taken into consideration, in addition to any penalties previously applied by the University or by another agency/organisation.
2. In applying any penalty against a student, a Disciplinary Officer will seek to ensure that advice and support is given to the student as appropriate on any implications of the penalty relating to such matters as fees, funding and visas etc, and where a fine or surety penalty is to be applied, will advise the student of the option for this to be paid in instalments.
3. The student will also be advised that any subsequent offences under this Code, and/or non-compliance with any penalties issued under this Code, will result in further disciplinary action being taken against them in line with this Code.
4. Where a penalty is applied against a student, the penalty will be suspended during the period of any appeal process. However, the University will decide whether any precautionary action requires to be taken or continued until the conclusion of an appeal process.
5. Failure by a student to pay any financial penalty or compensation within the specified required timescale or to comply with any penalty applied under this Code will be considered initially by the Deputy Secretary (or nominee). Where action by the Deputy Secretary (or nominee) does not resolve the matter, it will be dealt with as a Level 2 offence under this Code.

## Level 1 Penalties

1. The penalties which can be applied in respect of a Level 1 offence are:
2. A written reprimand to be held on the student’s record for a period of time determined appropriate by the Disciplinary Officer, up to the conclusion of the student’s studies on the programme for which they are enrolled. Such a reprimand will constitute a formal warning to the student regarding their future conduct;
3. Temporary exclusion from defined areas of the University or defined activities for a period of up to three months as determined appropriate by the Disciplinary Officer. In imposing this penalty the Disciplinary Officer will consider its impact upon both the student, the faculty and the University community as a whole, and any support that may be needed;
4. In cases involving University accommodation, temporary exclusion from defined areas or activities within University accommodation for a period up to three months, and/or termination or variation of a University accommodation occupancy agreement;
5. Suspension for a period up to three months as determined appropriate by the Disciplinary Officer. In imposing this penalty the Disciplinary Officer will consider its impact upon both the student, the faculty and the University community as a whole, and any support that may be needed;
6. Monetary fine of up to £200 to be paid within 28 days of being requested;
7. A surety of good behaviour of up to £250 to be held for a period not exceeding one calendar year to be paid within 28 days of being requested;
8. Engagement with and participation in appropriate training, or a programme of support;
9. Appropriate compensation, without financial limit, for damage to University or private property, to be paid within 28 days of the issue of the invoice;
10. Any combination of the penalties under i-vii.

## Level 2 Penalties

1. The penalties which can be applied in respect of a Level 2 offence are:
2. A written reprimand to be held on the student’s record for a period of time determined appropriate by the Disciplinary Officer, up to the conclusion of the student’s studies on the programme for which they are enrolled. Such a reprimand will constitute a formal warning to the student regarding their future conduct;
3. Temporary exclusion from defined areas of the University or defined activities for a period of up to six months as determined appropriate by the Disciplinary Officer. In imposing this penalty the Disciplinary Officer will consider its impact upon both the student, the faculty and the University community as a whole, and any support that may be needed;
4. In cases involving University accommodation, temporary exclusion from defined areas or activities within University accommodation for a period of up to six months as determined appropriate by the Disciplinary Officer, and/or termination or variation of a University accommodation occupancy agreement;
5. Suspension for a period of up to six months as determined appropriate by the Disciplinary Officer. In imposing this penalty the Disciplinary Officer will consider its impact upon both the student, the faculty and the University community as a whole, and any support that may be needed;
6. Monetary fine of up to £350 to be paid within 28 days of being requested;
7. A surety of good behaviour of up to £400 to be held for a period not exceeding one calendar year to be paid within 28 days of being requested;
8. Engagement with and participation in appropriate counselling, training, or another programme of support;
9. Appropriate compensation, without financial limit, for damage to University or private property, to be paid within 28 days of the issue of the invoice;
10. Any combination of the penalties under i-vii.

## Level 3 Penalties

1. The penalties which can be applied by the Student Discipline Committee under this Code include **any of the Level 1 and 2 penalties** and the following:
2. Temporary or permanent exclusion from defined areas, facilities or activities of the University. Temporary exclusions may be for a period up to 18 months. In these circumstances, the Student Discipline Committee should consider the academic impact on the student and any support that may be appropriate.
3. Suspension for a period of up to 12 months as determined appropriate by the Student Discipline Committee. In imposing this penalty the Committee will consider its impact upon both the student, the faculty and the University community as a whole, and any support that may be needed;
4. Expulsion from the University;
5. In cases involving a student club or society, suspension or restriction of the operation or activity of the club or society as determined appropriate by the Student Discipline Committee. In making this determination, the Committee will consult with the Students’ Union (normally the Chief Executive Officer and Discipline Secretaries);
6. A monetary fine of up to £650 to be paid within 28 days of being requested;
7. Any combination of the penalties available to the Discipline Committee.
8. No expulsion will take effect until the period for appeal has expired but a suspension or temporary exclusion from the University /defined areas or activities of the University may remain in place for the duration of the appeal process.
9. Ordinance 58 specifies that: *“The granting of a degree, a diploma or a certificate may be withheld if a candidate is in debt to the University for tuition-fees or is the subject of an outstanding disciplinary charge. Where such a charge is resolved by a decision to expel the candidate, the Academic Council reserves the right not to grant the award”*. Therefore, where it is decided through this Code that a student is to be expelled from the University, Academic Council will consider and make a decision on whether or not the student should be granted any academic award for which they may be otherwise eligible. A recommendation from the Student Discipline Committee and a written statement from the student will be sought and considered by Academic Council.
10. Where a student is expelled from the University, in line with the Admissions Policy, the University reserves the right to refuse re-admission to that student.

# Appeals

1. Where disciplinary action results in an allegation being confirmed under the provisions of this Code, the student against whom the allegation has been confirmed, and therefore whose conduct has been confirmed as having been in breach of this Code may appeal against the decision to confirm the allegation, and/or the penalty that was applied against them, where there are grounds as specified in paragraph 114. Simply disagreeing with a decision or a penalty does not constitute grounds for appeal.
2. The grounds for appeal are that:
	1. the decision or penalty is unsound because the procedure followed by the Investigative/Disciplinary Officer was not within the provisions of this Code;
	2. the decision or penalty was in excess of the provisions of this Code;
	3. new information, which could not have been submitted at any point earlier in the process, has come to light which may render the decision or penalty unsound.
3. An appeal should be made in writing within ten working days of the date of the decision notification and should state clearly the grounds upon which the appeal is being made. An appeal should be submitted to studentdiscipline@stir.ac.uk. Support can be offered where required in terms of the written appeal being prepared, and any reasonable adjustments that may assist with this.
4. Where an appeal is submitted, the reporting student/individual who made the allegation will be notified of this.
5. Appeals will be considered by the appropriate appeal officer as set out in the table below:

|  | **Disciplinary Officer** | **Appeal Officer**  |
| --- | --- | --- |
| 1 | Faculty Dean or nominee  | Dean of a different faculty, nominated by the University Secretary  |
| 2 | Executive Director of Information Services or nominee  | An executive director or appropriate nominee from a different professional services directorate nominated by the University Secretary  |
| 3 | Director of Accommodation Services or nominee of Commercial Services Directorate  | An executive director or appropriate nominee from a different professional services directorate nominated by the University Secretary  |
| 4 | Executive Director of Estates and Campus Services or nominee  | An executive director or appropriate nominee from a different professional services directorate nominated by the University Secretary  |
| 5 | Academic Registrar or nominee | Deputy Principal |
| 6 | Student Discipline Committee  | Student Discipline Appeal Board  |

1. Appeals to be considered by the Appeal Officers set out in 1-5 in the table in paragraph 117 will be dealt with through the steps detailed in paragraphs 119 – 127. Appeals to be considered by the Student Discipline Appeal Board will be dealt with through the steps detailed in paragraphs 128 – 155.
2. On receipt of a written appeal, the Appeal Officer will review the appeal, investigation report and the Disciplinary Officer’s reasons for their decision, and will collate any additional information required in order for the appeal to be considered. The individual(s) affected by the conduct of the student making the appeal will be advised that an appeal has been submitted and, in order to ensure the individual(s) has an opportunity to contribute directly to the Appeal Officer’s consideration of the appeal, will be invited to provide a written statement if they wish.
3. In circumstances where new information is provided with an appeal or within the appeal process, the Appeal Officer will be required to consider:
	1. Whether or not the information could have been submitted at an earlier point in the process. If it could be reasonably concluded that it could have been submitted at an earlier point but was not, the information will be concluded to be inadmissible to the appeal and will not be considered within the appeal.
	2. If the information has or could have a material bearing on the decision that the appeal has been submitted against.
		* If the information has/could have no direct, material bearing on the decision, it will not be considered as a basis for the appeal to be upheld.
		* If the information submitted could have a material bearing on the decision that the appeal has been submitted against, the Appeal Officer must refer the matter back to the Disciplinary Officer. The Disciplinary Officer will then act to have the information considered and investigated in line with the investigation process set out in paragraphs 54 – 71 of this Code. On conclusion of this investigation/consideration, the Disciplinary Officer will make a new decision on the matter in line with paragraphs 72 to 78 or 79 to 101 as appropriate.

1. The Appeal Officer will consider the appeal on the basis of the available information and will make a decision on the appeal.
2. An Appeal Officer may uphold an appeal in full or in part.
3. If the Appeal Officer does not uphold the appeal, the original decision will stand.
4. If the appeal has been submitted against a penalty applied and the appeal is upheld, the Appeal Officer will make a decision on the revised penalty to be applied or if no penalty is to be applied. The Appeal Officer can decide to apply any of the penalties, or any combination of the penalties, specified within this Code, excluding a penalty which is more severe than the original penalty.
5. The Appeal Officer will communicate the outcome of the appeal to the student in writing, normally within 20 working days of the date the appeal was received. This decision will be final.
6. The reporting student/individual who made the allegation will also be notified of the outcome of the appeal. Notifications of appeal outcomes are also communicated to Student Support Services to facilitate support being provided to students where appropriate.
7. The reasons for the Appeal Officer’s decision must be fully recorded and sent to Academic Registry for retention on file, in line with the Student Discipline Data Retention Schedule.

## Student Discipline Appeal Board

1. The Senior Deputy Principal will normally be a member and the chair of the Student Discipline Appeal Board. In circumstances where the Senior Deputy Principal has previous involvement in the matter, another Deputy Principal will undertake the role of chair.
2. The membership of the Student Discipline Appeal Board will also include the: Dean for Student Experience/nominee; a Faculty Dean; and the President of the Students’ Union/nominee. Membership will be managed to ensure members have no prior involvement in the matter.
3. The Student Discipline Appeal Board will meet as and when required.
4. An individual may not sit on both the Discipline Committee and the Student Discipline Appeal Board in relation to the same case. The Academic Registrar will be in attendance in an advisory capacity at meetings of the Discipline Committee and Discipline Appeal Board apart from where their prior involvement precludes this. In such circumstances, the Deputy Secretary/nominee will be in attendance.

## Procedure for the Student Discipline Appeal Board

1. A student may appeal against decisions of the Student Discipline Committee in writing within ten working days of the date of the decision notification.
2. Where an appeal is submitted which is appropriate to be considered by the Student Discipline Appeal Board, an Appeal Meeting will be convened at which the Appeal Board will formally consider it and decide upon an outcome.
3. Where necessary, the Student Discipline Appeal Board may consider more than one appeal within a meeting however where this is the case, each appeal will be considered individually.
4. Prior to the Appeal Meeting, the appeal submitted by the student, together with the investigation report, documentation setting out the action already taken in relation to the matter, and the Student Discipline Committee’s reasons for its decision will be circulated to members of the Student Discipline Appeal Board. A pre-meeting of the Student Discipline Appeal Board will be arranged to enable the Board to undertake an initial review of the information. This meeting may take place in person or via technological means. At this point the Board will determine if any further information or clarification is required in order for the appeal to be considered. Where the grounds for appeal are based on the availability of new information, this will include a consideration of the new information submitted with the appeal by that stage.
5. Where required, further information will be gathered and provided to the Student Discipline Appeal Board members by Academic Registry.
6. The appellant student will be entitled to attend the Appeal Meeting in person and to be accompanied as set out in paragraph 48. Where the matter forming the basis of the case to which the appeal relates involved an allegation being made by another student, the reporting student will also be entitled to attend the Appeal Meeting in person and be accompanied as set out in paragraph 48.
7. Where both the appellant student and the student who made the allegation both wish to attend the Appeal Meeting, they will do so separately.
8. The appellant student and the reporting student/individual who made the allegation will be given at least seven working days’ notice of the date and time of the Appeal Meeting.
9. Failure by the appellant student to engage with the Student Discipline Appeal Board process or to attend the Appeal Meeting at the time specified will not preclude the Board from considering the appeal and reaching a decision on the outcome.
10. The appellant student will have the opportunity to make a verbal statement at the Appeal Meeting.
11. Where an appellant student does not wish to attend the Appeal Meeting they may wish to provide the Student Discipline Appeal Board with a written statement. Support can be offered where required in terms of the statement being prepared, and any reasonable adjustments that may assist with this. Any such written statement must be submitted no later than two working days in advance of the Appeal Meeting.
12. The reporting student/individual who made the allegation will have the opportunity to make a verbal statement at the Appeal Meeting.
13. Where the reporting student/individual who made the allegation does not wish to attend the Appeal Meeting they may wish to provide the Student Discipline Appeal Board with a written statement. Support can be offered where required in terms of the statement being prepared, and any reasonable adjustments that may assist with this. Any such written statement must be submitted no later than two working days in advance of the Appeal Meeting.
14. Where both the appellant student against whom the allegation relates and the student who has made the allegation, wish to appear at the Committee meeting in person, they will do so separately.
15. A relevant member of University staff will attend the Appeal Meeting in order to answer any questions the Student Discipline Appeal Board has in respect of the disciplinary action and decisions taken.
16. The Secretary of the Student Discipline Appeal Board will act as clerk and will keep a record of the proceedings but not otherwise take part in them.
17. The Student Discipline Appeal Board will consider the matter and reach its decision in private.
18. The chair of the Student Discipline Appeal Board will hold a casting vote which will apply in circumstances where there is a split-decision. The decisions of the Appeal Board will be final.
19. If the Student Discipline Appeal Board does not uphold the appeal, the original decision will stand.
20. If the appeal has been submitted against a penalty applied and the appeal is upheld, Student Discipline Appeal Board will make a decision on the revised penalty to be applied. The Appeal Officer can decide to apply any of the penalties, or any combination of the penalties, specified within this Code, excluding a penalty which is more severe than the original penalty.
21. If the appeal is upheld in full or in part, the original decision may be revised or reversed as the Board considers appropriate.
22. The decision and penalty must be communicated to the appellant student and the student who made the allegation, by the Secretary to the Student Discipline Appeal Board in writing within five working days of the meeting. The notice communicating the decision must give reasons for the decision.
23. The appellant student and the student/individual who made the allegation should be sent the written communication regarding the decision and penalty at the same time.
24. The Secretary will prepare a summary of the Committee’s consideration of the matter which will on file by Academic Registry, in line with the Student Discipline Data Retention Schedule.

*Revised* Ordinance *approved by the University Court: 23 March 2020*

# Appendix A: Example Student Disciplinary Offences and Potential Disciplinary Penalties

This information below is a non-exhaustive list of examples of conduct that may constitute an offence under this Code. It is provided for example purposes only and other types of conduct may also be considered by the University to represent a disciplinary offence. Determinations of ‘serious’ will be made solely by the University and will take into account the overall circumstances of the matter, the nature and specific actions of the conduct, and the impact of the actions/conduct. As per paragraph 76 of this Code, where a Disciplinary Officer decides that conduct constitutes an offence under this Code, the Officer may also decide that the penalties available to them are insufficient to address the gravity of the offence, and to escalate the matter to the next level of Disciplinary Officer.

## Disciplinary Offence Examples Level 1

| **Disciplinary Offence (Level 1)** | **Examples of Behaviours that may Constitute this Offence** |
| --- | --- |
| Abusive or intimidating behaviour (through verbal, written or on-line/electronic means)  | Isolated incident of use of foul, abusive or otherwise inappropriate language towards another person; behaving in an intimidating manner; shouting at another person. |
| Anti-social or offensive behaviour, or conduct in general, which causes or could cause undue distress, concern or disruption to others and/or to University activity | Individual or group behaviour such as: causing a disruption on University premises or at University events; interrupting or disrupting an examination; refusing to answer a request, or comply with instructions from University staff; submitting excessive emails to the point at which it becomes vexatious; using social media in a way that causes or could cause distress, concern or disruption.  |
| Anti-social behaviour, or conduct in general, which causes or could cause damage to the University’s relationship with the local or wider external community | Individual or group behaviour such as causing a disruption in the local community or in the wider community; damaging areas of the local or wider community. |

| **Disciplinary Offence (Level 1)** | **Examples of Behaviours that may Constitute this Offence** |
| --- | --- |
| Causing or attempting to cause minor damage to University or University members’ property | Breaking a window; pulling a handle off a door; minor damage to a mobile phone; minor graffiti.  |
| Causing or attempting to cause minor damage or disruption to the University campus or the campus environment | Littering; damaging plant-life; vandalism; disturbing wildlife; damaging seating or lighting. |
| Causing a health or safety concern | Being in possession of a controlled substance; smoking in non-designated areas; tampering with fire or other safety equipment. |
| Failure to comply with University ordinances, regulations, codes of practice, contracts or policies. | Unauthorised parties in residences; causing a disturbance in examinations. |

## Disciplinary Offence Examples Level 2

| **Disciplinary Offence (Level 2)** | **Examples of Behaviours that may Constitute this Offence** |
| --- | --- |
| Multiple or repeated Level 1 offences |  |
| Causing or attempting to cause physical harm | Carrying out or attempting to carry out: kicking; slapping; pulling hair; biting; pushing. |
| Serious threatening or abusive or intimidating behaviour | Serious threats to harm another person or another person’s friends or family; threats to cause significant damage to University buildings or campus; seeking to intimidate or abuse through vexatious or malicious complaints/allegations. |
| Causing a serious health or safety concern  | Supply or intent to supply controlled drugs/substances; an act or omission that did cause or could have caused serious harm on University premises or during University activities; tampering with fire safety equipment in a way which could render the equipment ineffective, inoperable or damaged and therefore could put residents, staff or property at risk. |

| **Disciplinary Offence (Level 2)** | **Examples of Behaviours that may Constitute this Offence** |
| --- | --- |
| Causing or attempting to cause serious damage to property, the University campus or the campus environment | Destruction of property; destruction of plant life; fire-raising; animal cruelty or harm. |
| Stealing | Taking property or items belonging to another person, organisation, or institution without permission. |
| Deception or dishonesty | Deliberate falsification of documents or records or deliberate deception to secure unfair or illegitimate gain or for another aim; deliberate making, adapting or imitating documents or other items with the intent to deceive or secure unfair or illegitimate gain or for another aim; giving or offering a bribe; deliberately making a false allegation. |
| Persistent refusal or failure to observe and comply with another penalty applied under this Code.  | Non-payment of a financial penalty; further breach of the Code where a formal warning has been issued; failure to comply with the parameters/requirements of an exclusion penalty. |

## Disciplinary Offence Examples Level 3

| **Disciplinary Offence (Level 3)** | **Examples of Behaviours that may Constitute this Offence** |
| --- | --- |
| Multiple or repeated Level 2 offences |  |
| Causing or attempting to cause serious physical harm | Deliberately carrying out or attempting to carry out: stabbing; punching; strangling. |
| Gender-based violence, sexual violence or sexual misconduct  | Violence directed against another person because of their sex/gender; non-consensual sexual intercourse; performing a sexual act without consent; attempting to engage in sexual intercourse or a sexual act without consent; sharing private sexual materials/intimate images or information of another person without consent; kissing without consent; touching inappropriately through clothes without consent; inappropriately showing sexual organs to another person; making unwanted remarks of a sexual nature; deliberately exposing another person to pornographic material without their consent; behaviour which could reasonably be considered as honour-based violence. |

| **Disciplinary Offence (Level 3)** | **Examples of Behaviours that may Constitute this Offence** |
| --- | --- |
| Abuse, threat or intimidation motivated by prejudice or discrimination | Making abusive comments or conduct relating to an individual’s sex, sexual orientation, religion or belief, race, pregnancy/maternity, marriage/civil partnership, gender reassignment, disability or age.  |
| Coercion, persistent or serious harassment, bullying or intimidation | Persuading or seeking to persuade someone to do something through use of threats or force; persistently contacting another person (by phone, email, text or on social networking sites) against the wishes of the other person; persistently following another person without good reason and/or against the wishes of the other person; persistently acting in an intimidating and/or hostile manner; persistent use of force, threat, or coercion to abuse, intimidate or aggressively dominate others. |
| Making a threat to life | Threatening to kill another person or another person’s friends or family. |
| Conduct which is lewd or obscene or which otherwise offends  | Having/using sexual aids or toys in public; having sexual intercourse in public; acting out a sexual act in public. |

| **Disciplinary Offence (Level 3)** | **Examples of Behaviours that may Constitute this Offence** |
| --- | --- |
| Use of University premises, facilities or services, or items of University property, including computers and IT networks for illegal purposes | Downloading or creating pornographic images. |
| Possession of a weapon/firearm including imitations or replicas | Having an item such as a gun, knife or other weapon or replica weapon or ammunition without legitimate or reasonable or credible reason. |
| Actions which bring or are likely to bring the University into significant disrepute | Engaging in conduct which could represent a level 2 or 3 offence under this Code whilst representing the University either directly or indirectly, and formally or informally; engaging in conduct which could represent a level 2 or 3 offence whilst representing a University of Stirling club or society. |