



Senate Handbook

Student Disciplinary Procedures

This Handbook supplements Regulations governed by Senate.

It includes policies, procedures, advice and/or guidance that staff and students are expected to follow in the proper conduct of University business.

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Major changes to this document since version 3.0 (August 2021):

- Change of name from Student Advice Centre to Student Wellbeing and Disability Support
- Change of name from Learning Support Agreement to Student Support Plan

1 Introduction

This Handbook describes the University's approved procedures for the management of complaints made against the behaviour of one or more students. It supplements Regulation 24 of the University's Regulations and outlines the details of the procedures that will be followed in the event of an allegation made against one or more students.

This Handbook is written for both staff and students, and outlines the procedures for the making an allegation, managing and investigating any allegation and for students who are the subject of any allegation. This Handbook incorporates the previously published Staff and Student Handbooks, and it is applicable to all students of the University (including Postgraduate Taught and Research students, Undergraduate students and associate students studying not for a formal academic award (both full- and part-time)).

Disciplinary investigations are authorised to take place by Senate where a student has been accused of one or more of the following:

- (a) having failed to abide by one or more Senate Regulations, including the further guidance and advice outlined in supplementary Handbooks, or other formal rules and policies approved by the University;
- (b) having been disorderly or otherwise disruptive to the proper functioning of the University;
- (c) having acted inappropriately or prejudicially to any members of the University, or to the general public whilst engaged in student-related activities, including but not limited to acts of harassment, harmful or threatening behaviour, verbal or physical abuse, or acts of violence;
- (d) having caused harm or damage to University property, including University halls of residence;
- (e) having otherwise brought, or potentially brought, the University into disrepute;
- (f) having endangered their own health and safety, or that of others, including by not adhering to Government or University guidance on health matters; or
- (g) having failed to comply with or carry out any sanctions or penalties arising from a previous disciplinary investigation.

A non-exhaustive list of offences and example penalties that may be applied can be found at Appendix A.

Anybody can make an accusation against a student, including other students, members of staff, industrial or academic partners of the University or members of the general public.

Students who have been accused of such behaviour are advised to read this Handbook carefully and thoroughly, so that they understand how any investigation into their behaviour will be undertaken.

In addition, they can seek further advice and support within the University for their defence, including from:

- staff in Education Services (including the Academic Registrar and the Assistant Registrars);
- staff in Student Wellbeing and Disability Support;
- staff and students in the Cranfield Students' Association (CSA).

In addition to this disciplinary policy, the University has a Fitness to Study Policy, which can be found in full in the Senate Handbook: Student Welfare. For further details please see section 2.3 of this Handbook.

2 General principles

2.1 Who do these procedures apply to?

All students who are registered with the University for a formal programme of study are potentially subject to the disciplinary procedures outlined in this Handbook, including:

- registered taught course students and registered research students;
- visiting students, non-award students and associate students (i.e. those registered for short periods of time for learning credits);
- students registered with Cranfield University but studying at a partner institution.

Members of staff who are also registered as students will normally be subject to the disciplinary procedures applicable to staff, as outlined in Ordinance 22. If the allegation of misconduct relates, however, to their academic studies, the University reserves the right to apply these procedures and any potential penalties relating to them in addition to any action taken under Ordinance 22.

The University also reserves the right to apply these procedures to persons who are intending to register, or are in the process of registering with the University. This includes new students who have arrived on campus but have not completed the formal registration processes.

The procedures will not normally apply to applicants, or to those who have accepted an offer of study but not started the process of registration. The University, however, reserves the right to undertake a disciplinary investigation relating to events that may have taken place before registration once the applicant has registered fully with the University.

Where a student is subject to a police investigation for a criminal offence the University may defer any disciplinary investigation until a decision has been made to charge or convict the student of the offence. The University may seek to apply a temporary suspension pending the outcome of the criminal investigation, or any other temporary sanction (including restriction to University sites/facilities or contact with others).

2.2 Who can make an allegation?

Allegations giving rise to an investigation can come from any person, whether they are a member of the University or not; allegations may be made by individuals, groups of people or by institutions (e.g. companies, the police etc.). An allegation will not normally be accepted unless it is made in writing and can be substantiated; the University reserves the right to make a judgement on whether or not to consider allegations made anonymously, but would normally choose not to do so.

The University also reserves the right to dismiss without investigation allegations which appear vexatious or malicious; this may include circumstances where serial allegations are made by, or about, the same individual(s). The University further reserves the right to consider counter-allegations in these circumstances by those accused of wrongdoing.

2.3 Fitness to Study Policy

The University has a Fitness to Study policy, located in the Senate Handbook: Student Welfare, which describes the University's approved procedures for the management of concerns raised against the behaviour of one or more students.

Under the Fitness to Study policy, issues which may otherwise be considered as a disciplinary matter may be investigated through a Fitness to Study process if they are considered to be the result of an underlying physical and/or mental health difficulty and/or other issues that impact a student's ability to study.

The Fitness to Study procedure may be applied to any student, at any stage of their study. It does not apply to applicants who are yet to be offered a place at Cranfield or those who have been offered a place but have not yet registered for their study.

The procedure may be applied where:

- as a result of an underlying physical or mental health problem;
 - a student poses a risk to their own health, safety and/or wellbeing and/or that of others;
 - a student's behaviour is (or is at risk of) adversely affecting the teaching, learning and/or experience of fellow students and staff and/or the spirit of studying, working and living co-operatively and in close proximity with others;
 - the student's behaviour, appearance or demeanour presents a serious concern or risk to themselves or others and/or the University's reputation;
 - the student has behaved in any other way that would otherwise be dealt with as a disciplinary matter, but evidence (from an internal or external source) has been provided to show that the student's behaviour may be the result of an underlying physical (e.g. serious long term health issue) or mental health problem linked to their Fitness to Study.

or where:

- a student's support needs fall outside the scope of the support and other services which the University can reasonably be expected to provide either directly or indirectly;
- there is progressive or sudden deterioration in a student's attendance, engagement, quality of work, demeanour, or behaviour;
- the student has themselves raised a concern with a member of the University that indicates that there is a need to address the student's Fitness to Study;
- the student's participation in their course or their agreed research activities is not enabling them to make progress with their studies or research and there is reason to believe that this is linked to their Fitness to Study.

At any stage during a disciplinary investigation an investigator may (on the recommendation of a medical professional or member of staff, or request of the student) recommend to the Academic Registrar that any offence be considered under the Fitness to Study policy instead of this disciplinary procedure. Students are expected, to raise any reasons why they feel the matter should be investigated under the Fitness to Study Policy as soon as possible during a Stage 1 or Stage 2 investigation.

The Academic Registrar will liaise with the Head of Student Support to determine the most appropriate course of action.

Investigators into alleged disciplinary offences should raise any concerns over the appropriateness of the use of the disciplinary procedures over the Fitness to Study process with the Academic Registrar as soon as possible.

Each case will be considered on an individual basis, and the presence of an underlying physical or mental health condition will not necessarily mean that any investigation will follow the Fitness to Study process instead of these disciplinary procedures.

3 Broad outline of the stages of an investigation

All investigations are managed in the following way:

- STAGE 1** *informal investigation*
- preliminary enquiries made to verify the truth of any allegation
 - rapid resolution sought
 - outcomes may be dismissal of the allegation, or a verbal or written warning or advice
 - in serious cases, the investigation may be escalated to Stage 2



Students have the right to request a review of any decision made at Stage 1 under certain circumstances – see Stage 3.

- STAGE 2** *formal investigation*
- detailed enquiries and a full and documented investigation is undertaken to verify the truth of any allegation and determine any appropriate penalty or redress
 - outcomes may be dismissal of the allegation, or any penalty deemed appropriate by the Head of School (up to and including possible temporary or permanent expulsion from the University)



Students have the right to request a review of any decision made at Stage 2 under certain circumstances – see Stage 3.

- STAGE 3** *review*
- students may request a review to the Academic Registrar of the outcome under certain circumstances
 - The Academic Registrar can either dismiss the request (if it is not appropriate) or will appoint one or more independent people to review how the original investigation(s) was conducted
 - the review will either be dismissed by them, or the matter referred back for further investigation by new people in the light of the student submission

If at this stage the student believes they have been treated unfairly they can complain to a body outside of the University

4 Conduct of investigations

Both students and investigators are entitled to specific rights: these apply to all internal stages of an investigation (i.e. Stages 1, 2 and 3). Investigators should pay close attention to these, as failure to adhere to them may result in grounds for appeal to an outside body.

4.1 Transparency

During the course of any investigation, the student(s) under investigation will be kept informed at all times of and kept up to date of:

- the names of the people who have been appointed to investigate the allegation;
- the projected timescales for the completion of any investigation and, if there are unexpected delays or deferrals, any revised timescales;
- all evidence received or collected by the investigators;
- the final decision(s) of the investigators, in the form of a written report for a Stage 2 or Stage 3 investigation.

Investigators should ensure that they remain in regular contact with the student(s) under investigation, keeping them up to date on how the investigation is progressing.

Investigators should also keep students informed of evidence they have obtained, especially evidence considered to be key to their final decision. Investigators should outline the nature of the evidence to the student(s) and provide a copy to them on request. Investigators should also ensure that they afford students the right to rebut or dispute the honesty or accuracy of that evidence, giving them clear timescales of when and how they should do this.

Should an investigator have concerns about the privacy or confidentiality of the information, they should consult the Academic Registrar or a Data Protection Co-ordinator for further advice.

When gathering evidence, investigators should make it clear to any persons that the information will be shared with the student under investigation, unless there are clear and pressing reasons for this not to be the case. Even if there are reasons, it cannot be guaranteed the information will not be disclosed due to the University's data protection policy.

4.2 Right to a fair hearing

The University takes any investigation very seriously, and is committed to ensuring that it appoints investigators who are not prejudiced or biased against any person involved in the investigation.

If a student believes, however, that an appointed investigator may be aware of their personal or educational circumstances, to the extent where they may have made pre-informed decisions about the allegation, the student may raise this with the Academic Registrar or Pro-Vice-Chancellor (School). The Head of School will then consider whether those circumstances represent a "conflict of interest" in the appointed investigator serving as an investigator, and will either appoint a different investigator(s) or explain to the student why this is not appropriate or necessary.

If an investigator appointed to consider an allegation at Stage 2 and Stage 3 believes that they are already too familiar with the circumstances of the case or the individual student(s) to be objective about the investigation, then they should discuss this as soon as possible with the relevant Head of School. Exceptionally, an investigator may become aware of such conflicts of interest as an investigation progresses, and they should disclose any concerns as soon as they may arise. The Head of School will then consider whether those circumstances represent a conflict of interest in them serving as an investigator, and will either appoint a different investigator(s) or explain why this is not appropriate or necessary.

investigators at all stages must ensure that all persons involved in an investigation have an equal opportunity to present their case and any evidence they feel relevant to any investigation.

4.3 Gathering evidence and holding meetings

Prior to commencing any investigation, investigators should ensure that they have read the University's Dignity at Study policy and the examples and definitions of harassment provided, which can be found in the Senate Handbook on Student Welfare.

Investigators have the right to interview any persons they believe are necessary to complete their investigation. This will usually include the student(s) under investigation, who are required to meet any reasonable requests from investigators.

Student(s) under investigation may refuse to meet with investigators or provide evidence. Should a student choose to exercise this right, investigators should remind the student that failure to do so may result in any review (Stage 3) against the final decision on the grounds of incomplete evidence being deemed invalid by the Academic Registrar. Where a student refuses to meet with an investigator or provide evidence, the investigator(s) should proceed with the investigation to the best of their ability.

Any person interviewed as part of an investigation has the right to be accompanied by a person of their choice. This person will be referred to at all times as the interviewee's "friend" (irrespective of their status, relationship to the interviewee or professional role). Investigators should inform any person they wish to interview of this right when arranging the meeting.

Students and staff may only bring a friend to a meeting if they have notified the investigator in advance. Where an investigator has not been notified in advance, they should feel free to cancel and re-arrange the meeting at a future point, if they feel uncomfortable about proceeding. The friend is entitled to discuss any matter with the student during the course of the meeting (including requesting a private discussion out of the investigator's hearing), but is not entitled to represent the student/staff member or their views on their behalf.

During any meeting or interview, the person being interviewed or their friend is entitled to ask for copies of any evidence discussed, and for a short break either to discuss any points being raised, or to collect or discuss their thoughts in private.

Students and members of staff also have the right to ask for a reasonable deferral of any meeting, or any deadline of request for information from an investigator, but only on the grounds that they need further time to prepare for the requested meeting or information. Investigators may continue their investigations in the meantime, but should inform all parties if that is their intention. Investigators may also decide to conclude the investigation without that input if they deem the requested deferrals to be unreasonable.

4.4 Taking notes

During any meeting conducted to support an investigation the investigator (or another member of staff on their behalf) will take accurate notes, including dates and times of meetings, who was present, and any important facts or conclusions made during the meeting. Depending on the nature of the investigation, investigators may wish to provide the persons interviewed with a written summary of the meeting for them to agree with. Persons interviewed may also wish to reconcile their own notes with those of the investigator(s), and investigators should agree to reasonable requests to do so.

Investigators should also take notes of any attempts made to obtain information, and record where the student(s) under investigation have not been co-operative.

These records should be sent through to the Academic Registrar (through appeals@cranfield.ac.uk), who will retain them in line with the University's Data Retention Schedule.

Students are advised to keep their own records should this be required for any future stage of the appeals process.

4.5 Suspension of registration of students under investigation

In most cases, students will continue their studies with the University while the investigation is underway.

At any stage, however, if the Academic Registrar believes the matter under investigation, or the student's behaviour or response to the investigation, represents a health or safety risk to that student or any other member of the University, they may authorise a temporary suspension of registration and/or a restriction to the student's presence on University premises.

The Academic Registrar may only take such action on receipt of clear evidence and after due consultation with other staff of the University. Investigators or other staff who have any concerns should raise these directly with the Academic Registrar.

Should the Academic Registrar restrict a student's access to the University or temporarily suspend their studies they will explain the reasons for taking such action to the student. Any suspension or restriction of presence will likely remain in place for the duration of the investigation.

4.6 Communication of Disciplinary Outcomes

At the conclusion of a Stage 2 and Stage 3 investigation, the investigator(s) will produce a report detailing the investigation findings, addressing all of the concerns raised and setting out details of any recommended redress, along with an accompanying coversheet showing the outcome and recommended redress.

Students who have been investigated will receive a copy of the full report and coversheet. Where an allegation has been made by a member of staff, they will be entitled to receive a copy of the coversheet and full report (redacted where aspects of the allegation relate to others, as necessary). Where an allegation has been made by another student that student will be entitled to receive a copy of the report coversheet showing the outcome and any recommended redress.

The cover sheet may additionally be sent to any staff necessary in order to implement any of the recommended redresses (i.e. finance, SAS Leads, Registry etc.).

5 Stage 1 – Informal investigation

5.1 Informal investigation process

The University is required to investigate any allegation made on any of the areas outlined in Section 1 of this Handbook. Please note that the initial informal investigation does not assume that the incident or inappropriate behaviour has taken place, but is intended to assess clearly what has taken place.

In many cases, it is found that allegations of inappropriate behaviour are a result of ignorance of the rules, or misunderstandings or miscommunications. Where this is the case, an investigation may be resolved through the issuing of verbal or written warnings (to the accused) or advice (to any of the relevant parties or more generally). Any investigation that results in a warning or advice being issued will be noted within the School, but no formal action placed against the student record in Education Services.

Allegations are usually made to a trusted member of staff (including but not limited to a Course Director, Supervisor, Head of School, Student and Academic Support Lead, personal tutor or staff in Student Wellbeing and Disability Support). At Stage 1 it may be appropriate for such people to alert the Pro-Vice-Chancellor (School) or, by prior arrangement, to take forward matters and report to the Pro-Vice-Chancellor (School) afterwards.

The outcomes of a Stage 1 investigation are limited to: a verbal or written warning, advice or dismissal of the allegation. If the investigator believes, however, that a more serious penalty should apply, they must inform the Head of School; any penalty will not be decided at this stage, and will result only from a full and detailed formal investigation under Stage 2 of these procedures.

If a student believes that the result of any informal investigation (Stage 1) has been unfair, then they may request a review in writing to the Academic Registrar (through appeals@cranfield.ac.uk). Students may only request a review of a decision to issue verbal or written warning, advice or dismissal of the allegation, not a recommendation that the investigation should be escalated to Stage 2. Students retain the right to request a review of any Stage 2 outcome following completion of the Stage 2 investigation. A request for a review will only be accepted if it is made within twenty working days of the conclusion of the investigation. Either the Academic Registrar or a member of their staff will contact any student submitting a request for a review to discuss their circumstances and advise them on possible next steps.

If the outcome of the Stage 1 investigation is the recommendation for a formal Stage 2 investigation to take place, students are advised to co-operate fully in that process.

5.2 Information for investigators

On commencing an investigation, investigators should:

- a) ensure they have read and are familiar with Sections 2 and 4 of this Handbook;
- b) contact the student(s) under investigation, within ten working days, and explain who they are and what their role is;
- c) check that the student(s) under investigation is aware of this Handbook and understands its content, including the possible penalties that may be applied for the alleged offence as set out in Appendix A;
- d) advise the student(s) under investigation of their sources of advice or support;
- e) outline that they are undertaking a preliminary and informal investigation into the allegation and will either:
 - i. dismiss the allegation as being unproven; or
 - ii. issue either a verbal or written warning or advice at the end of the investigation; or
 - iii. recommend to the Head of School that a full investigation takes place.

At the conclusion of the investigation, investigators should:

- a) inform the student of the result of the investigation (as specified at e) above);
- b) ensure that they have collated their notes, to be sent through to the Academic Registrar (through appeals@cranfield.ac.uk), who will retain them until 12 months has elapsed after the end of the student's registration.

Investigators should note that the Head of School may choose to re-appoint them to conduct the Stage 2 investigation.

6 Stage 2 – Formal investigation

6.1 Formal investigation process

If an allegation is escalated to a formal investigation (Stage 2), the Head of School will appoint one or more persons to make detailed enquiries and obtain evidence to either support or dispute the allegation. Any investigation at this stage will be documented fully, with a report to be written.

It is highly likely in a formal Stage 2 investigation that a formal and structured meeting between the investigator(s) and student(s) under investigation will be required, at which notes must be taken. Students (or any member of staff interviewed as part of an investigation) may bring a friend to this meeting (see section 4.3) and make notes of their own, and may also ask to see the notes made by the investigator(s), to check for accuracy.

Investigators are entitled to ask for further evidence from students, including access to their emails, or documents on their personal filestores if they wish to determine the truth in any allegation. They may also meet with other members of the University, or ask for evidence from others. Students should be kept advised of this additional evidence and activities by the investigator(s).

At the conclusion of their investigations, investigators will make a recommendation to either dismiss the allegation, or uphold it and apply a penalty to the Head of School. The Head of School will determine whether to take forward those recommendations, and what penalty (if any) to apply: these will most likely be outlined to the student in a formal meeting with the Head of School or their representative. Examples of penalties which may be appropriate depending on the offence committed are given in Appendix A.

A report will also be provided to the student at the end of the process, to outline and explain any decisions made. Any investigation that results in the allegation being proven will be placed against the student record in Education Services.

Should a student believe that the result of the formal investigation (Stage 2) has been unfair, then they may request a review of the decision in writing to the Academic Registrar (through appeals@cranfield.ac.uk). A request for a review will only be accepted if it is made within twenty working days of the conclusion of the investigation. Either the Academic Registrar, or a member of their staff, will contact the student to discuss their circumstances and advise them on possible next steps.

6.2 Information for Investigators

On being appointed formally by the Head of School to commence an investigation, investigators should:

- a) ensure they have read and are familiar with Sections 2 and 4 of this Handbook;
- b) contact the student(s) under investigation, within ten working days, and explain who they are and what their role is;
- c) outline what timescales they think will be needed for the investigation;
- d) check that the student(s) under investigation is aware of this Handbook and understands its content;
- e) advise the student(s) under investigation of their sources of advice or support;
- f) outline to the student that they are undertaking a full and formal investigation into the allegation and will either:
 - i. dismiss the allegation as being unproven; or
 - ii. recommend to the Head of School an appropriate penalty as a result of their findings. (A range of appropriate penalties is provided as Appendix A).

When sending forward the case for investigation, the Student Casework team will inform the investigator whether the student has a Student Support Plan in place. Investigators should then make reasonable adjustments where appropriate (in consultation with Learning Support Officer if required), to accommodate these needs (e.g. meet in a ground floor room if student has mobility issues, emails sent during working hours to allow the student the opportunity to access support where required etc.).

At all times, investigators should keep the student(s) under investigation apprised of the progression of the investigation.

All investigations will result in a formal report which will be provided to the student(s) under investigation, with copies retained by the Head of School and the Academic Registrar. Any investigation that results in the allegation being proven will be placed against the student record in Education Services.

At the conclusion of the investigation, investigators should:

- a) inform the student(s) that the investigation has been concluded and that they will be contacted by the Head of School;
- b) complete a full and accurate report of their investigation, which should include:
 - i. a clear decision (with reasons given) on each element of the allegation;
 - ii. a clear recommendation to either dismiss the allegation, or otherwise hold the allegation to be fully or partially true;
 - iii. a clear recommendation on an appropriate penalty for the Head of School to consider;
 - iv. a list of evidence they have obtained to support their findings, highlighting the key elements leading to their conclusions.

At that point, the Head of School will consider the penalty to be applied and confirm their decision to the student(s) under investigation, and provide them with a copy of the report. They will also provide this information to the Academic Registrar.

All notes and evidence collected during the investigation should be sent through to the Academic Registrar (through appeals@cranfield.ac.uk), who will retain them in line with the University's Data Retention Schedule.

Once the Stage 2 process has been completed, a Stage 2 investigator's role is then concluded (although they may be asked to contribute to any future related request for a review).

7 Stage 3 – Review

7.1 Stage 3 process

The University takes allegations and their investigations extremely seriously, and acts in an appropriate manner to ensure that fairness for all parties is maintained throughout. It will likely assert that decisions arising from an investigation have been the result of a fair and thorough investigation, and are based on evidence provided by the parties concerned.

Students, however, have the right to request a review of any decision arising from an investigation to the Academic Registrar, but only under specific circumstances. These are limited to:

- A. that the decision of the investigating officer(s) at Stage 1 or Stage 2 was based on incomplete or inaccurate evidence, to the extent where it is reasonable to conclude that the decision may have been different;
- B. that the investigating officer(s) has not made clear recommendations on each element of the initial allegation;
- C. that the investigating officer(s) was prejudiced or biased against one or more persons connected with the allegation, including any undisclosed conflicts of interest.

Students may not request a review if they do not like the outcome of an investigation, or if they believe that the penalty applied is unfair or disproportionate to the offence. (They retain, however, the right to complain about the University to the Office of the Independent Adjudicator for Higher Education – see Section 8 - External Complaint).

Any request for a review must be submitted within twenty working days of the stage 1 or 2 decision, and will be reviewed by the Academic Registrar, who judges whether there is a *prima facie* case to answer.

Any review will then focus on the specific grounds cited, and are in essence limited to an investigation of how the Stage 1 and/or Stage 2 investigations were conducted.

Any request must:

- (a) be submitted in writing to the Academic Registrar (to appeals@cranfield.ac.uk) within twenty working days of the conclusion of the Stage 1 or Stage 2 investigation;
- (b) state clearly which of the grounds A, B and/or C above are relevant to the request;
- (c) provide a clear statement of the background for the request, and evidence to support this statement;
- (d) outline a preferred outcome or solution for any review investigator to consider.

Please note that the Academic Registrar may summarily dismiss a review request if:

- (a) they do not believe that the student has provided sufficient evidence to merit an Investigation; or
- (b) it is not based on one of the permitted grounds of review; or
- (c) it was submitted out of time.

The Academic Registrar can only do this after consulting either the Pro-Vice-Chancellor (Education) or the Pro-Vice-Chancellor (Research) with details of the circumstances, and only with their agreement. The Academic Registrar will confirm with the student in writing if their request is dismissed.

If a review request is accepted the Academic Registrar will confirm this to the student. The Academic Registrar will then, within ten working days of this receipt, appoint at least two senior members of the University to investigate the review. The investigators should contact the student to confirm that they have been appointed and outline to the student the timescales they believe will be needed to review the request and come to a decision.

The investigators shall not review the matter themselves, but instead focus on the process of the previous investigation, in line with the stated grounds of review. On completion of their investigation into the review, students will be provided with a report, including a decision and the reasons for it.

The investigators may decide:

- (a) to dismiss the review; or
- (b) to fully or partially uphold the review, and refer the matter back to the Head of School, with a request to authorise a re-investigation of the matter by different persons.

Any re-investigation will be conducted in the same manner as a Stage 2 investigation, save that the recommended outcomes of the re-investigation are considered as final, with no recourse to a second Stage 3 investigation (review). The decision of the University at that point would be considered final.

Where a request for a review is made on the grounds that the allegation was not fully investigated at Stage 2, or that the Stage 2 investigator did not address areas of the allegation, it may be referred back to that Stage 2 investigator instead of being accepted as a Stage 3 review. This would not preclude a student from submitting a further Stage 3 request at the conclusion of any further Stage 2 investigation.

7.2 Information for investigators

Appointment of a Review Investigator

In order to investigate the review, the Academic Registrar will appoint at least two Review Investigators. The role of a review investigator is to determine whether the University has acted fairly, and their decision will be the University's final view on the matter.

On being appointed formally by the Academic Registrar to commence an investigation, review investigators should:

- a) ensure that they have read and are familiar with Sections 1, 2 and 4 of this Handbook;
- b) review all of the evidence provided to them at the outset;
- c) contact the student(s), and explain who they are, and what their role is;
- d) outline to the student(s) what timescales they think will be needed for the investigation;
- e) check that the student(s) are aware of this Handbook and that they understand its content;
- f) advise the student(s) of their sources of advice or support;
- g) outline to the student that they are undertaking a review of the previous investigations and will either:
 - i. dismiss the review; or
 - ii. recommend to the Head of School that they re-investigate the original allegation, with reasons why.

When sending forward the case for investigation, the Student Casework team will inform the investigator whether the student has a Student Support Plan in place. Investigators should then make reasonable adjustments where appropriate (in consultation with Learning Support Officer if required), to accommodate these needs (e.g. meet in a ground floor room if student has mobility issues, emails sent during working hours to allow the student the opportunity to access support where required etc.).

It is not usual during a review investigation for investigators to need to interview either the student(s) or the previous investigators, although they may choose to do so in order to come to a reasonable conclusion.

At all times, the student(s) should be kept apprised of the progression of the investigation.

All investigations will result in a formal report which will be provided to the student(s), with copies retained by the Head of School and the Academic Registrar. Any investigation that results in the review being dismissed, (and so the allegation being proven) will be placed against the central student record.

At the conclusion of the investigation investigators should:

- a) inform the student(s) that their investigation has been concluded and that the student will be contacted by the Academic Registrar;
- b) complete a full and accurate report of their investigation, which should include:
 - i. a clear decision (with reasons given) on each element of the review;
 - ii. a clear recommendation to either dismiss the review, or otherwise fully or partially uphold the review;
 - iii. a clear recommendation on whether the allegation needs a re-investigation by different persons than those who undertook it originally;
 - iv. a list of evidence obtained to support the findings, highlighting the key elements leading to the conclusions.

Any re-investigation will be conducted in the same manner as a Stage 2 investigation, save that the recommended outcomes of the re-investigation are considered as final, with no recourse to a second Stage 3 investigation (review). The decision of the University at that point would be considered final.

At that point, the Academic Registrar will communicate the decision to the student(s) and the Head of School, and provide them with a copy of the report.

All notes and evidence collected during the investigation should be sent through to the Academic Registrar (through appeals@cranfield.ac.uk), who will retain them in line with the University's Data Retention Schedule.

The role of review investigator is then concluded. The student still has the right to appeal to a body external to the University, the Office of the Independent Adjudicator; such appeals are managed by the Academic Registrar, who may contact investigators for information. It is unlikely that investigators would need to take any active part in such an appeal.

8 External complaint

At the completion of Stage 3, the University will consider any decision it has made to be final and complete, with no further right of appeal. This is equally true if any request for a review is dismissed summarily by the Academic Registrar, or if a student has no grounds for review.

If, however, students remain dissatisfied with the outcome or with how the University has managed the allegation and its subsequent investigations, they have the right to submit a complaint against the University to the external regulator for the UK higher education sector, the Office of the Independent Adjudicator for Higher Education (OIA).

More information about the OIA can be found at www.oiahe.org.uk

In order for students to submit a complaint to the OIA, the University must agree that they have exhausted the internal procedures. This is managed by the Academic Registrar issuing a “completion of procedures letter”. A “completion of procedures letter” will be provided on request at the conclusion of any Stage 3 review (whether it is not accepted, summarily dismissed or fully investigated).

Students may also request from the Academic Registrar a “completion of procedures letter” at any point in the process if they do not believe the University is capable of following its own procedures fairly, and they do not wish to engage further with the University on this matter.

The OIA will not consider any complaint unless a “completion of procedures letter” has been provided. Any complaint to the OIA must be registered within twelve months of the University issuing a “completion of procedures letter”.

Appendix A: Possible penalties and sanctions

The University's Education Committee has agreed the following guidelines on penalties that may be applied to any student where an allegation of a disciplinary offence against them has been upheld. The guidelines below are not exhaustive, and investigators may, with the approval of the relevant Head of School, recommend a different penalty from outside the bounds of those listed for that particular offence, although they will be expected to provide justification for doing so.

These penalties are only applicable to non-academic offences. Details of penalties for academic offences can be found in the Senate Handbook on Academic Misconduct. Penalties may be applied temporarily whilst an investigation is in progress to protect the health, safety and wellbeing of a student and others, and the reputation of the University.

The penalties below may be applied following any Stage 2 or Stage 3 investigation. The outcome of a Stage 1 investigation is limited to either:

- i. dismissal of the allegation as being unproven; or
- ii. issuing either a verbal or written warning or advice at the end of the investigation; or
- iii. recommending to the Head of School that a full investigation takes place.

Offences are categorized as either:

- Minor misconduct
- Major misconduct
- Gross misconduct

The table below sets out guidance on which offences may be considered to fall into each category, however any offence may be considered to be of a more serious nature (and be considered in a higher category) if it took place under any of the following circumstances:

- a) it took place under the influence of alcohol or illicit substances;
- b) it was motivated by the protected characteristics or perceived protected characteristics¹ of another;
- c) the student has previously been found to have committed the same or similar offence;
- d) the student has repeated the offence during the investigation, or breached any temporary conditions that were placed on them; or
- e) the student has attempted to conceal or destroy evidence relating to the investigation.

In assessing the seriousness of any offence, and which penalty should be applied, investigators may give consideration to;

- a) the harm or damage caused;
- b) the intent and planning involved in the offence;
- c) the impact on the University community;
- d) whether the student has admitted to the offence (and when), and whether the student has cooperated with the investigation;
- e) whether the student has expressed remorse and/or shown insight into the impact of the breach, or made any efforts at reparation;
- f) the evidenced personal circumstances of the student.

Whilst a penalty for a disciplinary offence may involve a student recompensing either the University or another party for damages caused to property, the University does not routinely issue monetary penalties.

¹ As defined by the Equality Act 2010, the protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation.

Definition		Examples	Possible Penalties	Applicable at Stages
Minor Misconduct	Annoying, mildly disruptive or mildly inappropriate behaviour which has a small but temporary impact	<ul style="list-style-type: none"> • Talking in, disrupting or being late for, lectures, group work or other learning opportunities resulting in disturbance to others. • Behaviour likely to disturb other students in the Library (or other learning spaces). • Making significant noise or disruption outside of classrooms. • Littering or causing other environmental damage. • Suspected of being under the influence of alcohol or drugs on campus, but not having a significant impact on others. • Inappropriate or lewd behaviour, not aimed directly towards others. • Minor physical misconduct (i.e. accidental pushing/shoving). • Unintended indirect discrimination. • Minor health and safety breaches (i.e. not following University or Government Advice). 	<p>As a minimum, anyone found guilty of minor misconduct should be given a verbal warning.</p> <p>Any of the following penalties may also be applied:</p> <ul style="list-style-type: none"> • written warning (in place of a verbal warning); • reparation (physical or environmental, including removal of any offensive material); • an apology to persons affected. 	Stage 1, 2 and 3

Definition		Examples	Possible Penalties	Applicable at Stages
Major Misconduct	<p>Behaviour which has a significant impact or has the potential to have a significant impact on the community.</p> <p>Or</p> <p>Repeated minor misconduct.</p>	<ul style="list-style-type: none"> • Breach of health and safety rules and guidance, i.e.: <ul style="list-style-type: none"> ○ accessing restricted areas without permission (labs, workshops, the airport and airfield (Cranfield), shooting and explosive ranges (Shrivenham) etc.); ○ willful misuse of lab or other learning equipment; ○ interfering with fire equipment or failure to evacuate when required; ○ failure to follow University or Government advice with regard to public health matters. • Damage to University property, placement provider property or property owned by any other third party on University sites (including MOD, Serco or ESS property at Shrivenham). • Limited breach of the University's IT Acceptable Use Policy. • Failure to respond to a reasonable instruction by a member of staff (including to desist in minor misconduct). • Repeated instances of anti-social behaviour. • Being disruptively under the influence of alcohol or drugs on campus or in University accommodation. • Making offensive or inappropriate comments or gestures to or about members of the University, and/or making or publishing audio or visual recordings of members of the University (staff and students), without their consent and with the intention to cause distress or harassment. • Acts of harassment or discrimination. • Inappropriate use of social media, such as Facebook, Twitter etc., with or without the intention to cause distress or harassment to either any individual or group. • Dishonesty and fraud in relation to the University or any placement provider, but where the consequences may be relatively minor. • Repeated instances of minor misconduct. 	<p>As a minimum, anyone found guilty of major misconduct should be given a written warning.</p> <p>Any of the following penalties may also be applied:</p> <ul style="list-style-type: none"> • requirement for an apology; • payment of compensation to pay for repair of any property; • community service or other form of reparation; • period of suspension from the University; • temporary or permanent restriction of access to University services, facilities or sites/buildings, including accommodation; • removal of any offensive material; • restriction of contact with any other member of the University. <p>Investigators may recommend any other penalty they feel appropriate.</p>	Stages 2 and 3

Definition		Examples	Possible Penalties	Applicable at Stages
Gross Misconduct	Behaviour which represents a fundamental breach of behavioural standards, and/or poses significant risk to the health, safety or wellbeing of themselves or others or the reputation of the University.	<ul style="list-style-type: none"> Major damage to University, placement provider property or property owned by any other third party on University sites (including MoD, Serco or ESS property at Shrivenham). Theft of property from the University or placement provider property, or property owned by any other third party on University sites (including MoD, Serco or ESS property at Shrivenham). Dishonesty and fraud in relation to the University (i.e. falsifying or misrepresenting education qualifications, financial information) which may have significant impact on the University or its members, OR where the student may gain significant benefit from the fraudulent behaviour. Major breach of use of University's IT Acceptable Use Policy. Possession of illegal substances on University sites or placement provider's premises (including accommodation). Offensive, slanderous, harassing, threatening or dangerous behaviour towards another person, face to face. Acts of violence towards another member of the University, or anyone else on a University site. Any incidents of sexual violence. Repeated or serious harassment or discrimination of any sort. Making offensive comments to or about members of the University, and/or making or publishing audio or visual recordings of members of the University (staff and students), without their consent and with the intention to cause significant distress or harassment, by electronic means. This will include the inappropriate use of social media, such as Facebook, Twitter etc. Any criminal activity undertaken on a University site or placement provider's property. Serious criminal activity off University property, in particular any crimes involving violence, for which a student has been convicted. Behaviour likely to bring the University into disrepute, including serious cases of antisocial behaviour. 	<p>Any of the penalties applicable to Major misconduct may be applied for cases of Gross Misconduct, and in addition investigators may recommend:</p> <ul style="list-style-type: none"> Permanent exclusion from the University; in cases of dishonesty and fraud, rescinding of any academic award. 	Stages 2 and 3
	Or Repeated major misconduct (including multiply repeated minor misconduct).			

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