



# Senate Handbook

## Staff Handbook

## Student Disciplinary Procedures

This Handbook supplements Regulations governed by Senate.

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

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## Major changes to this document since version 2.1 (August 2017):

- Addition that a disciplinary case may be brought if a student does not comply with previous penalties
- Removal of external complaint from process flow diagram
- Addition of statement on learning support agreements for students making an appeal
- Note that investigators should contact students within 10 working days
- Addition of section 8 - external complaint

# 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.

Handbooks have also been produced for students, which help to outline the procedures for them to either complain or respond to an allegation of misconduct. Please ensure that you are aware and familiar with:

- Student Handbook: Disciplinary Procedures

The Student Handbook is a companion to this Handbook and, if you have been appointed as an investigator, you should ensure that any student who you are investigating is aware of the Student Handbook: Disciplinary Procedures.<sup>1</sup>

Disciplinary investigations take place if 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 or;
- (f) having failed to comply with or carry out any sanctions or penalties arising from a previous disciplinary investigation.

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

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

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<sup>1</sup> Much of the information in that Handbook is replicated in this document, but is written with the student in mind.

## 2 General principles

### 2.1 Who do these procedures apply to?

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

- registered taught course students and registered research students;
- visiting students or 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.

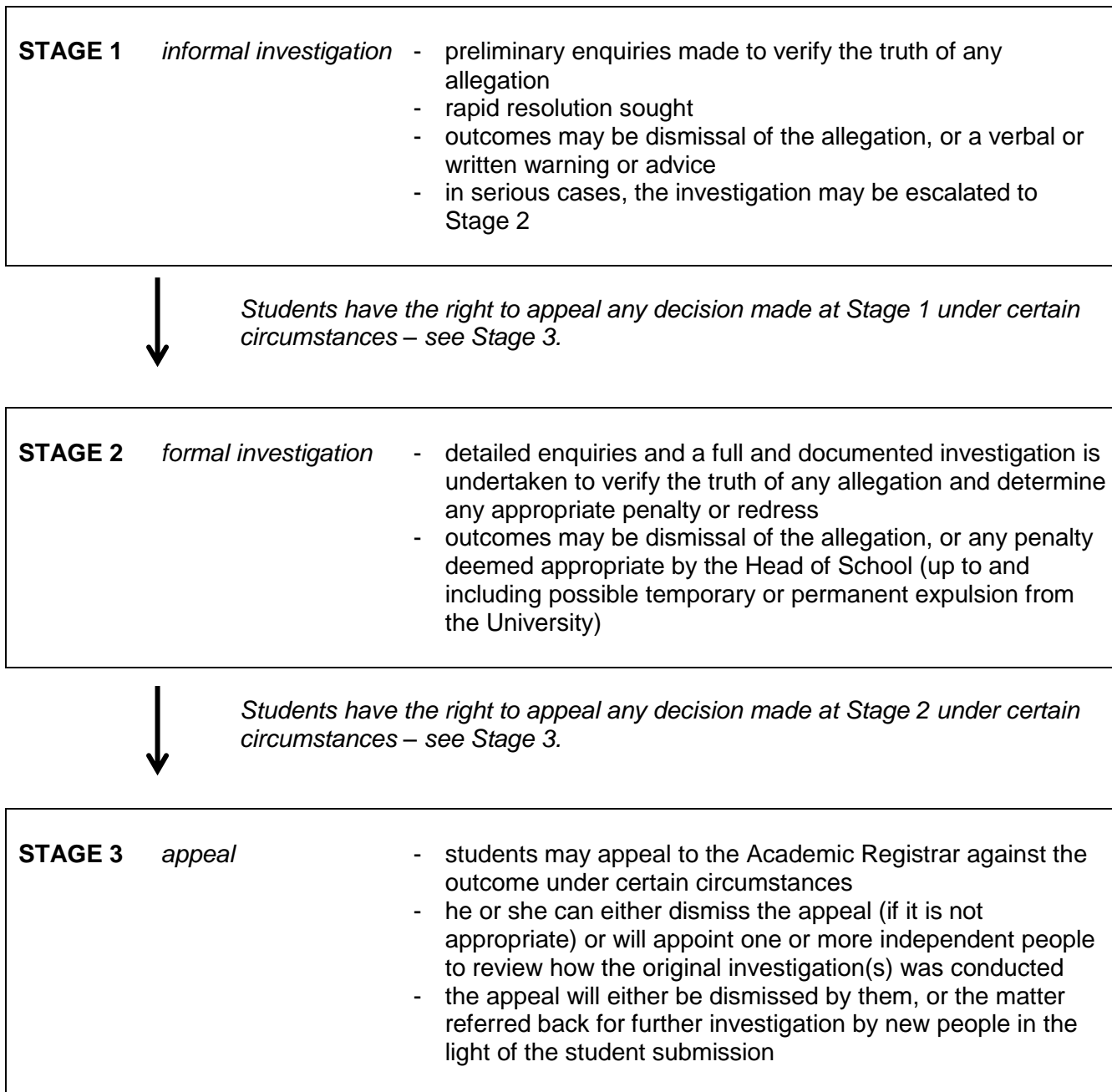
### 2.2 Who can make an allegation?

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.

### 3 Broad outline of the stages of an investigation

All investigations are managed in the following way:



*If at this stage the student believes he or she has been treated unfairly, he or she 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). Please pay close attention to these, as failure to adhere to them may result in grounds for appeal.

### 4.1 Transparency

During the course of any investigation, the student(s) under investigation must be kept informed at all times 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.

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

Please also keep them informed of evidence you have obtained, especially those you consider to be key to your final decision. You should outline the nature of the evidence to the student(s) and provide a copy to them on request. If you have concerns about the privacy or confidentiality of the information, please consult the Academic Registrar or a Data Protection Co-ordinator for further advice.

When gathering evidence, you 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.

If you provide evidence to the student(s) under investigation, please remind them of their right to rebut or dispute the honesty or accuracy of that evidence, giving them clear timescales of when and how they should do this.

### 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.

At Stage 2 and Stage 3, if you believe as an appointed investigator, you are already too familiar with the circumstances of the case or the individual student(s) to be objective about the investigation, then you should discuss this as soon as possible with your Head of School. Exceptionally, you may become aware of such conflicts of interest as an investigation progresses, and you 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 you serving as an investigator, and will either appoint a different investigator(s) or explain to you why this is not appropriate or necessary.

### 4.3 Gathering evidence and holding meetings

As an investigator, you have the right to interview any persons you believe are necessary to complete your investigation. This will usually include the student(s) under investigation, who are required to meet any reasonable requests from you.

The student(s) under investigation may refuse to meet you or provide evidence. If they choose to exercise this right, you should remind them that failure to do so may result in any appeal (Stage 3) against the final decision on the grounds of incomplete evidence being deemed invalid by the Academic Registrar. You should then proceed with your investigation to the best of your ability.

When you meet with the student(s) under investigation, or with any other student, they have the right to be accompanied by a person of their choice. Please refer at all times to this person as their “friend” (irrespective of their status or professional role).

Students may only bring a friend to a meeting with you if they have notified you in advance. If they have not, you should feel free to cancel and re-arrange the meeting at a future point, if you 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 your hearing), but is not entitled to represent the student or the student’s views on their behalf.

Students also have the right to ask for a reasonable deferral of any meeting with you, or any deadline of request for information from you, but only on the grounds that he or she or they need further time to prepare for the requested meeting or information. You can continue your investigations in the meantime, but please let them know that that is your intention. You may also decide to conclude the investigation without that input if you deem their deferrals to be unreasonable.

#### **4.4 Taking notes**

Please remember to take accurate notes at all times, 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, you may want to provide the student(s) under investigation with a written summary of the meeting for them to agree with you. (Students may also wish to reconcile their own notes with yours and you should respond to reasonable requests to do so.)

You should also take notes of any attempts made by you 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](mailto:appeals@cranfield.ac.uk)), who will retain them until 12 months has elapsed after the end of the student’s registration pending any potential appeal.

#### **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 any member of the University, he or she 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. You should raise any concerns you have directly with the Academic Registrar.

## 5 Stage 1 – Informal investigation

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, you can aim to resolve any concerns through the issuing of verbal or written warnings (to the accused) or advice (to any of the relevant parties or more generally).

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 the Student Advice Centre. It is standard practice for such people to alert the Head of School or, by prior arrangement, to take forward matters and report to the Head of School afterwards if appropriate. Please check which has applied in this case before you proceed with an investigation.

On commencing an investigation:

- a) please ensure you have read and are familiar with Section 2 of this Handbook;
- b) please contact the student(s) under investigation, within ten working days, and explain who you are and what your role is;
- c) please check that the student(s) under investigation is aware of the Student Handbook: Disciplinary Procedures and understands its content;
- d) please advise the student(s) under investigation of their sources of advice or support;
- e) please outline that you are undertaking a preliminary and informal investigation into the allegation and you 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.

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.

At the conclusion of the investigation:

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

Please also note that the Head of School may choose to re-appoint you to conduct the Stage 2 investigation.



## 6 Stage 2 – Formal investigation

A formal investigation (Stage 2) requires all aspects of the allegation and investigation to be documented fully, and a report to be written. It is highly likely in a formal investigation that you will be required to have a formal and structured meeting with the student(s) under investigation, at which notes must be taken.

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

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

- a) please 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 your investigation, which should include:
  - i. a clear decision 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 you have obtained to support your findings, highlighting the key elements leading to your conclusions.

At that point, the Head of School will consider the penalty to be applied and confirm his or her decision to the student(s) under investigation, and provide them with a copy of your report. He or she 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](mailto:appeals@cranfield.ac.uk)), who will retain them until 12 months has elapsed after the end of the student's registration.

Your role as investigator is then concluded (although you may be asked to contribute to any future related appeal). A limited number of preparatory or bridging courses are available, either directly through the University or through a partner institution, to students who do not fully meet the University's entry criteria. These courses may either relate to technical knowledge (or lack of academic qualifications in a specific discipline) or to English language proficiency, or both. Some are offered by the University, and some through agreed partnerships with other educational institutions.

## 7 Stage 3 – Appeal

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 appeal under particular circumstances:

- 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.

Any appeal 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 appeal 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 within the School.

### Appointment of an Appeal Investigator

In order to investigate the appeal, the Academic Registrar will appoint you as an Appeal Investigator. Your role as appeal investigator (along with at least one other person) is to determine whether the University has acted fairly, and your decision will be the University's final view on the matter.

On being appointed formally by the Academic Registrar to commence an investigation:

- a) please ensure you have read and are familiar with Sections 1 and 2 of this Handbook;
- b) please review all of the evidence provided to you at the outset;
- c) please contact the student(s), and explain who you are, and what your role is;
- d) please outline to the student(s) what timescales you think will be needed for the investigation;
- e) please check that the student(s) are aware of the Student Handbook: Disciplinary Procedures and understands its content;
- f) please advise the student(s) of their sources of advice or support;
- g) please outline that you are undertaking a review of the previous investigations and you will either:
  - i. dismiss the appeal; or
  - ii. recommend to the Head of School that he re-investigates 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 Learning Support Agreement 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 an appeal for you to need to interview either the student(s) or the previous investigators, although you may choose to do so in order to come to a reasonable conclusion.

At all times, keep the appellant(s) apprised of the progression of the investigation.

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

At the conclusion of the investigation:

- a) please inform the appellant(s) that your investigation has been concluded and that they will be contacted by the Academic Registrar;
- b) complete a full and accurate report of your investigation, which should include:
  - i. a clear decision on each element of the appeal;
  - ii. a clear recommendation to either dismiss the appeal, or otherwise fully or partially uphold the appeal;
  - 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 you have obtained to support your findings, highlighting the key elements leading to your conclusions.

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

All notes and evidence collected during the investigation should be sent through to the Academic Registrar (through [appeals@cranfield.ac.uk](mailto:appeals@cranfield.ac.uk)), who will retain them until 12 months has elapsed after the end of the student's registration.

Your role as 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 you for information. It is unlikely you 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 appeal is dismissed summarily by the Academic Registrar, or if a student has no grounds for appeal.

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).

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 appeal (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: Examples of penalties

Some examples of penalties previously applied to students include:

- the requirement to make a formal written apology;
- the requirement to make a formal public apology;
- making amends to damage caused by cleaning or repairing areas under supervision;
- making amends to damage caused by paying for the replacement or repair of items;
- eviction from student accommodation;
- restricting presence on University premises, either in particular locations (e.g. CSA bar) or at particular times (e.g. must leave campus by 6:00 pm), on either a temporary or permanent basis;
- monetary fine;
- temporary or permanent interruption of studies (e.g. suspension or exclusion from the University).

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