



Senate Handbook

Student Handbook

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.

Contents

1	Introduction	3
2	General principles	4
	2.1 Does this procedure apply to me?	4
	2.2 Who can make an allegation?	4
3	Broad outline of the stages of an investigation	5
4	Your rights	6
	4.1 Transparency	6
	4.2 Right to a fair hearing	6
	4.3 Supporting the investigation	6
	4.4 Continuation of studies and registration	7
5	Stage 1 – Informal investigation	8
6	Stage 2 – Formal investigation	9
7	Stage 3 – Appeal	10
8	External complaint	12
Appendix A	Examples of penalties	13

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
- Removal of references to stage 4 of the process, renamed 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.

If you have been provided with a copy of this Handbook directly, it is likely to be because an allegation has been made about your behaviour. Investigations are authorised by Senate if you have:

- (a) 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) been disorderly or otherwise disruptive to the proper functioning of the University;
- (c) acted inappropriately or prejudicially to other 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) caused harm or damage to University property, including University halls of residence; or
- (e) otherwise brought, or potentially brought, the University into disrepute; or
- (f) failed to comply with or carry out any sanctions or penalties arising from a previous disciplinary investigation.

You are advised to read this Handbook carefully and thoroughly, so that you understand how any investigation into your behaviour will be undertaken.

Further advice and support within the University is available from:

- 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).

2 General principles

2.1 Does this procedure apply to me?

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:

- 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



You have the right to appeal 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)



You have the right to appeal any decision made at Stage 2 under certain circumstances – see Stage 3.

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

If at this stage you believe you have been treated unfairly, you can complain to a body outside of the University

4 Your rights

The following rights apply to all internal stages of an investigation (i.e. Stages 1, 2 and 3).

4.1 Transparency

During the course of any investigation, you will be informed 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.

You will also be entitled to receive on request copies of any evidence or key documents that influence the final decision of the investigators, and the right to rebut or dispute the honesty or accuracy of that evidence.

4.2 Right to a fair hearing

The University takes any allegation 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 you believe, however, that an appointed investigator may be aware of your personal or educational circumstances, to the extent where they may have made pre-informed decisions about the allegation, you may raise this with the Head of School. He or she 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 to you why this is not appropriate or necessary.

4.3 Supporting the investigation

You are required to meet reasonable requests of the investigators, including attending informal meetings with them and/or with others.

You have the right to refuse to meet the investigators or provide evidence, but on the understanding that any right to appeal (Stage 3) against the final decision on the grounds of incomplete evidence may then be deemed invalid by the Academic Registrar.

You have the right to be accompanied in any meeting you may have by any person you choose. This person shall be referred to as your “friend” in any meeting or formal report. If you wish to bring a friend to a meeting, you are required to notify the investigators in advance. Your friend is entitled to discuss any matter with you during the course of the meeting (including requesting a private discussion), but is not entitled to represent you or your views on your behalf.

During the course of any investigation, you have the right to ask for a reasonable deferral of any meeting with the investigator, or any deadline of request for information, but only on the grounds that you need further time to prepare for the requested meeting or information. The investigators reserve the right to continue their investigations in the meantime, and to reach a decision if they deem your deferrals to be unreasonable.

4.4 Continuation of studies and registration

In most cases, you have the right to continue your studies with the University, and you should continue to do so.

At any stage, however, if the Academic Registrar believes the matter under investigation, or your behaviour or response to the investigation, represents a health or safety risk to yourself or to other members of the University, he or she may authorise a temporary suspension of registration and/or a restriction to your 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. He or she will explain the reasons for taking such action to you. Any suspension or restriction of presence will likely remain in place for the duration of the investigation.

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 behaviour are a result of ignorance of the rules, or misunderstandings or miscommunications, and many investigations result in informal verbal or written warnings or advice to try and correct these.

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).

Any investigation that results in verbal or written warnings or advice will be noted within the School, but no formal action placed against your student record in Education Services.

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, he or she 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 you believe that the result of any informal investigation (Stage 1) has been unfair, then you may appeal in writing to the Academic Registrar (through appeals@cranfield.ac.uk). A request for an appeal 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 his or her staff, will contact you to discuss your circumstances and advise you on possible next steps.

If the outcome of the Stage 1 investigation is the recommendation for a formal Stage 2 investigation to take place, you will be advised to co-operate fully in that process and await its outcomes before making any appeal.

6 Stage 2 – Formal investigation

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.

It is highly likely in a formal investigation that you will be required to have a formal and structured meeting with the investigators, at which notes are likely to be taken. You may bring a friend to this meeting and make notes of your own, and you may also ask to see the notes made by the investigator, to check for accuracy.

The investigators are entitled to ask for further evidence from you, including access to your emails, or documents on your 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 and you will be advised of this additional evidence and activities by the investigators.

At the conclusion of their investigations, a recommendation to either dismiss the allegation, or uphold it and apply a penalty will be made to the Head of School. He or she will determine whether to take forward those recommendations, and what penalty (if any) to apply: these will most likely be outlined to you in a formal meeting with the Head of School or his or her representative. Examples of penalties are given in Appendix A.

A report will also be provided to you at the end of the process, to outline and explain any decisions made.

If you believe that the result of the formal investigation (Stage 2) has been unfair, then you may appeal in writing to the Academic Registrar (through appeals@cranfield.ac.uk). A request for an appeal 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 his or her staff, will contact you to discuss your circumstances and advise you on possible next steps.

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.

You have the right to appeal to the Academic Registrar against any decision arising from an investigation, 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.

You may not appeal if you do not like the outcome, or if you believe the penalty is unfair or disproportionate to the offence. (You 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 appeal 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 appeal;
- (c) provide a clear statement of the background for the appeal, and evidence to support this statement;
- (d) outline a preferred outcome or solution for any appeal investigator to consider.

Please note that the Academic Registrar may dismiss summarily your appeal if:

- (a) he or she does not believe that you have provided sufficient evidence to support your stated grounds of appeal; or
- (b) it does not confirm to the permitted grounds of appeal; or
- (c) it was submitted out of time.

He or she can only do this after consulting the Pro-Vice-Chancellor (Education) or Pro-Vice-Chancellor (Research) with details of the circumstances, and only with his or her agreement. The Academic Registrar will confirm with you in writing if your appeal is dismissed.

If your appeal is accepted, the Academic Registrar will confirm this to you. He or she will then, within ten working days of this receipt, appoint at least two senior members of the University to investigate your appeal. The investigators will contact you to confirm they have been appointed and outline to you the timescales they believe will be needed to review your appeal 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 appeal. On completion of their investigation into your appeal, you will be provided with a report, including a decision and the reasons for it. The investigators may decide:

- (a) to dismiss your appeal; or
- (b) to fully or partially uphold your appeal, 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 (appeal). The decision of the University at that point would be considered final.

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 you have made is dismissed summarily by the Academic Registrar, or if you have no grounds for appeal.

If you, however, remain dissatisfied with the outcome or with how the University has managed the allegation and its subsequent investigations, you 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 you to use the OIA, the University must agree that you have exhausted the internal procedures. This is managed by the Academic Registrar issuing a “completion of procedures letter” to you. 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).

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

Please note that the OIA will not consider any complaint from you unless a “completion of procedures letter” has been provided to you.

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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