



University of
Strathclyde
Glasgow

STUDENT DISCIPLINE PROCEDURE: NON- ACADEMIC MISCONDUCT

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1.0	A procedure for managing instances of Non-academic Misconduct	Education Enhancement	Senate	Academic year 2022/23 onwards

Version 1.0

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INTRODUCTION

1. All students of the University are subject to the jurisdiction of the Senate, both for their studies and for their conduct. The University's Charter decrees that Senate is responsible for the academic work of the University, in teaching, in research and in knowledge exchange, and for the regulation and superintendence of the education and discipline of the students of the University ([Charter 8](#)).
2. Senate membership comprises the Principal, Vice Principal, Associate Principals, Executive Deans, Heads of Academic Departments/Schools, student representatives elected by students of the University, and elected academic professional services staff elected by the academic professional staff of the University. The powers vested in Senate by the Charter and Statutes are confirmed in [Statute 3.6](#) and include '*to regulate the discipline of the students of the University*' (Statute 3.6.13).
3. When students register at the University, they agree to abide by the University's [constitutional regulations](#), [academic regulations](#), policies, procedures, codes of practice and guidance (known collectively within this Procedure as 'Regulations'). In cases where there is evidence to suggest that the Regulations may have been breached, Senate delegates authority for initial consideration of allegations of Non-academic Misconduct to Departments (as outlined in [Annex 2](#), the term 'Department' in this Procedure refers to Academic Department/School/Centre, Faculty, Directorate or Service). Some of these cases are escalated to Senate and may be heard by a Senate Discipline Committee (see paragraph 49 onwards) and, upon appeal, a Senate Discipline Appeals Board (see paragraph 66 onwards). Senate delegates its powers to:
 - a. Departments to impose all penalties listed in paragraph 31;
 - b. Misconduct Officers to impose all penalties listed in paragraphs 31 and 46;
 - c. A Senate Discipline Committee and a Senate Discipline Appeals Board to impose all penalties listed in paragraphs 31, 46 and 62.
4. These penalties will be imposed without referral to Senate for approval, although Senate does receive anonymised reports on outcomes of cases at Stage 2 (see paragraph 91).
5. To operate effectively, all organisations need to set standards of conduct to which their members are expected to adhere. This Student Discipline Procedure (the "Procedure") focuses on Non-academic Misconduct and sets out the University of Strathclyde's approach to reporting, investigating and responding to alleged breaches of University Regulations (as hereinafter defined) relating to Non-academic Misconduct, by students of the University. It also sets out the penalties that may be incurred because of a breach of Regulations. Annexes [1](#) and [2](#) provide a list of roles and definitions, respectively, referred to within this Procedure.
6. It is important to note that this Procedure does not constitute a legal or criminal process, however the Procedure is underpinned by the relationship, signed at registration, between the University and the student.
7. For the duration of the implementation of this Procedure, Reported Students will normally be allowed to continue their studies. If the Reported Student's behaviour is negatively impacting on other students and staff, either in terms of disruption or in a manner in which raises safety concerns (both for the Reported Student or anyone else), the Reported Student may be

restricted, at any stage in this Procedure, from accessing University services, buildings and/or other property, as a precautionary measure.

8. Guidance for staff on this Procedure is available from the [Senate Office](#). The [StrathUnion Advice Hub](#) offers independent advice and guidance to students on this Procedure and related matters.
9. Allegations of Academic Misconduct, i.e. those that are linked to academic integrity rather than behaviour, are managed through the [Student Discipline Procedure: Academic Misconduct](#). If allegations of both types of misconduct are made against a student, the two procedures will normally be followed concurrently. In some cases, multiple inquiries may converge at the discretion of Misconduct Officers and, in cases that have been escalated to a Senate Discipline Committee, at the discretion of the University Secretary (or nominee).
10. If a case of Non-academic Misconduct is raised, or is already in process, for a student whose graduation could be imminent, the student may be prevented from graduating while the case is under consideration. Consequently, the award will be made (if eligible) once the case is concluded.
11. In implementing this Procedure, the University will remain mindful of its duty of care in respect of the confidential and sensitive nature of disciplinary matters. It will also observe its obligations under the [Data Protection Act 2018/General Data Protection Regulation](#). All University staff, students, Professional Advisors, Representatives/Supporters of Reported Students, and witnesses involved in any allegation of Non-academic Misconduct have a duty to the Reported Student, Reporting Person and to any witnesses or others providing evidence, to limit any or all disclosure. This is crucial both for the Reported Student's and, where applicable, the Reporting Person's, wellbeing, and to ensure that potential criminal proceedings are not prejudiced. The Reported Student is also expected to respect the confidentiality of the process. It is of course reasonable for Reported Students to discuss the disciplinary process with family and close friends.

SCOPE

12. This Procedure applies to any allegation of Non-academic Misconduct levelled at a registered student, whether taking place on or off the University of Strathclyde campus, including within halls of residence, face to face, by writing or in written, spoken or electronic communications including social media. This also applies to students undertaking a professional placement, studying by distance learning, by blended learning or studying at another institution (e.g. through an exchange or on a collaborative programme).
13. In exceptional cases, the University may decide to hold a hearing for a student previously registered at the University of Strathclyde. This will be in cases where a decision relating to the award of the University is required, in relation to Non-academic Misconduct, despite the student no longer being registered at the University.
14. For students registered at the University who are studying at another institution, the allegation of Non-academic Misconduct is usually considered by the Host Institution, but this does not preclude input from the University of Strathclyde in cases where it is not the Host Institution. Nor does it prevent the University of Strathclyde from undertaking its own separate investigation under this Procedure and applying appropriate penalties as it sees fit.

15. The University reserves the right to continue to consider and conclude a disciplinary case in a Reported Student's absence if they choose to withdraw from the University while the case is being considered. Reported Students whose registration is withdrawn by the University will not normally be taken through this Procedure, (unless in the exceptional circumstances outlined in paragraph 13). In cases where Reported Students are appealing a withdrawal from studies by the University of Strathclyde at Stage 1 or Stage 2 of the [Academic Appeals Procedure](#), any discipline process under this Procedure will be put into abeyance until such appeals process is concluded. If the Reported Student is allowed to resume registration, any discipline process under this Procedure will recommence at the stage at which it was put into abeyance.
16. In some cases, where contravention of the Regulations leads to concerns regarding a Reported Student's fitness to practise, the University may, separately from this Procedure, implement a [Fitness to Practise](#) procedure. If a Reported Student is involved in a Fitness to Practise hearing or follow up action plan, the University Secretary (or nominee) reserves the right to postpone any concurrent disciplinary processes, under this Procedure, whilst these matters are concluded. It is important to note that a decision to halt a disciplinary process for this reason will only be taken to benefit the Reported Student.
17. This Procedure has an associated right to appeal, set out in paragraph 66 onwards below. Reported Students also have the right to make a complaint at any point in the disciplinary process under this Procedure, through the University's [Complaints Handling Procedure](#).
18. StrathUnion has procedures for addressing discipline-related issues within their premises and under the auspices of StrathUnion activity, such as societies, sports clubs and StrathUnion meetings. However, such matters may also be referred to the University for consideration under this Procedure.
19. Reported Students who consider they have a disability or condition that affects their ability to engage with the disciplinary processes under this Procedure should disclose this to the Misconduct Officer or Senate Office, as appropriate, with relevant evidence provided to allow for an assessment and, where found applicable, for a reasonable adjustment to be made during the handling of the case. Advice and support can be sought from the [Disability & Wellbeing Service](#).

LEGAL PROCEEDINGS AND STANDARD OF PROOF

20. There may be instances where an alleged act of Non-academic Misconduct may also constitute a criminal offence, for example theft of work, fraud etc. It is important to note that the nature and scope of an internal University disciplinary process, under this Procedure, and the nature and scope of a criminal process are fundamentally different. Any disciplinary process is a civil matter where the alleged Non-academic Misconduct is *more likely than not* to have occurred. In contrast, the criminal process is an external procedure and the standard of proof for the allegation to be proven is *beyond reasonable doubt*.
21. Where the University of Strathclyde has reason to consider that a crime may have been committed, the University/University Secretary reserves the right to report the matter to the police and/or other appropriate UK authority. The University's [Procedure for Managing Students with Criminal Proceedings or Unspent Criminal Convictions](#) confirms arrangements for declaring unspent criminal convictions and charges pending trial.

22. Where an alleged case of Non-academic Misconduct is subject to criminal or civil legal proceedings, the University may:
- a. Decide to hold in abeyance any relevant disciplinary process under this Procedure until such time as the legal proceedings have concluded;
 - b. Take advice as is appropriate to ensure University investigations do not prejudice judicial process;
 - c. Impose restricted access to University services, buildings and other property on the basis of ensuring the safety and wellbeing of the Reported Student and other students and staff.
23. Where any disciplinary process under this Procedure has been put in abeyance pending the outcome of criminal or civil legal proceedings, the Reported Student has an obligation to keep the University informed, in writing, of the progress of those legal proceedings, and to confirm the outcome of any such proceedings within one week of conclusion, as detailed in the University's [Procedure for Managing Students with Criminal Proceedings or Unspent Criminal Convictions](#).
24. If a Reported Student is convicted of a related criminal offence, then this conviction can be relied upon to establish a disciplinary offence. If a Reported Student is found not guilty of a criminal offence or the case is not proven, the University can still take disciplinary action against the Reported Student if there is sufficient evidence that a breach of the Regulations occurred.

EXAMPLES OF NON-ACADEMIC MISCONDUCT

25. Non-academic Misconduct may occur directly, indirectly, individually, collectively, in person and/or by spoken, electronic and remote communications, including via social media. For the purposes of this Procedure, Non-academic Misconduct includes, but is not limited to, any of the following examples, or a combination of these examples:
- a. Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, including offensive behaviour, whether on University premises or elsewhere;
 - b. Obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of the University or any authorised visitor to the University;
 - c. Behaviour that brings the University into disrepute, including instances where comments or other actions have been published or reported, which are attributable to the Reported Student;
 - d. Intentional or reckless damage to, or defacement of, University property or the property of the University and community;
 - e. Misuse or unauthorised use of University premises, facilities or items of property;
 - f. Failure to disclose name and other relevant details to an officer or employee of the University in circumstances when it is reasonable to require that such information is given;
 - g. Distribution of promotional material on University premises without prior approval. For example, the University will not tolerate the distribution of promotional material that encourages excessive alcohol consumption;
 - h. Failure to treat others (students, staff, neighbours and other people within the community) with respect, as outlined in the University's [Dignity and Respect Policy](#). This applies to all communication methods including, but not limited to, personal contact,

email, written communication, online communication, social media activity (see [Student Guidance on the Use of Social Media and Virtual Learning Environments](#)) or social community websites;

- i. Acts of dishonesty, including theft, deceit or deception in relation to the University, University documentation, its staff or students;
- j. Action likely to cause injury, impair safety or raise false alarm on or off University of Strathclyde premises, such as acts involving damage to or discharge, without just cause, of a Fire Extinguisher or other Fire Safety Equipment;
- k. Verbally or non-verbally abusing, harassing, victimising or discriminating against staff, students, the public and authorised visitors to the University. Where such activity is taken on the grounds of protected characteristics (age, disability, race, ethnic or national origin, religion or belief, sex, sexual orientation, gender reassignment, pregnancy, maternity, marriage or civil partnership or socio-economic background), this will be considered an aggravating factor;
- l. Repeatedly contacting another person (by phone, email, text or on social networking sites) against the wishes of the other person;
- m. Any sexual misconduct/sexual impropriety, including, but not limited to, non-consensual sexual activity, sexual violence, assault, harassment, unwanted remarks of a sexual nature and stalking;
- n. Violent, indecent, disorderly, threatening or offensive behaviour or language whilst on or off University premises whether directed towards a member of staff, another student, professional staff such as police, ambulance, fire crew etc, or a member of the public;
- o. Conduct that unjustifiably infringes freedom of thought or expression, whilst on University premises or engaged in University work, study or activity;
- p. Improper coercion or manipulation of students to their physical or mental detriment, for example when making others take part in demeaning activities such as associated with initiation;
- q. Making false, frivolous, malicious or vexatious complaints;
- r. Failure to comply with a previously imposed penalty under this Procedure, including non-payment of a disciplinary fine;
- s. Any activity which expresses extremist views or supports radicalisation is not permitted, including accessing or sharing extremist materials, or using extremist language;
- t. Failure to observe guidance on matters of public safety or health relating to the University or wider community, whether issued by the University or a statutory body;
- u. Any other act or behaviour which may be reasonably interpreted by the University as Non-academic Misconduct, notwithstanding the lack of equivalent examples above.

PROCEDURAL STEPS

26. The main body of this Procedure sets out the steps to be followed in alleged cases of Non-academic Misconduct.
27. The University of Strathclyde operates a tiered process for managing alleged cases of Non-academic Misconduct as follows:
 - a. Early Intervention/Caution;
 - b. Misconduct Officer consideration (Stage 1);
 - c. Escalation to a Senate Discipline Committee (Stage 2).

28. Following the implementation of Stage 1 and Stage 2 of the Procedure, the Reported Student has a right to appeal.

EARLY INTERVENTION/CAUTION

29. Considering and using disciplinary action at an early stage can prevent more serious offences or issues arising. The University of Strathclyde views this Procedure as part of a supportive and educational approach, as Non-academic Misconduct may be the first indicator of underlying challenges. The Early Intervention/Caution stage of this Procedure can provide Reported Students with an opportunity for reflection and learning.

30. For allegations where there are significant concerns for the health and safety of students and staff, cases will automatically progress to Stage 1. Due to the serious nature of cases involving the offering or accepting of any kind of bribe or threatening or coercing others in relation to assessments at and/or in association with the University, which often represent situations where concerns regarding student and staff health and wellbeing are evident, these cases will automatically be escalated to Stage 1 of this Procedure. The examples provided here are not exhaustive and there may be other cases which will automatically progress to Stage 1 at the discretion of the Department.

31. Through Early Intervention/Caution, the Department will be able to apply one or more of the following recommendations:

- a. No further action required;
- b. Informal resolution between all parties involved to take place to resolve any conflicts that have arisen. This will only occur if all individuals involved consent to this approach. This may result in the creation of a Behavioural Contract. There will be cases where this is clearly not an appropriate course of action;
- c. Reported Student to submit a sanctioned and approved apology letter;
- d. Reported Student referred to [Support and Wellbeing Services](#);
- e. Reported Student required to attend specific workshops or training events;
- f. For incidents taking place within accommodation services, Reported Student required to pay a fixed penalty fine for misuse of/damage to property and/or breaches of health and safety guidance and/or breaches of public health guidance. Posters are displayed in Halls of Residence setting out the fixed-penalty fines and the behaviours that can incur these fines;
- g. Any other sanction not affecting registration or progress of studies deemed appropriate to impose upon the Reported Student by the Department. Any financial costs imposed under this outcome, i.e. replacement of damaged equipment, should not exceed £500. In such cases where a payment for damages occurred exceeds £500, the case should be referred to Stage 1 of this Procedure.

32. In cases where the Department has decided that action is required (see paragraph 31 b to g) above), they will produce an [Early Intervention/Caution Form](#) detailing any sanctions deemed appropriate. This will be shared with the Reported Student and with the [Senate Office](#) (see Table of Roles in [Annex 1](#)).

33. Failure to complete any actions by the deadlines assigned, will normally result in a Misconduct Officer being appointed to consider the case at Stage 1, (see paragraph 35 onwards).

34. If a Reported Student does not accept the outcome of Early Intervention/Caution, the matter will automatically be escalated to Stage 1 of this Discipline Procedure for consideration.

STAGE 1: MISCONDUCT OFFICER CONSIDERATION

35. For cases where the following apply, Stage 1 of this Procedure will be implemented:

- a. Allegations fall within the categories outlined in paragraph 29 above; or
- b. The Reported Student does not accept the Early Intervention/Caution recommendations that are put in place; or
- c. The Department believes that a full Stage 1 investigation is appropriate, for example, due to repeated Non-academic Misconduct allegations and/or because measures put in place at a previous Early Intervention/Caution have not been adhered to.

36. Any Stage 1 consideration of an alleged act of Non-academic Misconduct shall normally include an interview with the Reported Student by a Misconduct Officer for the purposes of setting out the allegations/issues to be investigated, understanding the Reported Student's position and to present any evidence obtained. However, in cases where allegations against five or more Reported Students relate to the same incident, the Department may choose to request a written statement from the Reported Students, (responding to the case and the evidence presented), in lieu of an interview. This does not preclude an interview from being held later if this is felt necessary by the Department, or at the request of the Reported Student, for example to clarify elements of the written statement or discuss emerging evidence.

37. The Misconduct Officer should contact the Reported Student with a proposed date and time for the interview at least five working days in advance of the interview date. The student will be notified of/provided with:

- a. The details of the alleged offence;
- b. The evidence under consideration, including any witness statements;
- c. Information relating to penalties which may be imposed if the alleged offence is admitted or found to be proven;
- d. Their right to be accompanied (or represented in their absence) by a Supporter and/or Representative;
- e. Their right to submit evidence to the Misconduct Officer in advance of the interview;
- f. Their right to submit a written statement in response to the alleged offence(s) to the Misconduct Officer in advance of the interview;
- g. Their right to identify witnesses in support of their case;
- h. Confirmation of the name and job role of any other members of staff who will attend the interview;
- i. Confirmation of whether any Professional Advisers of the University will attend the interview;
- j. A link to this Non-academic Misconduct Procedure.

38. The Reported Student shall be asked to confirm attendance at least three working days in advance of the date of the interview. The Reported Student may request an alternative date, if this falls within a timescale that does not extend past fifteen working days from the date that the Misconduct Officer contacted the Reported Student to arrange the interview.

39. Any Reported Student asked to attend a Stage 1 interview is encouraged to seek support and guidance from the [StrathUnion Student Advice Hub](#).
40. Failure by the Reported Student to respond to a request for interview or to attend an interview on an agreed date will not stop the case from being progressed by the Misconduct Officer. In exceptional circumstances, it may be possible for a Reported Student to submit a written statement to the Misconduct Officer with their prior agreement. This will only be possible in cases where there is an acceptable and evidenced reason why the Reported Student is unable to attend an interview in person or virtually.
41. Reported Students may submit evidence to the Misconduct Officer, either in advance of the interview or at the interview. Guidance for students on producing evidence for consideration at any stage of this Procedure is [available online](#) and should be utilised by Reported Students when they are preparing a submission of evidence
42. The Reported Student may be accompanied to the interview by a Supporter and/or a Representative, (see Table of Roles in [Annex 1](#)), of the Reported Student's choice. As stated in the Table of Roles, the Representative may address the Misconduct Officer on the Reported Student's behalf if requested to do so by the Reported Student. The Supporter has no formal role in the meeting, although they will be invited to state their name and relationship to the Reported Student. Further information on these roles is set out below:
- a. Supporters and Representatives are expected to conduct themselves in a polite and respectful manner throughout the proceedings;
 - b. Supporters are not expected to answer questions on behalf of the Reported Student or make statements to the Misconduct Officer. They may ask for clarification on any points discussed during the interview, when invited to do so by the Misconduct Officer;
 - c. Supporters and Representatives are not permitted to ask questions of witnesses, unless directed to do so by the Misconduct Officer in the case of Representatives, with the agreement of the witness beforehand;
 - d. Supporters and Representatives are not expected to interrupt the proceedings. If there are interruptions, the proceedings may be adjourned and when reconvened the Reported Student may be asked to bring an alternate Supporter and/or Representative.
43. Following the interview, the Misconduct Officer will consider the evidence collected during the investigation. If the Reported Student has presented new evidence at the interview, it may be necessary for the Misconduct Officer to make further enquiries and meet with witnesses again or with any new witnesses, as necessary. It may also be necessary to hold a further interview with the Reported Student, for which the process set out in paragraphs 36 to 43 will apply.
44. In cases where further time is required to gather additional evidence or clarify details, or where a follow-up interview is required, the Misconduct Officer will write to the Reported Student to confirm a timescale by which they will be informed of the outcome. This will not normally total more than 30 working days since the date of the interview with the Reported Student, however in complex cases more time may be required. The Misconduct Officer is responsible for keeping the Reported Student informed of any delays, the reasons for this and the revised timescales.

45. In reaching their conclusion, the Misconduct Officer may decide to dismiss the allegation on the grounds that it has not been possible to establish, on the balance of probabilities, that the Non-academic Misconduct occurred. Such a finding will be reached in the following circumstances:
- a. A lack of demonstrable evidence that proves, on the balance of probabilities, that the alleged Non-academic Misconduct took place as reported;
 - b. Parties involved have offered conflicting versions of events and are found by the Misconduct Officer to be reliable witnesses, making it impossible to arrive at a conclusion.
46. If the Misconduct Officer upholds the allegation of Non-academic Misconduct on the grounds that either the evidence obtained demonstrates that it is likely that Non-academic Misconduct has occurred, and/or the Reported Student admits responsibility for the Non-academic Misconduct they are accused of, they will impose one or more of the following penalties:
- a. Any of the recommendations set out in paragraph 31 above, for Early Intervention/Caution;
 - b. A formal written warning, setting out terms and conditions for the Reported Student's continued registration at the University and timelines within which any specific actions must be taken;
 - c. Reported Student required to make good, in whole or in part, any damage caused;
 - d. Reported Student required to pay a fine, not exceeding an amount determined by Senate, (last set in Session 2021/22 at £200). Any fines collected by this Procedure will be allocated to central funds to support students encountering hardship;
 - e. Reported Student to repay monies obtained fraudulently from the University;
 - f. Reported Student is temporarily excluded from a particular University service and/or building, such the Library Services, IT Services, Accommodation Services etc;
 - g. In exceptional circumstances, where the health and safety of other students and staff is a concern, Reported Student may be permanently excluded from a service not directly related to academic studies, for example Accommodation Services or Disability & Wellbeing Services;
 - h. Referral of the case to a Stage 2 Senate Discipline Committee. Referral to Stage 2 will normally occur in instances where there is a repeated offence, with repeated offence(s) having been formally investigated under Stage 1. Referral to Stage 2 will also be required where the penalty that the Misconduct Officer determines should be imposed has an impact on a Reported Student's opportunity to progress as planned in their studies. Misconduct Officers are empowered by Senate to use their judgement to determine whether a case should be referred to Stage 2.
47. The Misconduct Officer will write to the Reported Student confirming the outcome of the Stage 1 Investigation and any penalties being applied. The Misconduct Officer will inform the Reporting Person of the outcome only and will not normally disclose penalties unless these are directly linked to the Reporting Person.
48. If a student wishes to appeal a Stage 1 outcome, information on the process and criteria for appeal is set out in paragraph 66 onwards.

STAGE 2: SENATE DISCIPLINE COMMITTEE

49. This section of the Procedure applies to cases referred to the Stage 2 Senate Discipline Committee, following management at Stage 1.
50. All cases referred by a Misconduct Officer to Stage 2 (via the [Senate Office](#)), will be considered by the University Secretary (or nominee). The [Senate Office SharePoint site](#) provides guidance for Misconduct Officers and templates for submitting a case to Stage 2, including a checklist, timeline template and Stage 1 report template.
51. In cases where the University Secretary (or nominee) decides that a referral has been made without sufficient cause, the case will be returned by the Senate Office to the Misconduct Officer for action. In such cases, the Misconduct Officer will be responsible for following the steps set out in paragraphs 46 to 47 above, including notifying the Reported Student of the outcome of the allegation against them.
52. In cases where the University Secretary, (or nominee), decides that the case should be heard by a Senate Discipline Committee for consideration, the Senate Office will organise a hearing of a Senate Discipline Committee. In exceptional cases, the University Secretary (or nominee) may commission an investigation to supplement the findings of the Misconduct Officer's Stage 1 Report, in advance of a Senate Discipline Committee hearing.
53. In cases referred to a Senate Discipline Committee, the University Secretary (or nominee) will write to the Reported Student to confirm that a Senate Discipline Committee hearing will take place, with at least ten working days' notice, and to confirm arrangements for the hearing. The student will be notified of/provided with:
- a. The details of the alleged offence;
 - b. The evidence under consideration, including any witness statements (the Reported Student will receive the same evidence pack as a Senate Discipline Committee, barring any briefing notes and checklists produced specifically for Senate Discipline Committee members);
 - c. Information relating to penalties which may be imposed if the alleged offence is admitted or found to be proven;
 - d. Their right to be accompanied (or represented in their absence) by a Supporter and/or Representative;
 - e. Their right to submit evidence to a Senate Discipline Committee in advance;
 - f. Their right to call witnesses in support of their case;
 - g. The date, time and place of the hearing;
 - h. Confirmation of whether any Professional Advisers of the University will attend the hearing;
 - i. Confirmation of the names of any witnesses that a Senate Discipline Committee will call to the hearing;
 - j. A link to this Non-academic Misconduct Procedure.
54. If a Reported Student cannot attend the hearing, (the Senate Office will request a compelling and evidenced explanation as to why they cannot attend), they will be invited to an alternative hearing. In exceptional cases, for example where a Reported Student can evidence that they are unable attend the hearing, in person or virtually, they may submit a written statement for consideration by a Senate Discipline Committee.

55. A Senate Discipline Committee comprises Staff and Student members of Senate known as Senators (see Table of Roles in [Annex 1](#)). The Convener will ask members of a Senate Discipline Committee to declare any perceived, potential or actual conflicts of interest ahead of each meeting and the membership of the Committee may be amended as appropriate. The Convener of the Committee will circulate the following to Committee members in advance of the hearing:
- a. The report of the Misconduct Officer, including any recommendations to a Senate Discipline Committee;
 - b. The evidence gathered by the Misconduct Officer/s to support their findings, e.g. witness statements, emails, social media posts, character references etc;
 - c. Any additional evidence gathered as part of an additional investigation requested by the University Secretary (see paragraph 52);
 - d. A record of any previous Early Intervention/Caution cases where action was taken;
 - e. The report/s from any previous Stage 1 instances of Non-academic Misconduct or Non-academic Misconduct, where the case was upheld;
 - f. Any statements or evidence submitted by the Reported Student prior to the hearing, including any mitigation they wish to submit, for example evidence of illness or challenging personal circumstances.
56. Any evidence which the Reported Student wishes to be considered by a Senate Discipline Committee must be submitted to the Senate Office at least five working days before the hearing. [Guidance is available online](#) for students who are producing evidence for consideration at any stage of this Procedure and should be used by Reported Students when they are preparing a submission of evidence.
57. If the Reported Student wishes to admit the offence, with any mitigating circumstances, this may be done in writing before the date of the hearing. The Reported Student shall still be entitled to appear before a Senate Discipline Committee and should confirm in writing, at least five working days ahead of the hearing, whether they will attend.
58. Each Reported Student must inform the Senate Office, at least five working days before the hearing, of the names of any Supporter and Representative, and their relationship to them, (see paragraph 42 above for more information on these roles), who will accompany the Reported Student to the hearing. The Reported Student will be entitled to receive from the Senate Office a note of the names of any Professional Advisors and/or witnesses who will be appearing on behalf of the University. The Reported Student will have the right to suggest other witnesses that can be contacted for a written statement or to attend the hearing.
59. If a Reported Student fails to attend a Senate Discipline Committee, the hearing will proceed in their absence.
60. A Senate Discipline Committee may, if it is deemed necessary, adjourn a hearing for a period of time. This will only occur in:
- a. Exceptional cases where a Senate Discipline Committee cannot reach a decision and is therefore required to refer the case back to the University Secretary; or

- b. Cases where a Student Discipline Committee refers a student to a Fitness to Practise panel or to student support services for wellbeing or health support; or
- c. The Convener is advised by the University Secretary that criminal proceedings have been brought to the University's attention.

61. If a Senate Discipline Committee does not find reasonable cause for the alleged Non-academic Misconduct, the case will be dismissed. The Senate Office will keep a record of the case for the duration of the student's registration, for reporting purposes.

62. In cases where a Senate Discipline Committee upholds the allegation of Non-academic Misconduct, it is empowered to impose one or more of the following sanctions or penalties:

- a. Any of the penalties set out in paragraphs 31 and 46 above, for Early Intervention or Stage 1, respectively;
- b. Reported Student required to pay a fine, (in addition to any requirement to make good, in whole or part, any damaged caused), not exceeding an amount determined by Senate, (last set in Session 2021/22 at £500). Any fines imposed by this Procedure will be allocated to central funds to support students encountering hardship;
- c. Reported Student required to repay monies obtained fraudulently from the University;
- d. Reported Student suspended from attendance at the University for a stipulated period;
- e. Reported Student is suspended from access to named University Services or facilities for a stipulated period;
- f. Reported Student is permanently excluded from access to named University Services or facilities;
- g. Reported Student's degree classification will be capped;
- h. Reported Student is awarded an exit award rather than the degree for which they registered;
- i. An award or credits for which the Reported Student could be eligible is withheld permanently or for a specified period of time;
- j. An award previously granted by the University of Strathclyde is revoked, either permanently or for a specified period of time, under [Statute 3.6.3](#);
- k. Reported Student is suspended from the University for a specified period of time;
- l. Reported Student is permanently excluded from the University of Strathclyde without credits or awards gained;
- m. Reported Student is permanently excluded from the University of Strathclyde with credits or awards gained;
- n. Such other penalties as may be proportionate to the offence committed by the Reported Student and considered appropriate by a Senate Discipline Committee.¹

63. Any of the above penalties may be suspended for a period of time for the following reasons:

- a. Reported Student is appealing the decision of a Senate Discipline Committee;
- b. A Senate Discipline Committee has specified conditions, in agreement with the University Secretary (or nominee), for example, that the University awaits a student's

¹ Under Constitutional Regulation 1.5.5. Senate delegates its powers to a Senate Discipline Committee, which is empowered to use its judgement to consider individual discipline cases in accordance with the provision of Regulations for Student Discipline and determine proportionate penalties. These may include a hybrid of the penalties listed in paragraph 84, including variations on these penalties, or other penalties not listed above or anywhere else within this Procedure. Senate empowers a Senate Discipline Committee to exercise its judgement in such cases.

participation in a Fitness to Practise panel, the outcomes of which might affect the penalty applied.

64. The University Secretary (or nominee) will write to the Reported Student to confirm the outcome of the case and the implementation of any penalties.
65. The Senate Office will inform the Reporting Person, who made the allegation, of the outcome only and will not normally disclose penalties unless these are directly linked to the Reporting Person.

RIGHT TO APPEAL

66. Following a Reported Student's receipt of confirmation that a Non-academic Misconduct case has been upheld and details of any penalty being applied, either from the Misconduct Officer (for Stage 1) or a Senate Discipline Committee (for Stage 2), the Reported Student may decide to appeal the decision.
67. As stated in paragraph 34, if a Reported Student does not accept recommendations put in place as part of **Early Intervention/Caution**, their case will automatically progress to Stage 1.
68. A Reported Student wishing to submit an appeal against the outcome of a **Stage 1** case must do so within 10 working days of receipt of written confirmation of the outcome of the case from the Misconduct Officer.
69. A Reported Student wishing to submit an appeal against an outcome of a **Stage 2** case must submit this within 10 working days of receipt of written confirmation from the University Secretary of the outcome of the case from a Senate Discipline Committee.
70. A Reported Student has the right to submit an appeal on one or more of the following criteria against a decision made, or the penalty imposed, in both Stage 1 and Stage 2 cases:
 - a. New material evidence is available, which was not available on reasonable enquiry or application at the time of consideration at Stage 1 or Stage 2;
 - b. A procedural irregularity occurred during the process;
 - c. Bias or prejudice against the Reported Student was demonstrated by the Misconduct Officer and/or a Senate Discipline Committee;
 - d. The penalty imposed is excessive or represents inappropriate punishment.
71. When submitting an appeal, the Reported Student will need to provide new evidence to demonstrate sufficient grounds for appeal against the criteria listed in paragraph 70. This may take the form of email correspondence, the notes of a Senate Discipline Committee, outcome letters or other documentary evidence. It is unlikely that an appeal will be heard if the relevant and new evidence and/or a compelling commentary is not provided to demonstrate there are sufficient grounds for appeal.

Appeals Against Stage 1 Outcomes

72. Appeals against Stage 1 outcomes will be submitted to the Executive Dean of the Faculty (or nominee). The Reported Student must complete the [Discipline Procedure Appeals Form](#) and clearly set out the above criteria for appeal, confirming which of the above categories in

paragraph 70 form the basis of the appeal. Any supporting evidence must be submitted to the Executive Dean of Faculty, along with the [Discipline Procedure Appeals Form](#).

73. The Executive Dean (or nominee) will consider whether there are sufficient grounds to hear the appeal. If the appeal is determined to be admissible, the Executive Dean (or nominee) will recommend to the University Secretary that the case progresses to a Senate Discipline Committee under Stage 2 of this Procedure.
74. If the University Secretary decides that the case should be considered by a Senate Discipline Committee, Stage 2 will be instigated (see paragraphs 49 to 65 above). In such cases, the University Secretary will write to the student after the Executive Dean has confirmed the outcome of the appeal.
75. If the Executive Dean (or nominee) determines that there are insufficient grounds for appeal against a Stage 1 outcome, the case will be dismissed and there is no further right of appeal. In such cases, the Executive Dean (or nominee) will confirm the outcome of the Stage 1 appeal to the Reported Student within 30 working days of receipt.

Appeals Against Stage 2 Outcomes

76. Appeals against Stage 2 Senate Discipline Committee outcomes will be submitted to the [Senate Office](#), using the [Discipline Procedure Appeals Form](#). The Reported Student must clearly set out the criteria for appeal (see paragraph 70 above), and will need to provide new evidence to demonstrate sufficient grounds for appeal against these criteria. It is unlikely that an appeal will be heard if the relevant and new evidence and/or a compelling commentary is not provided to demonstrate there are sufficient grounds for appeal.
77. Any evidence submitted to support an appeal must be submitted to the Senate Office along with the [Discipline Procedure Appeals Form](#). Guidance for students on producing evidence for consideration at any stage of this Procedure is [available online](#) and should be utilised by Reported Students when they are preparing an appeal submission.
78. The Senate Office will confirm receipt of the appeal to the Reported Student, usually within five working days.
79. The Vice-Principal (or nominee) will convene a Panel to discuss the appeal, comprising themselves, a Senate Discipline Appeals Board Convener and the Director of Education Enhancement (or nominee). This Panel will reach a decision as to whether there are sufficient grounds for the appeal to be heard by a Senate Discipline Appeals Board. A Professional Advisor of the University may also be in attendance to provide advice and guidance.
80. If the Panel decide that there are insufficient grounds for appeal, the Vice Principal (or nominee) will write to the Reported Student, within 30 working days of receipt of the appeal, to inform them of this decision. This letter will reconfirm the original outcomes and any penalties assigned at Stage 2. There is no further right of appeal.
81. If the Panel determines there are sufficient grounds for appeal, the Vice-Principal will refer the case to a Senate Discipline Appeals Board. The Vice-Principal (or nominee) will write to the student, within 30 working days of receipt of the appeal, to inform the student that a Senate Discipline Appeals Board will hear their appeal.

82. A Senate Discipline Appeals Board will not comprise Senators who were on the original Senate Discipline Committee. The Convener will ask Senators forming the Senate Discipline Board to declare any perceived or actual conflicts of interest ahead of each meeting and the membership of the Board may be amended as appropriate.
83. If a Stage 2 Senate Discipline Committee has previously imposed a penalty of partial or full suspension or expulsion, the student will not normally be permitted to attend the University during the period when the appeal case is being investigated and heard. The Reported Student may apply to the Vice-Principal for permission to attend the University if it would be unreasonable to prevent attendance. Reasons for such an application for permission may include, but are not limited to:
- a. Undertaking a formal on campus assessment for their programme of study;
 - b. A change in circumstances since the Stage 2 Senate Discipline Committee;
 - c. A delay in the appeal hearing not linked to further investigation of a case;
 - d. The timing of an appeal, for example if the timing of a Senate Discipline Appeals Board means that a Reported Student successfully appealing the original penalty would be prevented from returning to study immediately.
84. Applications for a Reported Student to attend the University in the circumstances outlined in paragraph 83 above, must be submitted to the [Senate Office](#) in writing. On review of a recommendation from the Vice-Principal (or nominee), the Principal (or nominee) may refuse or grant permission to attend the University and may, if granting permission to attend, limit attendance to specific locations and/or times.
85. A Senate Discipline Appeals Board hearing will follow the same format as that outlined for a Senate Discipline Committee hearing in paragraphs 53 to 65.
86. A Senate Discipline Appeals Board may, if it is deemed necessary, adjourn a hearing for a period of time. This will only occur in:
- a. Exceptional cases where a Senate Discipline Appeals Board cannot reach a decision and is therefore required to refer the case back to the Vice Principal, who may decide to refer the case back to the University Secretary with a recommendation that further investigations are undertaken; or
 - b. Cases where a Senate Discipline Appeals Board refers a student to a Fitness to Practise panel or to student support services for wellbeing or health support; or
 - c. The Convener is advised by the University Secretary that criminal proceedings have been brought to the University's attention.
87. If the Reported Student's appeal is upheld, the Reported Student will receive written confirmation from the Vice Principal (or nominee) that all penalties are either withdrawn, (if Non-academic Misconduct is determined not to have occurred), or reduced. Any reduced penalties will be in line with those outlined under paragraph 62 of this Procedure.
88. If a Senate Discipline Appeals Board dismisses the appeal, the Vice-Principal (or nominee) will confirm to the Reported Student, in writing, that the original outcome and penalties from Stage 2 stand.

89. The Reported Student will normally be formally informed of the outcome of the hearing within five working days of the hearing.
90. Reported Students can contact the [Scottish Public Services Ombudsman](#) for advice, should they wish to make a complaint to the Ombudsman regarding an Non-academic Misconduct case and outcome. It is important to note that the Ombudsman will not be able to consider a complaint until the University of Strathclyde's own [Complaints Handling Procedure](#) has been followed and completed.
91. Senate receives regular reports of cases heard by Senate Discipline Committees and Senate Discipline Appeals Boards. These are anonymised in nature and noted under the Reserved Agenda of Senate.

ANNEX 1 - ROLES

Roles and Responsibilities relating to Student Discipline

Principal	<p>Under Statute 5.2 the Principal is responsible for maintaining and promoting the efficiency and good order of the University.</p> <p>The Principal chairs the University Senate.</p> <p>Under Ordinance 1.3.1 the Principal may refuse to admit any person as a member or student of the University, and may suspend any student from any class or classes, and may exclude any member or student or other individual(s) from any part of the University or its precincts for reasons including but not limited to unreasonable, amoral or illegal conduct.</p>
Vice-Principal	<p>During the absence of the Principal the Vice-Principal undertakes the duties of the Principal.</p> <p>The Vice-Principal has a specific decision-making role under the Student Discipline Procedures.</p>
University Secretary	<p>The responsibilities of the University Secretary include the provision of support services for Senate, and, through the Senate Office, for overseeing University-level discipline cases, and, through the Directorate of Strategy & Policy, for overseeing University-level complaints handling.</p> <p>The University Secretary has a specific decision-making role under the Student Discipline Procedures.</p>
Associate Principal & Executive Deans	<p>Associate Principal & Executive Deans may be invited by the Vice-Principal to convene Senate Discipline Appeals Board.</p>
Deputy Associate Principals	<p>Deputy Associate Principals may be invited by the University Secretary to convene Senate Discipline Committees or by the Vice-Principal to convene Senate Discipline Appeals Boards.</p>
Misconduct Officer (An academic or professional services member of staff)	<p>Appointed by the Head of Department/School, or Director or Head of Service, to consider allegations of Non-academic Misconduct.</p> <p>Under the Student Discipline Procedures, the Misconduct Officer is empowered to impose penalties on behalf of Senate following a Stage 1 investigation, or to recommend to the University Secretary that a case is heard by a Senate Discipline Committee.</p>
Professional Advisor	<p>A Professional Advisor, to include where appropriate internal or external legal counsel, who is invited to attend a Senate Discipline Committee or a Senate Discipline Appeals Board hearing to provide professional advice.</p>
Representative	<p>Person chosen by the Reported Student to offer advice or to represent them in interviews with Misconduct Officers, and/or at Senate Discipline Committee/Senate Discipline Appeals Board hearings. Subject to prior consent of the Convener, more than one Representative may accompany the student to a Senate Discipline</p>

Student Discipline Procedure: Non-academic Misconduct

	Committee or Senate Discipline Appeals Board. See paragraph 42 for further details.
Senate Discipline Appeals Board	A Sub-Committee of Senate established to consider student appeals against decisions of the Senate Discipline Committee regarding disciplinary offences (constitutional regulation 1.5.6). Membership comprises both Staff Senators and Student Senators. The Senate Discipline Appeals Board is empowered to ratify or rescind penalties assigned at Stage 2 by the Senate Discipline Committee.
Senate Discipline Appeals Board Convener	An Associate Principal or Deputy Associate Principal invited by the Vice-Principal to convene a Senate Discipline Appeals Board.
Senate Discipline Committee	A Sub-Committee of Senate that convenes to hear and decide on the outcome of individual disciplinary cases in accordance with the provisions of the Regulations for Student Discipline (constitutional regulations 1.5.4 & 1.5.5). Senate Discipline Committees may also make recommendations on policy to Senate. Membership comprises Staff Senators and Student Senators.
Senate Discipline Committee Convener	A Deputy Associate Principal invited by the University Secretary to convene a Senate Discipline Committee
Senator	Members of Senate who are appointed to hear Stage 2 cases at Senate Discipline Committees and to hear appeals at Senate Discipline Appeals Boards. Members collectively make decisions on the outcome of Stage 2 and on appeal cases on behalf of Senate.
Senate Office	Professional Services Office in the Directorate of Education Enhancement that provides expert advice and administrative support for the Student Discipline Procedures, and additionally supports the University Senate, the Principal and the Vice-Principal.
Supporter	Person chosen by the Reported Student to accompany them to interviews with Misconduct Officers; and/or to Senate Discipline Committee/Senate Discipline Appeals Board hearings. The Supporter has no formal role in the Procedure beyond support for the Reported Student accused of Non-academic Misconduct. See paragraph 42 for further details.

ANNEX 2 – DEFINITIONS

Terms used within this Procedure

Term	Meaning
Academic Misconduct	Any action or attempted action that may result in creating an unfair academic advantage for a student, or an unfair academic advantage or disadvantage for any other student member/s of the academic community and as further defined in the University's Student Discipline Procedure for Non-academic Misconduct.
Department	Academic department/school, faculty, directorate or service within a directorate.
Host Institution	The university or organisation at which a Reported Student is primarily registered, for example for example a home university for a student on exchange.
Non-academic Misconduct	Violation of the University's Regulations though behaviour which is not defined as Academic Misconduct (see paragraph 25 above).
Regulation(s)	Charter, statutes, ordinances, constitutional regulations, academic regulations, policies, procedures, codes of practice, codes of conduct, guidance documents and any other University documents which include within them details of the regulation of Non-academic Misconduct behaviours of students of the University.
Reporting Person	A student, staff member, StrathUnion representative, recognised University visitor (such as an external examiner), external professional body representative or a member of the public.
Reported Student	Student against whom an allegation of Non-academic Misconduct has been made.
StrathUnion	The trading name of the University of Strathclyde's Students' Association.