



## Student Disciplinary Regulations

<b>Classification</b>	Regulation
<b>Version number:</b>	1-04
<b>Status</b>	Approved
<b>Approved by:</b>	Senate
<b>Approval date:</b>	12 March 2025
<b>Effective from:</b>	13 March 2025
<b>Next review date:</b>	01 September 2028
<b>Document author:</b>	Conduct and Complaints Manager
<b>Document owner:</b>	Executive Director, Academic Services
<b>Contact:</b>	Academic Services Office
<b>Collaborative provision:</b>	Not mandatory <i>State whether this document is applicable to the University's collaborative partners</i>
<b>Related documents:</b>	University Accommodation Misconduct Procedure; Regulations Governing the Investigation and Determination of Concerns about Fitness to Practice; Support for Study; Sexual Misconduct Violence & Harassment Policy and Disclosure Procedure; Safeguarding Policy; Regulation for the investigation and determination of student complaints; University Regulation on Freedom of Speech; Data Retention Policy (See links in section X)
<b>University document:</b>	Yes <i>A University document applies across the institution, is approved by a committee of Council or Senate and is held in the University Policy Directory on SharePoint.</i>
<b>Published location:</b>	University Policy Directory SharePoint; University Website

- The University has adopted the principles of Designing for Diverse Learners, and all policy documents should be written with reference to these principles. Further information is available at the **Designing for diverse learners website**.
- An Equality Impact Assessment (EIA) must be considered for all new and amended policies. Further information is available from the **EIA section of SharePoint**.
- This document is available in alternative formats from **policy@hull.ac.uk**.
- All printed or downloaded versions of this document are classified as uncontrolled

# Student Disciplinary Regulations

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## Student Disciplinary Regulations

### 1 Purpose and Authority

- 1.1 These Regulations are made under Ordinance 11 of the University of Hull. Their purpose is to provide a mechanism through which Student Misconduct can be regulated.
- 1.2 The University Secretary, Registrar and Chief Compliance Officer is the final arbiter of the application and interpretation of these Regulations.

### 2 Scope

- 2.1 These Regulations apply to all students registered at the University of Hull. For the avoidance of doubt this includes:
  - i. Students who have suspended their studies at the University, and
  - ii. Students who have completed their studies but are yet to graduate from the University, and
  - iii. CEG Hull On-line students, and
  - iv. Students registered at partner institutions (i.e. other organisations or bodies undertaking the delivery of provision which leads to credit or an award of the University of Hull) where those students are subject to professional codes of conduct and/or require access to the University campus facilities and/or services;
- 2.2 In exceptional circumstances these Regulations may also be applied to recently graduated students. Specifically, a formal investigation may be commenced under these Regulations within 65 working days of a student graduating. Such circumstances may include but are not limited to; reports of Category A misconduct being made against the former student by a member of the University Community, providing the alleged incident took place during the time the former student was registered with the University.
- 2.3 These Regulations apply to all allegations of Student Misconduct which have occurred between students, by students to staff and by students to any other member of the University Community, including the University. Examples of the kinds of behaviour which constitute 'misconduct' are provided in the Code of Student Conduct (Appendix B). The University may however, at its discretion consider applying these Regulations to alleged misconduct by a student against a member of the public, whereby such alleged conduct may also present a safeguarding concern to any member of the University Community. Such conduct may include but is not limited to; offences against minors, sexual offences, domestic abuse, any form of discriminatory or, misogynistic behaviour, or violent offences in the local community.
- 2.4 These regulations will be applied where the alleged misconduct occurred during the course of the Responding students study at the University. Although, in exceptional circumstances, the University may consider action (formal or informal) under these regulations in respect of alleged conduct which occurred prior to the student enrolling at the University for example:
  - i. Allegations of physical misconduct or, sexual misconduct providing the alleged conduct impacted an individual whom was a student or, staff member of the

University at the time the incident occurred and/or where the nature of the allegation may pose a safeguarding concern for members of the University Community; in this event the University may consider an informal resolution.

- ii. Where it comes to light that a student failed to disclose a criminal conviction during the application/admissions process, these regulations may be applied and a formal investigation conducted.
- 2.5 The University's jurisdiction under these Regulations is not limited to its own premises, nor to behaviour which occurs in the UK. As such, these Regulations cover behaviour both on and off campus wherever it may occur, irrespective of if this occurred during the course of University activities to clarify, this also includes on-line conduct.
- 2.6 These regulations will be applied to all incidents notified to the University on or after the date the Regulations came into effect, irrespective of when the alleged misconduct took place.
- 2.7 A decision by the Police or Crown Prosecution Service (or other law enforcement agency) to take no further action in relation to a criminal matter or an acquittal at a trial does not preclude the University from taking action under these regulations and does not mean the Reporting Party has made a vexatious or malicious report.
- 2.8 These regulations do not apply to:
- i. Offences which fall within the scope of the Academic Regulations (such as plagiarism, collusion, and examination offences);
  - i. Research Misconduct;
  - ii. Students registered at partner institutions (i.e. other organisations or bodies undertaking the delivery of provision which leads to credit or an award of the University of Hull) where those students do not require access to the University campus facilities. Such students are subject to the disciplinary procedures of the partner institution;
  - iii. Behaviour in respect of which action is taken under the Regulations for Use of Library Services;
  - iv. Offences relating to car parking;
  - v. Action to be taken against students following failure to meet academic requirements.

### **3 Definitions**

- 3.1 **Misconduct** for the purpose of these Regulations, misconduct is behaviour by a student which:
- i. Obstructs, disrupts or adversely affects the functioning or activities or wellbeing of the University, its staff, students, visitors, or any other members of the University Community; or
  - ii. Conduct towards a member of the public which may also present a safeguarding concern for any member of the University Community; or
  - iii. Otherwise damages the University or its reputation; or
  - iv. Contravene any University regulation, code, rule or policy.

- 3.2 **Reporting Party** is the person(s) who has been the subject of the alleged misconduct.
- 3.3 **Responding Student** is the student accused of the alleged misconduct.
- 3.4 **University Community** means all students and employees of the University and those officially associated with the University such as; former students and alumni, invitees, visitors and guests.
- 3.5 **Case Officer** is a person who has received training on handling student disciplinary investigations
- 3.6 **Exclusion** means restriction of access to all or specified parts of University premises and/or all or specified University Services. This may include a requirement that a student must have no contact with a named person or persons, and/or from having any academic contact with all other students. The student may be excluded from all activities or may be allowed to undertake specified activities such as attending for an examination or assessment. To clarify, HUSU may at its discretion suspend or remove membership or access to its services for a student who has been excluded by the University.
- 3.7 **Expulsion** means the cessation of a student's membership of the University and loss of all rights and privileges of membership. (A student who is expelled will also lose their membership of HUSU.)
- 3.8 **Suspension** means the barring of a student from attending any activities or teaching arranged by the University or held on its premises. This includes associated practice placements.
- 3.9 **Graduation** means the date of the meeting of the Exam Board at which the award was decided/issued.
- 3.10 **Category A Offence** means Misconduct which is considered to be the most serious and/or, if upheld, might reasonably be expected to lead to the most severe penalties available, including but not limited to; exclusion, suspension or expulsion and/or where the Responding student contends that the alleged misconduct was a legitimate exercise of the right to freedom of speech.
- 3.11 **Category B Offence** means Misconduct which, if upheld, would not reasonably be expected to lead to exclusion, suspension or expulsion.
- 3.12 **Acceptable Behaviour Contract (ABC)** - Is a voluntary agreement between a student and the University, setting out conditions proportionate to the circumstances which the student must adhere to. An ABC may also contain a condition that the student will not enter a specified area on campus.
- 3.13 **No Contact Arrangement (NCA)** - Is an arrangement put in place by the University between two or more parties to reduce the likelihood of contact between them. An NCA may also contain a condition that one or more of the parties will not enter a specified area on campus.
- 3.14 **Absolute Discharge** - This penalty is appropriate where misconduct is upheld, but the Student Misconduct Officer/panel does not attach blame to the accused for their action.
- 3.15 **Written Caution** - A written caution is issued as a means to formally signal to the student that their behaviour is unacceptable. It provides an opportunity for the student to learn from the incident to minimise the likelihood of such behaviour reoccurring in future. It will remain on the student's file for the remainder of their time as a student.

- 3.16 **Final Warning** - To be used in cases of Category A misconduct, and Category B misconduct (See Appendix B – Code of Student Conduct for definitions) where previous misconduct has been found to be upheld under these Regulations, meaning if further allegations are made and found upheld, this could result in Exclusion, Suspension or Expulsion.
- 3.17 **Restorative Communication** may include a requirement to take part in mediation or restorative practice with any person affected by the misconduct and/or take part in an educational session with a relevant area of the University (for example; equality, diversity and inclusion) to explore their actions and ramifications of such actions and/or write a reflective statement.
- 3.18 **University Service** - Work specified by the Student Misconduct Officer/Case Officer/Panel which will benefit the University Community. The Student Misconduct Officer/Case Officer/Panel will specify the length and nature of service.
- 3.19 **Working Day** – Any Monday to Friday which is not a public holiday or any day where the University is closed for operational reasons.
- 3.20 **Working Hours** - Between 9am and 5pm on a Working Day.

#### **4 Burden and standard of proof**

- 4.1 Those making findings must do so on the balance of probabilities. In order to find that an event occurred they must therefore be satisfied that it is more likely than not that the event in question occurred.
- 4.2 The burden of proof lies with the University.

#### **5 Natural Justice**

- 5.1 All allegations of misconduct covered by these regulations must be investigated in accordance with the principles of natural justice which are in essence, broad principles of fairness which anyone who decides anything must follow. In short, a fair hearing must be provided and the process must be impartial and free from bias. Responding Students must therefore be told clearly the nature of the allegations against them, in advance; they must be given the chance to put forward their own case; the decision-taking panel/person must be unbiased; and procedures must be followed consistently in all cases. In terms of bias, both actual and reasonably perceived bias must be avoided; the test to consider is whether a reasonable and fair-minded person knowing all the relevant facts would have a reasonable suspicion that a fair hearing was not possible. Overall decisions must be reached carefully and fairly, and fair play must be ensured. Justice should both be done and seen to have been done.

#### **6 Delegation**

- 6.1 Any role, function or task given to a Pro-Vice Chancellor, University Secretary, Registrar and Chief Compliance Officer, Director of Student Administration, Associate Director of Registry Services, Director of Commercial Services and/or the Conduct and Complaint Manager under these Regulations may be delegated to any person they deem appropriate.

#### **7 Safeguarding Students, Support and Advice**

- 7.1 If at any stage of proceedings under these Regulations it appears that any student is at

risk of imminent harm, this must be reported to the Conduct and Complaints Office immediately via [conductandcomplaints@hull.ac.uk](mailto:conductandcomplaints@hull.ac.uk). Upon receipt of this information, the Conduct and Complaints Office shall liaise with the Wellbeing Team to adhere to the Safeguarding Policy, reporting any concerns in accordance with that Policy if appropriate.

- 7.2 At all stages of any proceedings under these Regulations consideration must be given to whether any student is at risk of harm or might otherwise benefit from additional pastoral support. Where it is believed that a student may be at risk of harm or might otherwise benefit from pastoral support the student must be encouraged and supported to contact the University Support Services as deemed appropriate.
- 7.3 Correspondence with all students under these Regulations should include reference to the availability of independent advice from the HUSU Advice Centre and support from the University Support Services.

## 8 Immediate Precautionary Action by Security Staff

- 8.1 There may be occasions where it is necessary for Security Staff (including contractors delivering security services on behalf of the university) to take immediate precautionary action until a student misconduct report form can be submitted and investigation commenced. Such immediate precautionary action may be taken on the following grounds:
- i. To provide immediate protection to members of the University Community; and/or
  - ii. To provide immediate protection to others; and/or
  - iii. To prevent misconduct taking place.
- 8.2 Such immediate precautionary action may include but is not limited to:
- i. **Direction to leave** any area of the University campus and not return for a specified period (not more than 7 consecutive days). Although in the case of University accommodation, this must not include a student's own residence.
  - ii. **Confiscation of items** – Whilst staff are not permitted to search students, staff have the right to ask a student to surrender any item for confiscation that is causing and/or is capable of causing alarm, distress or a health and safety concern. When items are confiscated photographic evidence must be taken and the items must be taken to a suitable place for safe storage. Such items may include but are not limited to;
    - a. Any weapons including imitation guns and ball bearing guns
    - b. Corrosive substances
    - c. Controlled substances
- 8.3 Should a student fail to comply with immediate precautionary action this will be deemed as a breach of the code of student conduct (Appendix B), specifically Operational Obstruction.
- 8.4 Where immediate precautionary action is taken, a [Misconduct Report Form](#) must be submitted. The member of staff taking the action (or delegated other) must also confirm in writing to the student the action taken, the reasons for the action and in the case of direction to leave when this will cease, this should be done within 1 working day and a



copy sent to [conductandcomplaints@hull.ac.uk](mailto:conductandcomplaints@hull.ac.uk).

- 8.5 Should a student wish to request the return of a confiscated item, they should do so in writing to the Conduct and Complaints Office at [conductandcomplaints@hull.ac.uk](mailto:conductandcomplaints@hull.ac.uk) within 5 working days of the items confiscation.
- 8.6 Confiscated items will not normally be returned to a student, unless there are extenuating circumstances that necessitate the item's return, and the University would not be committing a criminal offence in returning the item(s).
- 8.7 A student can request a review of the action taken on the grounds that the student feels the action taken was disproportionate. A student can request a review via email to [conductandcomplaints@hull.ac.uk](mailto:conductandcomplaints@hull.ac.uk) within 5 working days of the Immediate Precautionary Action taking place detailing the reasons why the student believed the action to be disproportionate. The review shall be completed by the Director of Commercial Services in consultation with the Conduct and Complaints Office. The student will then receive notice of the outcome of the review within ten working days, specifically if the action was deemed appropriate or, any remedial action that is to be taken.

## 9 Misconduct Reports

- 9.1 Reports of alleged misconduct can originate from a wide variety of sources, including press reports, complaints from fellow students, from staff, or from other individuals.
- 9.2 Reports of misconduct must be submitted within 65 working days of the alleged conduct occurring and/or within 65 working days of the reporting party reasonably becoming aware of the alleged misconduct. Reports submitted outside of this timeframe without reasonable explanation for a delay may not be considered under these Regulations. The only exception to this shall be reports of Sexual Misconduct, Physical Misconduct and Abusive Behaviour that fall into Category A, whereby a reporting party may submit a report at any time during the period in which the Responding Student is a registered student of the University and in the most serious of cases may submit a report up to a maximum of 65 working days following the Graduation of the Responding Student (the Conduct and Complaints Office shall explain the limitations of any University Investigation to the reporting party in this event).
- 9.3 Where any member of staff receives a report of alleged student misconduct, they must ask the person making the report if they want the allegation to be considered for a formal investigation or informal resolution under these Regulations.
- 9.4 A student [Misconduct Report Form](#) must be submitted for consideration under these Regulations if:
  - i. The person making the report wants the allegation to be considered under these Regulations (either formally or informally).
  - ii. If the staff member receiving the report considers having exercised their judgement, that it is in a student's or students best interests for the allegation to be considered under these Regulations.
  - iii. If the staff member receiving the report considers, having exercised their judgement, that it is in the University's best interests for the allegation to be considered under these Regulations.
- 9.5 For any allegation of student misconduct which is to be submitted for investigation the

member of staff who received the report must complete the Student Misconduct Report Form:

- i. Within 3 working hours of receiving the report where a staff member believes the reported conduct would constitute a Category A offence.
- ii. Within 2 working days of receiving the report where a staff member believes the reported conduct would constitute a Category B offence.

9.6 Upon receipt of a Misconduct Report Form, the Conduct and Complaints Office will consider whether the allegation(s) falls within scope of these Regulations. If the allegations are not deemed to be within scope, the Conduct and Complaints Office shall inform the Reporting Member of staff of this and the reasons.

## 10 Referral to Related Policies and Procedures

10.1 Upon receipt of a Misconduct Report Form, the Conduct and Complaint Office will consider if the allegation(s) would be better handled under another University Policy and/or Procedure or, both these Regulations and another University Procedure. Where it is determined this is the case the Conduct and Complaints Office shall refer the matter to the relevant area. This may include but is not limited to:

10.2 **Regulations Governing the Investigation and Determination of Concerns about Fitness to Practice.** Where an allegation of misconduct is of a sufficiently serious nature that it raises concerns about a student's professional suitability given the nature of the student's programme of study, the Conduct and Complaints Office must notify the Faculty and it may be decided that, the matter should be handled solely under the Regulations Governing the Investigation and Determination of Concerns about Fitness to Practice or, handled firstly under these Regulations and following a final determination being made, refer the matter for consideration under the Regulations Governing the Investigation and Determination of Concerns about Fitness to Practice.

10.3 **Support for Study Policy and Procedure** – Where an allegation(s) of misconduct raises significant concerns regarding the wellbeing of a student and/or their fitness to study by reason of posing a risk to themselves and/or others, the Conduct and Complaints Office must liaise with the Wellbeing Team. Where proceedings are initiated under Support for Study Policy and Procedure this would not preclude precautionary action being taken under these Regulations irrespective of the stage of those proceedings. Where proceedings under Support for Study Policy and Procedure are at Stage 1 or 2 action either formal or informal may also be taken under these Regulations. However, where proceedings under Support for Study Policy and Procedure are at Stage 3, proceedings under these Regulations should be placed on hold (with the exception of any Precautionary Action deemed necessary).

10.4 **Accommodation Misconduct Procedure** – Where the alleged misconduct takes place in on-campus accommodation and would not constitute a Category A breach of the Code of Student Conduct the matter should be referred for handling under the Accommodation Misconduct Procedure.

10.5 **HR Disciplinary Policies and Procedures** – Where a Responding Student is also an employee of the University, the Conduct and Complaints Office should notify the line manager of the allegation(s). The line manager will then be responsible for considering whether any further action is required under the student's contract of employment. Any

such action taken by the line manager will not affect any action taken under these Regulations. However, the Conduct and Complaints Office/Disciplinary panel may take the outcome of any action taken by the line manager in relation to the same offence into account during consideration of an appropriate penalty.

- 10.6 **HUSU Disciplinary Policies and Procedures** – Where an alleged incident(s) of misconduct takes place on HUSU Property, as part of HUSU Society activities and/or would also constitute a breach of HUSU Codes of Conduct, action either formal or informal may be taken under these Regulations and HUSU Disciplinary Policies and Procedures. The University and HUSU will agree if their actions are to run alongside one another or, if the HUSU action should follow any University action. Where it is decided that HUSU disciplinary action is to follow University action, the University may share information gathered through its process with the HUSU and in accordance with the relevant information sharing agreement. HUSU may choose to impose further penalties under HUSU disciplinary policies and procedures where the University found misconduct occurred. This shall be on the basis of the University finding and information gathered, and is irrespective of any penalties imposed by the University in respect of the same matter.
- 10.7 In the event the University is unable to reach an agreement as to which procedure(s) and/or Regulation(s) to follow, the decision will be referred to the University Secretary, Registrar and Chief Compliance Officer whose resolution will be final.

## 11 Criminal Offences, Convictions and Custodial Sentences

- 11.1 Where a student is under investigation by the Police, where criminal proceedings have been initiated, or where a student has been convicted of a criminal offence, it is the responsibility of the student to report this to the University. Failure to disclose any information in this regard will constitute an offence under these Regulations.
- 11.2 Upon receiving a Misconduct Report Form detailing alleged misconduct which, if upheld, is likely to constitute a serious criminal offence the Conduct and Complaints Office shall inform the Director of Student Administration and the University Secretary, Registrar and Chief Compliance Officer.
- 11.3 Where the alleged misconduct is likely to be a criminal offence and is committed against the University, such as vandalism or theft, it will be for the University Secretary, Registrar and Chief Compliance Officer discretion as to whether to report an incident to the police.
- 11.4 Where the alleged misconduct is likely to be a criminal offence and the alleged victim is a student or staff member at the University of Hull, but does not wish to report the matter to the police, the Conduct and Complaints Office should normally respect the alleged victim's wishes, but may report any suspected offence to the police in exceptional circumstances.
- 11.5 Front line members of staff such as the Security Services, Wellbeing Team and/or the Conduct and Complaints Office may take a decision immediately to report a matter to the police where a delay in reporting may pose significant safeguarding concerns. The circumstances in which such a report may be justified is if the disclosure of the information is necessary to protect the reporting student (or others) from harm, or to prevent a further crime taking place.
- 11.6 If the Reporting Party does not wish to report the matter to the police, the Conduct and Complaints Office shall advise that the University does not have the legal investigatory

powers of the Police, and cannot make a determination on criminal guilt. Further that any internal investigation will be focused exclusively on whether a breach of this Policy and/or relevant code of conduct has occurred. The internal process cannot therefore be regarded as a substitute for a Police investigation or criminal prosecution.

- 11.7 There may be occasions where the University becomes aware of information to indicate that a student may be engaged in conduct which is likely to be a serious criminal offence, for example; drug dealing. Although, it may not be practicable to conduct an investigation under these Regulations. In such circumstances the Conduct and Complaints Office may choose to make an intelligence report to the police passing on any such information received for the purpose of preventing and/or detecting crime.
- 11.8 Where the alleged misconduct would, if upheld, constitute a serious criminal offence (one likely to attract a custodial sentence upon conviction) the Conduct and Complaints Office should consider recommending precautionary action pending the outcome of a police investigation and any subsequent criminal proceedings.
- 11.9 Where police actions and/or criminal proceedings are ongoing, proceedings under these regulations should be suspended pending the outcome of any such police action and/or criminal proceedings.
- 11.10 Where a student has been convicted of a criminal offence or accepts a Police Caution in relation to behaviour that falls within the scope of these regulations, this will be taken as conclusive evidence that the behaviour took place. Further, any such conviction may be referred for consideration by the criminal conviction panel (see paragraph 10.5).
- 11.11 Where criminal proceedings have been initiated against a student it is the University's position that a character reference/statement (should one be requested) shall not be provided in support of the student whereby the proceedings relate to a violent, sexual and/or discriminatory offence.
- 11.12 In all cases, the University Secretary, Registrar and Chief Compliance Officer decision regarding whether to take action under these regulations is final. They will take into account the University's investigative capabilities and its ability to do justice to all parties.

## **12 Informal Resolution**

- 12.1 Upon receipt of a Misconduct Report Form, the Conduct and Complaints Office will consider whether informal resolution might reasonably resolve the matter without the need for a formal investigation/proceedings. Where informal resolution is considered to be an appropriate option, the Conduct and Complaints Office will explore this with the individuals involved as deemed appropriate.
- 12.2 If the Responding Student fails to engage with the Informal Resolution this will be deemed an incident of Operational Obstruction and the Conduct and Complaints Office may instigate a formal investigation under these Regulations into the allegation(s) reported and/or Operational Obstruction.
- 12.3 If the Reporting Party is not agreeable to Informal Resolution, the Conduct and Complaints Office must consider if it is proportionate to continue with a formal investigation. Where it is decided this would not be proportionate the Conduct and Complaints Office may continue with Informal Resolution and notify the Reporting Party of their decision.
- 12.4 The Conduct and Complaints Office may use their discretion when deciding upon an

appropriate means of Informal Resolution, which may include but is not limited to one or more of the following options:

- i. Restorative practice, meditation or conciliation
- ii. Words of advice to one or more parties
- iii. Issuing a reminder of the Code of Student Conduct
- iv. Acceptable Behaviour Contract (ABC)
- v. No Contact Arrangement (NCA)
- vi. Letter of apology
- vii. Reflective statement
- viii. In the cases of incidents which occurred in on-campus accommodation a discretionary voluntary transfer to alternative accommodation for either the Reporting or Responding Student may be offered.

### 13 Precautionary Action

13.1 Some disciplinary matters irrespective of whether they are Category A or B (See Appendix B Code of Student Conduct for definitions) may require the University to take Precautionary Action, either at the outset or during the course of an investigation and the Conduct and Complaints Office shall determine if this is necessary. Precautionary Action is a neutral act and does not indicate the University has concluded or pre-determined the Responding Student has committed the alleged misconduct and is purely a precautionary measure pending the outcome of Police and/or University investigation. Precautionary action must only be used where necessary to:

- i. Protect members of the University community; and/or
- ii. Protect others; and/or
- iii. Ensure that evidence related to the case is not prejudiced; and/or
- iv. Ensure that a through investigation can be carried out by the University.

13.2 Such Precautionary action may include but is not limited to one or more of the following:

- i. **Acceptable Behaviour Contract (ABC) or, No Contact Arrangement (NCA).** To clarify, an ABC and/or NCA may contain conditions preventing a Responding Student from entering an area of campus providing that the Responding Student residence and/or buildings required to complete their studies is not located within that area.
- ii. **Precautionary Accommodation Transfer.** Where the Responding Student resides in on-campus accommodation the Conduct and Complaints Office may decide to transfer the Responding Student to alternative on-campus accommodation ensuring there is no financial detriment to the Responding Student as a result of the transfer.
- iii. **Precautionary Academic Adjustments.** It may be possible to safeguard a Reporting Student by taking measures to ensure they will not come into academic contact with the Responding Student for example, moving the Responding Student into another teaching group and/or placement. The Conduct and Complaints Office shall work with the Faculty in this regard.

- iv. **Precautionary Exclusion.** Restricting the Responding Student's access to all or specified parts of University premises and/or all or specified University Services. This may include a requirement that a Responding Student must have no contact with a named person or persons, and/or from having any academic contact with all other students. The Responding Student may be excluded from all activities or may be allowed to undertake specified activities such as attending for an examination or assessment. In the case of a recently graduated Responding Student they may be excluded from attending a graduation ceremony as a precautionary measure. A Precautionary Exclusion must be subject to the approval of the Director of Student Administration, Associate Director of Registry Service or Conduct and Complaints Manager.
  - v. **Precautionary Suspension.** Barring of a Responding Student from attending any activities and/or teaching arranged by the University or held on its premises. This includes associated practice placements. Suspension should be a last resort, when the risk of harm to others (or the student themselves) outweighs the potential disadvantage to the Responding Student and/or to ensure a thorough investigation can be undertaken. A Precautionary Suspension must be subject to the approval of the Director of Student Administration, Associate Director of Registry Services or Conduct and Complaints Manager.
- 13.3 To clarify, where a Responding Student fails to comply with a precautionary measure, the Conduct and Complaints Office may consider if a more severe precautionary measure should be put in place.
- 13.4 In any case where the Conduct and Complaints Office has determined that a precautionary exclusion or suspension appears appropriate. The Conduct and Complaints Office will complete the Suspension and Exclusion Form (Appendix D), setting out the allegation(s) against the Responding Student and the reasons why the suspension and/or exclusion is necessary (as identified through the risk assessment). The Conduct and Complaints Office should consult with the Wellbeing Team and/or the Responding Student's Faculty as deemed necessary around any risks posed to the University Community and/or others, and on the potential impact upon the Responding Student's studies, which should also be noted on the forms. The completed forms (Appendix C and D) shall be submitted to the Director of Student Administration or Associate Director of Registry Services for consideration.
- 13.5 The Director of Student Administration, Associate Director of Registry Services or Conduct and Complaints Manager may exclude and/or suspend the Responding Student, or may decline to do so. The Director of Student Administration, Associate Director of Registry Service or Conduct and Complaints Manager must complete the Suspension and Exclusion Form accordingly and return this to the Conduct and Complaints Office.
- 13.6 Where a precautionary measure is being put in place, the Conduct and Complaints Office shall notify the Responding Student in writing. Where a suspension or exclusion is approved the Responding Student should also be issued with a copy of the completed Suspension and Exclusion Form (Appendix D).
- 13.7 Any Responding Student subject to a precautionary measure may send written representations to the Director of Student Administration, Associate Director of Registry Services or Conduct and Complaints Manager to review the precautionary measure as soon as practicable thereafter (and, in any event, within 10 working days). Any

suspension and/or exclusion must be reviewed by the Director of Student Administration, Associate Director of Registry Services or Conduct and Complaints Manager every 20 working days.

- 13.8 The Conduct and Complaints Office will ensure that any suspension and/or exclusion is reported to the persons listed in Appendix A.
- 13.9 Following any review by the Director of Student Administration, Associate Director of Registry Services or Conduct and Complaints Manager a Responding Student may appeal a precautionary suspension and/or exclusion within 15 working days by emailing [conductandcomplaints@hull.ac.uk](mailto:conductandcomplaints@hull.ac.uk) explaining the reasons for their dissatisfaction with the decision to implement the precautionary suspension and/or exclusion. Upon receipt of the appeal, the written representations previously submitted by the Responding Student, the Risk Assessment Form, the Suspension and Exclusion Form, the Misconduct Report Form and the notification in writing to the Responding Student will be presented to the University Secretary, Registrar and Chief Compliance Officer for consideration whom shall make a final determination on the matter and notify the student of their decision within 10 working days. Their decision will be final.
- 13.10 A Responding Student who remains dissatisfied with the outcome of the Precautionary Suspension/Exclusion appeal may be entitled to complain to the Office of the Independent Adjudicator for Higher Education (OIA). The Conduct and Complaints Office on behalf of the University Secretary, Registrar and Chief Compliance Officer will issue a Completion of Procedures letter at the close of the appeal stage to indicate that the Responding Student has exhausted the University's internal procedures. The letter will provide guidance on how to submit an appeal to the OIA.

#### **14 Commencement of a Formal Investigation**

- 14.1 Responding Students are required to engage fully in the investigation process and any subsequent hearing. Failure to do so may be deemed as an incident of Operational Obstruction which may be added to the allegations and/or considered as an aggravating factor by any person(s) considering a penalty to impose upon any misconduct being found upheld.
- 14.2 The Conduct and Complaints Office may at any point during formal and/or informal proceedings direct that the Responding Student must not make any form of contact with the Reporting Student (and vice versa). In the event the Responding or Reporting Student chooses to disregard this direction, this shall be deemed an incident of Operational Obstruction and the Conduct and Complaints Office may consider the implementation of any Precautionary Action and/or a more severe Precautionary Action in the event Precautionary Action is already in place.
- 14.3 Any Reporting Party that agrees to be involved in the investigation process, shall be actively involved. The Reporting Party shall be asked to provide a witness statement and/or any other evidence they deem relevant for use in the investigation, where the Responding Student provides a response to the allegations and/or evidence submitted by the Reporting Party the Conduct and Complaints Office may at their discretion disclose all or part of that response to the Reporting Party for any further comment by them. The Reporting Party may attend any disciplinary panel hearing and shall be able to address the panel directly giving any presentation they may wish to make. The Reporting party may be supported throughout the investigation process by any other person such as; a friend, family member, University Support Services staff member or HUSU Advisor

- providing they are not involved in the case (i.e. a witness) and that person may accompany the Reporting Party to any meetings and/or hearing.
- 14.4 All students are expected to act reasonably and fairly towards other parties involved in the investigation process and to treat the process with respect.
  - 14.5 If two or more students are reported as being involved in related alleged misconduct, the Conduct and Complaints Office may at their absolute discretion decide to handle the matter jointly or separately. Where a decision is made to handle the matter jointly, all Responding Students under investigation shall be provided with all the evidence gathered as part of the investigation.
  - 14.6 All communications between the Responding Student(s) and Conduct and Complaints Office as part of the investigation, shall form part of Case Report and be submitted in evidence to a disciplinary panel where the case is classified as Category A.
  - 14.7 Where a University investigation into Category A allegations is to be commenced following a Police investigation which was discontinued, the Conduct and Complaints Office may request that the Reporting Party and/or Responding Student obtain copies of any witness statements, interviews and/or forensic reports from the police prior to the commencement of the investigation. Particularly where it is determined that asking the Reporting Party to provide their account again may be traumatic and/or where the evidence obtained by the police would be vital to the investigation. In the event there is a significant delay in obtaining the police evidence, the Conduct and Complaints Office shall liaise with the Director of Student Administration or Associate Director of Registry Services to decide if it would be appropriate to commence/continue an investigation without the police evidence and the Reporting Party is in agreement to this.
  - 14.8 The Conduct and Complaints Office must make such enquiries as they deem necessary and proportionate to understand the nature of the allegation(s) against the Responding Student. In some cases, this may include obtaining further information from any witnesses to, or victims of, the misconduct. A record of all enquiries must be kept.
  - 14.9 The Conduct and Complaints Office must set out the allegations against the Responding Student clearly in writing, using the Misconduct Investigation Form. A copy of the Misconduct Investigation Form should also be sent to the Responding Students supervisor and/or faculty for information.
  - 14.10 The Conduct and Complaints Office must provide the Responding Student with a copy of the Misconduct Investigation Form (either in person or by sending it to the student's University email account) and must ask the Responding Student to complete the section titled Students Response.
  - 14.11 The Responding Student must ensure that the Misconduct Investigation Form is received by the Conduct and Complaints Office, with the Students Response section completed within 5 working days of the date on which it is provided to the student.
  - 14.12 Where during the course of the investigation further allegations are made in addition to the original allegation(s) made at the outset of the case, the Conduct and Complaints Office may at their discretion choose to; include the further allegations as part of the existing case and issue a revised a Misconduct Investigation Form detailing the additional allegations or, handle the further allegations separately.
  - 14.13 Where an error has been made on the Misconduct Investigation Form or, during the course of the investigation the nature of the allegation(s) has changed or requires amendment/clarification, the Conduct and Complaints Office may at their discretion



issue a revised Misconduct Investigation Form.

- 14.14 Where possible, at the outset of the investigation the Conduct and Complaints Office should determine whether the alleged misconduct would if upheld constitute a Category A or Category B offence (See Appendix B – Code of Student Conduct for Definitions). The Conduct and Complaints Office may defer this decision pending further enquiries and/or receipt of the completed Investigation Form if necessary.
- 14.15 In any case where a responding student contends that the alleged misconduct was a legitimate exercise of the right to freedom of speech the Conduct and Complaints Office must classify the case as Category A.
- 14.16 The Conduct and Complaints Office has the discretion to re-categorise any offence which might usually be deemed Category B to a Category A and vice versa dependent on any aggravating and/or mitigating factors which might apply.
- 14.17 At any stage of the formal investigation the Conduct and Complaints Office may determine that a case should be re-categorised from Category B to Category A and vice versa upon receipt of any information which may warrant this. The Conduct and Complaints Office must notify the Responding Student of any change to the category.
- 14.18 During the course of an investigation the Responding Student may bring a counter allegation against any Reporting Party and/or Witness. In this event the Conduct and Complaints Office shall decide if the counter allegation shall be:
- i. Handled as a separate matter; or
  - ii. Investigated as part of the same case to determine any mitigation; and/or
  - iii. Request any disciplinary panel make a recommendation as to any action required in response of the counter allegations.

## **15 Investigation process relating to cases categorised as Category B**

- 15.1 Cases categorised as Category B should be resolved as expeditiously as possible and, in any event, should normally be resolved within 28 working days of the date of the Misconduct Investigation Form being issued to the Responding Student. However, on occasions investigations may continue beyond 28 working days where there are a number of complexities and subject to factors such as student/witness availability.
- 15.2 Where the Responding Student has indicated on the Misconduct Investigation Form that they admit the allegation(s), the Conduct and Complaints Office must proceed to consider the appropriate penalty pursuant to (Paragraph 22).
- 15.3 Where the Responding Student has indicated on the Misconduct Investigation Form that they partially admit the allegation(s) the Conduct and Complaints Office must consider whether the elements of the allegation(s) that are denied would, if upheld, materially affect the likely penalty. Where the likely penalty would be materially affected, or in any other case where the Conduct and Complaints Office sees fit, the denied elements of the allegation(s) must be determined in accordance with 15.6 below, before the overall penalty for misconduct is determined in accordance with (Paragraph 22).
- 15.4 In the event of an investigation into the elements denied, if the Conduct and Complaints Office has been unable to evidence these elements, the Conduct and Complaints Office may conclude the investigation in advance of a hearing and should proceed to consider an appropriate penalty in respect of the elements admitted pursuant to (Paragraph 22).

- 15.5 Where the Responding Student has indicated on the Misconduct Investigation Form that they partially admit the allegation(s), although on consideration the Conduct and Complaints Office deems that in fact a full admission has been made but mitigating circumstances cited, the Conduct and Complaints Office should proceed to consider the appropriate penalty pursuant to (Paragraph 22).
- 15.6 Where the Responding Student has failed to respond, or has indicated on the Misconduct Investigation Form that they deny the allegation(s), the Conduct and Complaints Office must undertake a proportionate investigation and make such enquiries as they deem appropriate.
- 15.7 When that investigation is complete the Conduct and Complaints Office must arrange a hearing with the Responding Student, following which the Conduct and Complaints Office will determine whether the allegation is upheld.
- 15.8 Where practicable, efforts will be made to agree with the Responding Student a mutually convenient time for the hearing. In any event, 5 working days written notice of the hearing must be provided to the Responding Student by sending written confirmation of the date to the student's University email address.
- 15.9 A copy of any written evidence which the Conduct and Complaints Office will consider at the meeting must be sent to the student's University email address no less than 5 working days before the hearing.
- 15.10 Another member of University staff must be present to take notes.
- 15.11 The Conduct and Complaints Office must consider written and/or oral evidence as they think fit. Where oral evidence is heard from any witness the Responding Student must have the opportunity to ask questions of the witness via the Conduct and Complaints Office. The Conduct and Complaints Office may permit any witness (including any reporting party) to give oral evidence via video-link where the witness requests this
- 15.12 The Responding Student must have an opportunity to speak in their own defence.
- 15.13 The Responding Student may be accompanied to any investigation meetings by a friend (providing they are not involved in the case), family member, University Support Services or, HUSU Staff Member, although this should be in a supporting role only and will be unable to speak on behalf of the Responding Student.
- 15.14 Where a Responding Student fails to attend, the meeting may go ahead in their absence or may be rescheduled. This decision is at the discretion of the Conduct and Complaints Office taking into account the reasonableness of any explanation given by the student for their non-attendance and the student's engagement with the disciplinary process to date.
- 15.15 At the conclusion of the meeting the Conduct and Complaints Office must:
  - i. Pronounce whether they find the misconduct upheld or not upheld, and if upheld proceed to consider an appropriate penalty (Paragraph 22); or
  - ii. Confirm that they will inform the Responding Student in writing whether they find the misconduct upheld or not upheld, and if upheld what penalty will be imposed (Paragraph 22).
- 15.16 In all cases the Conduct and Complaints Office should confirm the outcome of the meeting in writing to the student's University email address within 5 working days and must send a copy to the student's supervisor and/or faculty.

## **16 Investigation process relating to cases categorised as Category A**

- 16.1 Cases of Category A misconduct should be resolved as expeditiously as possible and in any event should normally be resolved within 45 working days of the date of the Misconduct Investigation Form being issued to the Responding Student. However, on occasions investigations may continue beyond 45 working days where there are a number of complexities and subject to factors such as student/witness/panel availability.
- 16.2 Where the Responding Student has indicated on the Misconduct Investigation Form that they admit the allegation(s), the Conduct and Complaints Office should arrange to meet with the Responding Student, with another member of staff present to take notes, to confirm the Responding Student's response and to outline the next stage of the process. The Conduct and Complaints Office must then request that a disciplinary panel be convened to determine the appropriate penalty pursuant to Paragraph 22 or, where the Conduct and Complaints Office determines that a proportionate penalty or penalties would be one/those that they/the Case Officer have the power to impose, the Conduct and Complaints Office may seek approval from the Director of Student Administration or Associate Director of Registry Services to dispense with a panel hearing.
- 16.3 Where the Responding Student has indicated on Part 2 of the Form that they partially admit the allegation(s), the Conduct and Complaints Office must consider whether the elements of the allegation(s) that are denied would, if upheld, materially affect the likely penalty. Where the likely penalty would not be materially affected, then the Conduct and Complaints Office should meet with the Responding Student in accordance with paragraph 16.1, above. Where the likely penalty would be materially affected, or in any other case where the Conduct and Complaints Office sees fit, the denied elements of the allegation(s) must be determined in accordance with paragraph 16.5, before the overall penalty for misconduct is determined in accordance with Paragraph 22.
- 16.4 Where the Responding Student has indicated on the Misconduct Investigation Form that they partially admit the allegation(s), although on consideration the Conduct and Complaints Office deems that in fact a full admission has been made but mitigating circumstances cited, the Conduct and Complaints Office should act in accordance with paragraph 16.2.
- 16.5 Where a Responding Student fails to respond or denies the allegation the Conduct and Complaints Office must undertake an investigation, the scale and scope of which must be proportionate to the gravity and complexity of the alleged misconduct. This will normally involve the following steps, which will usually occur in the order set out below:
- i. The gathering of any CCTV and photographic evidence where available.
  - ii. The taking of signed statements from witnesses, including the taking of signed statements from any additional witnesses that the Responding Student names. There may be occasions whereby witnesses are reluctant to provide a named statement for fear of reprisals. In exceptional circumstances the Conduct and Complaints Office may agree to anonymise a statement providing the witness has signed the statement confirming it to be accurate and true.
  - iii. The Conduct and Complaints Office may at their discretion share any witness statement and/or response from the Responding party with the Reporting Party and conduct an interview with them, at which another member of staff is also present to take notes, the Reporting Party may be asked further questions and

- give them a chance to respond to the evidence provided.
- iv. Upon all evidence being gathered that evidence shall be provided to the Responding Student and an interview held with them, at which another member of staff is also present to take notes, and at which the Conduct and Complaints Office may ask further questions, review all of the evidence with the student and give them a chance to respond.
  - v. The production of a summary report detailing all the evidence gathered and correspondence with the Responding Student during the course of the investigation, outlining the findings and summarising any additional information that may assist a disciplinary panel.
- 16.6 Where a Responding Student fails to attend an interview regarding alleged misconduct, the interview may be rescheduled at the discretion of the Conduct and Complaints Office, taking into account the reasonableness of any explanation offered by the Responding Student and their compliance with the disciplinary process to date. Where the Conduct and Complaints Office declines a request to reschedule the interview this must be recorded in their summary report.
- 16.7 The Responding Student is not normally permitted to be accompanied to investigation meetings by a practicing member of the legal profession, employed to act on their behalf at the meeting., As the University's procedures are not intended to emulate the legal justice system, such representation is deemed unnecessary for both the student and the University. However, in exceptional circumstances this may be permitted. Where the Responding student wishes to seek permission to be accompanied by a practicing member of the legal profession they must make the request in writing. When considering the request for permission the following criteria shall be considered:
- i. The seriousness of the allegation(s) and the potential penalty or penalties
  - ii. The complexity of the allegation(s)
  - iii. The capacity of the Responding Student to present their case
- 16.8 If permission is granted such permission shall be in a supporting capacity only, by this the University expects that support to encompass note taking, providing general advice, reminding the responding student of things they intended to say or ask or, asking for additional time for the responding student to answer a specific question. Permission will not be granted to represent the responding student, answer questions on their behalf or make points about any questions being asked. Should this occur, the University shall reserve the right to terminate any interview and consider withdrawing permission for attendance at future investigation meetings. The University accepts no liability for the payment of legal fees incurred by the Responding Student irrespective of the outcome.
- 16.9 Upon the completion of the investigation and report the Conduct and Complaints Office must request that a disciplinary panel be convened. The Director of Student Administration or Associate Director of Registry shall review the report and the findings made by the Conduct and Complaints Office to decide if:
- i. A disciplinary panel is to be convened;
  - ii. A disciplinary panel is to be convened but choosing to dismiss any allegations on the basis of the Conduct and Complaints Office findings ahead of the disciplinary panel;
  - iii. In the event of a case whereby a number of students are under investigation and

the matter is to be progressed to a disciplinary panel, if any allegations against a particular Responding Student are to be dismissed;

- iv. The case is to be dismissed on the basis of the Conduct and Complaints Office findings.

## **17 Disciplinary Panel Membership (Category A)**

17.1 The Conduct and Complaints Office coordinate cases for Disciplinary Panels. A member of this team or delegated other will act as secretary and assign a chair and two panel members whom are suitably trained in this regard. The panel should normally comprise of:

- i. A senior (by status or length of service) member of professional services staff or academic staff;
- ii. A member of professional services staff or academic staff;
- iii. An elected sabbatical officer of the HUSU, nominated by his or her fellow officers. Note there must be appropriate separation between the officer and any HUSU Advice Centre Representative providing advice to the Responding Student.

17.2 Where possible and without diminishing panel experience or expertise, consideration should be given to the diversity of the panel members to mitigate against factors such as unconscious bias.

17.3 The secretary is responsible for providing impartial advice regarding the regulations and overall procedure to the panel and keeping the minutes of the proceedings of the panel but must not otherwise participate in the making of decisions by the panel.

17.4 No person who has been involved in the making, witnessing or investigation of the allegation shall be a member of the panel.

17.5 No panel member should be from the faculty in which the Responding or Reporting Student is registered unless subject-specific academic knowledge not held by others outside the faculty is essential to proper investigation of the case; in which case, one panel member with appropriate subject-specific academic knowledge may be from the faculty in which the Responding Student is registered.

## **18 Notice of the hearing and evidence**

18.1 The Conduct and Complaints Office should notify any Reporting Party of the upcoming disciplinary panel and where deemed necessary should request their attendance at the disciplinary panel hearing as a witness. The Reporting Party may attend the disciplinary panel hearing via video call should they prefer. The Conduct and Complaints Office must notify the Secretary to the panel if the Reporting Party is to attend the panel hearing.

18.2 Where deemed necessary the Conduct and Complaints Office should request the attendance of any other witness at the disciplinary panel hearing. The witness may attend the disciplinary panel hearing via video call should they prefer. The Conduct and Complaints Office must notify the Secretary to the panel if any witness is to attend the panel hearing.

18.3 In the event any Reporting Party or other witness agrees to attend a disciplinary panel hearing. The Conduct and Complaints Office must inform them that the Responding

Student will have the opportunity to ask questions of them however, those questions will be submitted to the panel in advance of the hearing and the questions posed by the panel as deemed proportionate.

- 18.4 At least 10 working days before the panel hearing, the Responding Student and the panel members must be sent the following information in writing by the Secretary:
- i. The time, date and venue of the panel hearing;
  - ii. The name and position of the panel members;
  - iii. The Conduct and Complaints Office summary report;
  - iv. A copy of any additional written evidence that will be received by the panel; and
  - v. A list of any witnesses obtained by the Conduct and Complaints Office who will be giving oral evidence (whose statements must be included in the documents referred to above);
  - vi. An agenda for the hearing.
- 18.5 At least 10 working days before the panel hearing, any Reporting Student must be sent the following information in writing by the Secretary, irrespective of them attending the panel hearing:
- i. The date of the panel hearing and if attending, the venue of the hearing and the time at which they shall be required to join;
  - ii. The name and position of the panel members;
  - iii. In cases of Sexual Misconduct, Physical Misconduct or Abusive Behaviour the Reporting Party shall also receive a copy of the Conduct and Complaints Office report. Such copy should be redacted to ensure that any personal information relating to the Responding Party/Witnesses and/or correspondence with the Responding Party/Witnesses which is not deemed relevant to the Reporting Party is removed.
- 18.6 Upon receipt of this information, the Responding Student will be asked to complete the [Student Submission](#), attaching any additional supporting evidence, including contact information for any additional witnesses. This information, including the Responding Student's confirmation of attendance at the panel hearing must be submitted to the Secretary within 7 working days of the hearing.
- 18.7 If the Responding Student and/or the Reporting Student indicates a legitimate reason for being unable to attend on the specified date, the hearing should be rearranged. If no legitimate reason (as determined by the Chair of the panel) is given for not attending, the hearing should take place on the date notified.
- 18.8 Upon receipt of the Responding Student's submission, the Secretary will contact any additional witnesses using the contact details provided by the Responding Student, in order to obtain a written statement, or to arrange their attendance at the hearing. In order for any witness evidence to be considered by the panel, it should normally be distributed to the Panel Members, Conduct and Complaints Office and Responding Student 5 working days in advance of the hearing.

## **19 Objections to panel membership**

- 19.1 The Responding or Reporting student may object to the proposed panel membership no

later than 7 working days before the hearing, with details of the grounds for their objection(s).

- 19.2 Any such objection will be considered by the chair of the panel, or, if the objection relates to the chair, by the Director of Student Administration or Associate Director of Registry Services. The chair or Director of Student Administration or Associate Director of Registry Services has discretion to determine the validity of such objections, and may direct that the panel proceed with the proposed membership or direct that an alternative panel member be sought. The hearing may be postponed where necessary to facilitate this. The student(s) must be informed in writing of the decision.
- 19.3 In the event a panel member is unable to attend the panel due to unforeseen circumstances such as; sickness, or compassionate leave at short notice (within 48 hours of the panel hearing being due to commence), the Chair in conjunction with the remaining panel member must consider if it would be appropriate to continue with the panel. Where it is deemed it would be appropriate, the Chair or Secretary to the panel must contact the responding student and any reporting party to inform them of this and seek their agreement to proceeding with a reduced panel. Where such agreement cannot be obtained or where it would not be deemed appropriate to continue with a reduced panel the hearing must be re-arranged. Where such notice is received more than 48 hours in advance of the panel hearing the Chair/Secretary should attempt to secure an alternative panel member and notify the responding student and any reporting party or, rearrange the panel hearing.

## **20 Conducting the Panel Hearing**

- 20.1 Guidance for panel members in respect of preparing for and conducting the panel hearing can be found at Appendix E.
- 20.2 The Responding Student must attend the hearing. If the student fails to attend, the hearing may be conducted in their absence at the discretion of the chair.
- 20.3 The Conduct and Complaints Office must attend the hearing to present an overview of their report/findings, answer any questions posed by the Panel and/or Responding Student, and have the opportunity to ask any further questions of the Responding Student and/or any Reporting Party/Witness in attendance.
- 20.4 The Responding Student must have the opportunity to be heard in person by the panel, and to be accompanied by a fellow student (providing they are not involved in the case), a HUSU Staff Member, a member of staff (of the student's own choosing) or a family member. That person should not speak on behalf of the Responding Student or otherwise participate in the hearing, unless invited to do so by the chair of the panel.
- 20.5 Any Reporting Party and/or Witness invited to give evidence at the panel hearing must attend. If they fail to attend, the hearing may continue in their absence at the discretion of the chair.
- 20.6 Any Reporting Party and/or Witness invited to give evidence at the panel hearing must have the opportunity to be heard in person by the panel, and to be accompanied by a fellow student (providing they are not involved in the case), a HUSU Staff Member, a member of staff (of the student's own choosing) or a family member. That person should not speak on behalf of the student or otherwise participate in the hearing, unless invited to do so by the chair of the panel.
- 20.7 The Responding Student is not normally permitted to be accompanied by a practicing

member of the legal profession, employed to act on their behalf at the meeting, as the University's procedures are not intended to emulate the legal justice system and such representation is deemed unnecessary for both the student and the University. However, in exceptional circumstances this may be permitted by the University Secretary, Registrar and Chief Compliance Officer, Director of Student Administration or Associate Director of Registry Services. Where the Responding student wishes to seek permission to be accompanied by a practicing member of the legal profession they must make the request in writing at least 5 working days before the date of the hearing. When considering the request for permission the following criteria shall be considered:

- i. The seriousness of the allegation(s) and the potential penalty or penalties;
  - ii. The complexity of the allegation(s);
  - iii. The capacity of the Responding Student to present their case.
- 20.8 If permission is granted the University accepts no liability for the payment of legal fees incurred by the Responding Student irrespective of the outcome. Further, where permission is granted the member of the legal profession will not be permitted to directly pose questions to any Reporting Party, Witness attending the panel to give oral evidence or Conduct and Complaints Office, any such questions must be submitted in advance to the panel secretary at least 5 working days in advance of the panel hearing.
- 20.9 Where permission is granted for a Responding Student to be accompanied by a practicing member of the legal profession the panel members and any Reporting Party shall be informed of this. The University Secretary, Registrar and Chief Compliance Officer shall ensure that, a practicing member of the legal profession is made available to the panel members for the purpose of providing advice and support throughout the duration of the panel hearing process. Such legal advice and support to the panel may include:
- i. Reviewing and advising on all relevant documentation ahead of the hearing;
  - ii. Reviewing and advising on any questions drafted by the panel which are to be posed to the Responding Student;
  - iii. Reviewing and advising on any questions drafted by the panel and Responding Student (including their legal representative where permitted) which are to be posed to any Reporting Party and/or Witness;
  - iv. Being present throughout the duration of the hearing to provide advice and support to the panel as needed;
  - v. Reviewing and advising on written outcomes.
- 20.10 Where there are two or more Responding Students in attendance at the panel hearing, they should be given the opportunity to speak to the panel in the absence of the other Responding Student(s) so that they can raise any confidential or sensitive matters relating to mitigation and/or they may provide any mitigation in writing to the Secretary for the attention of the panel at least 5 working days in advance of the hearing.
- 20.11 The disciplinary panel reserves the right to adjourn the hearing at any time and reconvene at a later date.
- 20.12 Once the panel is satisfied that sufficient evidence has been presented, any Reporting Party and Witnesses have been heard and that the Responding Student has been given fair and reasonable opportunity to respond, the panel must consider its decision in



private both as to whether the allegation has been upheld and, if so, the penalty or penalties to be imposed.

- 20.13 The decision to find the allegation(s) upheld, partially upheld, or not upheld must be made on the balance of probabilities i.e. more likely than not, 51% v 49%. The threshold for meeting the balance of probabilities must remain the same irrespective of the circumstances of the case for example; the threshold must not be set higher where allegations are of a serious nature and/or the Responding Student is undertaking a professional programme.
- 20.14 Where a disciplinary panel are being asked to consider a Category A incident of Sexual Misconduct which is alleged to have occurred without consent due to the reporting party being incapacitated and/or lacking capacity due to drug or alcohol consumption. This should be evaluated on the basis of how the alcohol/drugs have affected the individual; signs of incapacitation may include, but are not limited to, one or more of the following: slurred speech, unsteady gait, bloodshot eyes, dilated pupils, unusual behaviour, blacking out, a lack of full control over physical movements, a lack of awareness of circumstances or surroundings, and/or an inability to communicate effectively.
- 20.15 The decision of the panel should be unanimous, but a majority decision is acceptable if unanimity cannot be achieved.
- 20.16 If the allegation is not upheld, the matter shall be deemed closed and shall not be re-considered under these Regulations unless new evidence emerges which could not reasonably have been obtained by the time the disciplinary panel convened. Further considerations shall include:
- i. If the outcome of the hearing has been called into question;
  - ii. The length of time has elapsed and the effect of this;
  - iii. The severity of the alleged offence
  - iv. The impact on the Responding and/or Reporting Student of undergoing a second disciplinary panel hearing.
- 20.17 The secretary must inform the Responding Student in writing of the decision, a summary of the reasons for it, and any penalties imposed. This information should be confirmed by the chair and provided within five working days.
- 20.18 The Conduct and Complaints Office should inform the Reporting Student either verbally and/or in writing of the decision of the panel and any penalties imposed as deemed proportionate and within two working days of the Responding Student being notified of the outcome.
- 20.19 All proceedings of the panel must be minuted by the secretary. The Responding Student is entitled to request a copy of the minutes for their own records

## **21 Other Evidence**

- 21.1 The Conduct and Complaints Office, should provide to the Secretary details of any previous unrelated misconduct investigated and found upheld. The Secretary should only share this information with the Disciplinary Panel if they find the current allegations upheld or partially upheld, in order that, the Panel can make a fully informed decision as to the proportionate penalty(s) to impose.

## 22 Penalties

22.1 If the Conduct and Complaints Office or the disciplinary panel is satisfied that it is more likely than not that the alleged misconduct occurred, the allegation is upheld. In all such cases the Conduct and Complaints Office or disciplinary panel must proceed to determine whether to impose a penalty or penalties in respect of the misconduct.

22.2 The following penalties may be imposed by the Conduct and Complaints Office, disciplinary panels and appeal panels:

- i. Absolute discharge, to acknowledge that although misconduct may technically have been committed, no blame is attached to the Responding Student
- ii. An Acceptable Behaviour Contract A
- iii. A No Contact Arrangement
- iv. A written caution, this may also require the Responding Student to cease specific actions/activities
- v. A requirement to send one or more letters of apology to any person affected by the misconduct
- vi. Any other form of restorative communication or, to write a reflective statement
- vii. A requirement to complete University service (work specified by the Student Misconduct Officer /Case Officer/panel which will benefit the University community)
- viii. A requirement upon the Responding Student to pay for any damage or loss incurred as a result of their misconduct
- ix. Loss of privileges; for example, ICT privileges or inability to participate in programmes or activities offered by the University
- x. An exclusion from any part or all of on campus accommodation (not including the Responding Students own residence)
- xi. An exclusion from any area or building on campus providing the student does not require access to that area to complete the programme of study
- xii. Transfer to alternative on-campus accommodation (where the Responding Student holds a licence for on-campus accommodation)
- xiii. A final warning
- xiv. The requirement to attend a specified course or programme and to pay the reasonable cost of that course or programme
- xv. Exclusion from campus for a fixed period (limited to any student whom graduates and/or withdraws from the University during the course of the investigation and therefore would no longer be a registered student)

22.3 The following penalties **may** be imposed by disciplinary panels or appeal panels:

- i. Exclusion either permanently or, for a fixed period - which may include restriction of access to all or specified parts of the University's premises and/or, all/specified University Services and/or, all/specified University activities (including graduation ceremony) and/or exclusion from contact with one or more named persons and/or from having academic contact with any other

- student (Exclusion from premises, services and activities will be subject to formal approval from a Pro Vice-Chancellor)
- ii. Termination of the accommodation contract if the Responding Student resides in on-campus accommodation
  - iii. Suspension for a fixed period (subject to formal approval from a Pro Vice-Chancellor)
  - iv. Expulsion from the University, (subject to formal approval from a Pro Vice-Chancellor)
- 22.4 For the avoidance of doubt, more than one of the penalties listed above may be imposed in any case of misconduct.
- 22.5 Where a disciplinary panel making a finding that Category A misconduct occurred and they choose to impose a penalty requiring action on the part of the Responding Student (22.2 ii, v, vi, vii, viii and/or xiv) the Panel may decide (subject to formal approval from a Pro Vice-Chancellor) that progression is conditional upon its completion. This may result in a delay to progression to the next year of study or, to the graduation ceremony.
- 22.6 Where two or more Responding Students were under investigation a decision should be made for each Responding Student individually taking their particular circumstances into account. However, there should be broad consistency in the penalty given to all students who commit the same offence with similar circumstances.
- 22.7 In any case whereby the Responding Student is no longer a current registered student with the University at the time of the disciplinary panel hearing the only penalty that may be applied if deemed proportionate is Exclusion, which may include Exclusion from Campus, attending graduation ceremony and/or from future study with the University.
- 22.8 The Conduct and Complaints Office shall notify Registry Operations of the following penalties, in order that these can be recorded against the Responding Students Record and will show on their transcript:
- i. Final Warning (when issued in Category A cases)
  - ii. Exclusion
  - iii. Suspension
  - iv. Expulsion
- 22.9 Where a pro Vice-Chancellor's approval is sought under paragraph 22.3 and 22.5 they may:
- i. Approve the penalty; or
  - ii. Approve the completion of penalty as a condition of progression and/or attendance at Graduation Ceremony; or
  - iii. Remit the matter to the panel with a request that the above be reconsidered.

## **23 Consideration of a proportionate penalty**

- 23.1 The Conduct and Complaints Office or panel should turn their minds to the following factors in determining the penalty to be applied:
- i. The degree of culpability: was there intent, recklessness, or knowledge of the risks entailed by misconduct? What was the motivation for committing the

- misconduct?
- ii. The degree of harm *actually* caused, *intended to be* caused, or that *might foreseeably have been* caused as a result of the misconduct
  - iii. Whether the misconduct was premeditated or spontaneous
  - iv. Any abuse of power involved in the misconduct (for example, if the Responding Student was in a position of responsibility)
  - v. Any admission of guilt, and the stage at which guilt was admitted
  - vi. Any remorse shown by the Responding Student
  - vii. Any restorative action taken by the Responding Student and notified to the Student Misconduct Officer or panel
  - viii. Any personal circumstances advanced by or on behalf of the Responding Student as a mitigating factor and notified to the Conduct and Complaints Office or panel
  - ix. Any misconduct previously admitted or found upheld under these Regulations
  - x. Any statement by way of explanation or mitigation offered by the Responding Student, and the extent to which this statement is corroborated by documentary or other evidence
  - xi. Any penalty already imposed by HUSU in respect of the same incident of misconduct
  - xii. The outcome of any criminal investigation relating to the act of misconduct
  - xiii. Offences which are related to protected characteristics under the Equality Act 2010
  - xiv. Offences that occurred whilst the Responding Student was under a No Contact Arrangement, Acceptable Behaviour Contract and/or any other Precautionary Action and/or against any reasonable written instruction from the Conduct and Complaints Office
  - xv. The level of engagement from the Responding Student in these proceedings and/or any hindrance the Responding Student may have caused to the investigation
  - xvi. Any unintended consequence of a proposed penalty, for example; suspending a Responding Student subject to a Tier 4 visa, this may have the unintended consequence of the University withdrawing the Responding Students sponsorship. As such, proportionality of any unintended consequence must be explored
  - xvii. The level of the Responding Students compliance with any precautionary measures put in place
  - xviii. Where there is evidence to show that a Responding Student had undertaken any kind of educational module around acceptable behaviour yet was found upheld to have engaged in behaviour that was in direct contravention of that module. For example; where a Responding Student may have been found to have engaged in any sexual activity without consent but had taken and passed the e-learning consent module prior to the act taking place.

- xix. Where harm (physical or emotional) has been caused to another student as a result of the responding student's misconduct. Consideration should be given (where proportionate) to any penalties that would reduce the likelihood of contact between them for the remainder of their time as students.
  - xx. Any other aggravating and/or mitigating factors not detailed above
  - xxi. Ensure that penalties are proportionate to the offence
  - xxii. To clarify, the influence of alcohol or drugs at the time of the offence does not constitute a mitigating factor (or in the cases of sexual misconduct cannot be used as an excuse for failing to obtain consent) but may be considered an aggravating factor
- 23.2 The Conduct and Complaints Office or panel is referred to paragraph 7 above in respect of safeguarding and wellbeing of students.

## 24 Precedents

- 24.1 The Conduct and Complaints Office will maintain a log of precedents of misconduct penalties applied in past cases of Category A and B misconduct and shall provide anonymised details of past cases to the panel Secretary upon request for use as a reference source by the panel to ensure consistency in decision-making. The log shall also be shared by the Conduct and Complaints Office with the HUSU Sabbatical Officers and the Chief Executive on an annual basis.

## 25 Conclusion or cessation of proceedings

- 25.1 A copy of the notice of outcome **must** be sent to:
- i. the Responding Student's supervisor and/or faculty; and
  - ii. The Accommodation Services Lead, where the allegations were linked to on campus accommodation. Who may at their absolute discretion choose to reject a future application for accommodation from the Responding Student on the basis of any allegations found upheld under these regulations
- 25.2 The record of the hearing and all proceedings will be kept by Conduct and Complaints Office, in accordance with the university retention policy.
- 25.3 All involved parties should be informed of the outcome of the case, the level of detail given regarding that outcome shall be determined by the Student Misconduct and/or Disciplinary panel as deemed appropriate and giving consideration to the Responding Student's confidentiality. Suspension of proceedings.

## 26 Suspension of Proceedings

- 26.1 At any stage of formal proceedings under these regulations, proceedings may be suspended where:
- i. There is a possibility of reconciliation between the parties and to allow sufficient time for this to be explored
  - ii. Proceedings are being conducted under another Procedure or Regulation, for example Stage 3 Support for Study
  - iii. Police action and/or criminal proceedings are ongoing

## **27 Dismissal of proceedings**

27.1 At any stage of the proceedings under these Regulations the University Secretary, Registrar and Chief Compliance Officer, Director of Student Administration or, Associate Director of Registry Services may direct that the proceedings be dismissed.

## **28 Adjournment of proceedings**

28.1 At any stage of the proceedings under these Regulations the University Secretary, Registrar and Chief Compliance Officer, Director of Student Administration or Associate Director of Registry Services may direct that proceedings be adjourned for a period of up to three academic years. Circumstances whereby an adjournment may be deemed appropriate are:

- i. Where allegations are made against a student, the student withdraws from the University and it would not be deemed proportionate to continue formal proceedings following the withdrawal.
- ii. Where allegations are made against a student, the student's studies are suspended and it would not be deemed proportionate to continue a formal investigation during the suspension period.
- iii. Where allegations are made against a student, the student fails to re-enrol for the next year of study and/or the student is unable to progress to the next year of study, and it would not be deemed proportionate to continue formal proceedings.

28.2 Where proceedings have been adjourned, they should be restored in the event the student returns to the university/resumes their studies within the proceeding three academic years.

28.3 The adjournment of proceedings against a Responding Student does not prevent the Conduct and Complaints Office from making proportionate enquiries in order to preserve evidence; for example, obtaining any CCTV, taking witness statements. Such evidence will remain on file in the event proceedings are restored.

## **29 Graduation or Withdrawal by the Responding Student during the course of an investigation**

- i. Where a student is due to graduate before completion of an investigation into a Category A offence can take place. The Conduct and Complaints Office should consider if a Precautionary Suspension is required in order to ensure a thorough investigation can take place.
- ii. Where a student is due to graduate before completion of an investigation into a Category A offence and a Precautionary Suspension is not deemed to be necessary and/or proportionate the investigation may continue. The Conduct and Complaints Office must inform any Reporting Party of this and that any penalty imposed (should the allegations be found upheld) would be limited to Exclusion from Campus and/or Future Study and/or attending Graduation Ceremony.
- iii. Where a student withdraws from the University before completion of an investigation into a Category A offence can take place. The investigation may continue if deemed proportionate to do so and the Conduct and Complaints Office should inform any Reporting Party of this and that any penalty imposed

(should the allegations be found upheld) would be limited to Exclusion from Campus and/or Future Study.

- iv. Where a student is due to graduate or withdraws before completion of an investigation into a Category B offence the Conduct and Complaints Office should consider if it would be proportionate to continue the investigation and if not may request the case be dismissed or adjourned by the University Secretary, Registrar and Chief Compliance Officer, Director of Student Administration or Associate Director of Registry Services.

### **30 Right of Appeal**

30.1 The Responding Student may appeal against:

- i. a finding that misconduct is upheld; or
- ii. the penalty imposed by the Conduct and Complaints Office or disciplinary panel

On one or more of the following grounds:

- i. the availability of new evidence which could not reasonably have been expected to be presented to the original hearing and which might reasonably be expected to have materially affected its decision
- ii. the decision to find the misconduct upheld was fundamentally unreasonable
- iii. procedural irregularities; or
- iv. the disproportionate nature of the penalty imposed

30.2 Any appeal by a Responding Student must be submitted via the [Appeal Form](#), within 15 working days of the date of the finding or penalty being communicated to the Responding Student.

30.3 Any supporting evidence must be attached to the Appeal Form and/or forwarded to [conductandcomplaints@hull.ac.uk](mailto:conductandcomplaints@hull.ac.uk).

30.4 Appeals submitted outside this time limit will not be considered other than in exceptional circumstances. The University Secretary, Registrar and Chief Compliance Officer, Director of Student Administration or Associate Director of Registry Services are the final arbiter of whether an appeal is within scope and whether exceptional circumstances exist.

30.5 A Responding Student who failed to submit an appeal within the time limit may still be entitled to complain to the Office of the Independent Adjudicator for Higher Education (OIA) and can request a Completion of Procedures letter by emailing [conductandcomplaints@hull.ac.uk](mailto:conductandcomplaints@hull.ac.uk). On receipt of the request the Conduct and Complaints Office, on behalf of the University Secretary, Registrar and Chief Compliance Officer, will issue the Completion of Procedures letter to indicate that the Responding Student has exhausted the University's internal procedures. The letter will provide guidance on how to submit an appeal to the OIA.

30.6 A Reporting Party and/or Witness(es) does not have any right of Appeal under these Regulations. As such, in the event the Reporting Party and/or Witness(es) are a student of the University they may submit a complaint to the University in accordance with the [Regulations and Procedure for the investigation and determination of complaints by students](#).

### **31 The conduct of an appeal in Category B cases – Desktop Review**

- 31.1 A desktop review is a review of all the paper matter/evidence relating to the case and should be carried out in cases where Category B misconduct is found to have been upheld. This review should be carried out by the Director of Student Administration or Associate Director of Registry Services unless they have had previous involvement in the case, in such instances an equal or more senior member of staff shall complete the desktop review.
- 31.2 Within 10 working days of being notified that a Desktop Review is required, the Conduct and Complaints Office shall compile a summary report, to include all the evidence relied upon to reach the final determination. A copy of the report will be sent to the Director of Student Administration or Associate Director of Registry Services.
- 31.3 The Director of Student Administration or Associate Director of Registry Services will then consider the report, evidence, appeal form and written representations within 10 working days of receipt and;
- i. Dismiss the appeal, and confirm the findings/penalties previously made/imposed; or
  - ii. Allow the appeal, set aside the findings previously made and order a fresh hearing (of all or, part of the matter) by an alternative member of staff, or
  - iii. Allow the appeal, and vary or dismiss the penalty previously imposed.
- 31.4 For the avoidance of doubt, where a Responding Student appeals against a penalty, the Director of Student Administration or Associate Director of Registry Services, may if the appeal is allowed, impose a penalty more or less severe than that originally imposed.
- 31.5 The Director of Student Administration or Associate Director of Registry Services must notify the Responding Student of the outcome of the appeal and reasons for it in writing within ten working days of receipt of the Student Misconduct Officer Summary Report.
- 31.6 The decision of the Director of Student Administration or Associate Director of Registry Services is final and there is no further opportunity for appeal against that decision within the university.
- 31.7 A Responding Student who remains dissatisfied with the outcome of the desktop review may be entitled to complain to the Office of the Independent Adjudicator for Higher Education (OIA). The Conduct and Complaints Office will issue a Completion of Procedures letter at the close of the appeal stage to indicate that the Responding Student has exhausted the University's internal procedures. The letter will provide guidance on how to submit an appeal to the OIA.

### **32 The conduct of an appeal in Category A cases – Appeal Panel**

- 32.1 A member of the Conduct and Complaints Office (or any other delegated member of staff) shall act as Secretary and will convene an appeal panel which will normally comprise:
- i. A member of academic staff; and
  - ii. A member of professional services staff; and
  - iii. A Pro Vice-Chancellor who shall act as chair
- 32.2 The secretary is responsible for providing advice to the panel on the regulations and



- procedural matters, and keeping the minutes of the proceedings of the panel, but must not otherwise participate in the making of decisions by the panel.
- 32.3 No panel member should be from the faculty in which the Responding Student is registered unless subject-specific academic knowledge not held by others outside the faculty is essential to proper investigation of the case, in which case one panel member with appropriate subject-specific academic knowledge may be from the faculty in which the student is registered.
- 32.4 No person who has been involved in the making, witnessing or investigation of the allegation, or who was involved in the disciplinary panel hearing, shall be a member of the appeal panel.
- 32.5 The panel will not rehear the case afresh but will meet to undertake a review based on documentary evidence. The panel shall, invite the Conduct and Complaints Office and Responding Student to attend. They may also at their discretion invite the Chair of the original disciplinary panel to attend as deemed necessary. The Conduct and Complaints Office, Responding Student and Chair of the original disciplinary panel (if attending) will have an opportunity to address the panel.
- 32.6 The panel may, in respect of an appeal against findings that misconduct was upheld;
- i. dismiss the appeal, and confirm the findings previously made; or
  - ii. allow the appeal, set aside the findings previously made, and order a fresh hearing (of all or part of the matter) by a newly constituted disciplinary panel
- 32.7 The panel may, in respect of an appeal against a penalty:
- i. dismiss the appeal and confirm the penalty previously imposed; or
  - ii. allow the appeal, and vary or dismiss the penalty previously imposed
- 32.8 For the avoidance of doubt, where a Responding Student appeals against a penalty, the appeal panel may, if the appeal is allowed, impose a penalty more or less severe than that originally imposed.
- 32.9 The secretary must notify the Responding Student of the outcome of the appeal and the reasons for it in writing within five working days of the date of the appeal panel considering the issue.
- 32.10 The decision of the appeal panel is final and there is no further opportunity for appeal against that decision within the University.
- 32.11 Where an appeal is deemed to be within scope any Reporting Party from the original case shall be notified of the appeal and the outcome of that appeal, with the level of detail provided to the Reporting Party regarding that outcome being determined by the Student Misconduct Officer.
- 32.12 A Responding Student who remains dissatisfied with the outcome of the decision of the appeal panel may be entitled to complain to the Office of the Independent Adjudicator for Higher Education (OIA). The Conduct and Complaints Office will issue on behalf of Director of Student Administration or Associate Director of Registry Services a Completion of Procedures letter at the close of the appeal stage to indicate that the Responding Student has exhausted the University's internal procedures. The letter will provide guidance on how to submit an appeal to the OIA.

### **33 Audio Recording**

- 33.1 The audio recording of meetings or hearings under this procedure is normally prohibited, unless this forms part of a request for a reasonable adjustment in accordance with the Equality Act 2010.

### **34 Responding Student attendance at meetings, hearings or panel reviews**

- 34.1 For students whom have returned home at any point during the proceedings, and would find returning the university for any meetings, hearing or appeal unfeasible, arrangements may be made for any meeting, hearing or appeal panel to be conducted with the aid of appropriate forms of technology, such as video conferencing, where practicable.

### **35 Reasonable Adjustments**

Reasonable adjustments shall be made to the procedure to allow fair access for students with a disability. Responding Students, Reporting Students and Witnesses are requested to make any reasonable adjustments required known to the Student Misconduct Officer/Case Officer so that these can be put in place. The Conduct and Complaints Office may seek expert opinion regarding reasonable adjustments to ensure appropriate implementation.

### **36 Monitoring by the University Leadership Team**

- 36.1 The Conduct and Complaints Office must provide the University Leadership Team and the Chief Executive Officer of HUSU with a monitoring report annually. The report must include details of the number of cases initiated, the number of allegations found upheld/not upheld, the range of penalties imposed, the number of appeals lodged/upheld, the number of cases investigated/upheld by the OIA, and related equality and diversity data.

### **37 Data and Confidentiality**

- 37.1 Any party involved in any formal and/or informal action under these regulations must respect the confidentiality of any document or other information provided to them and should not disclose such information to anyone other than those who need it. Where a Responding Student is receiving professional advice and/or support as part of a formal investigation the Responding Student must first request permission from the Conduct and Complaints Office before sharing any document/information with their advisor/supporter. No third party should be told any more about any formal and/or informal action than is strictly necessary.
- 37.2 Any person who discloses any document and/or information in breach of 37.1 may be deemed as in breach of the Code of Student Conduct, specifically Operational Obstruction and action as considered proportionate by the Conduct and Complaints Office shall be taken in response to this.
- 37.3 Detailed records of all formal and informal actions taken under these Regulations will be kept in accordance with the University Data Retention Policy.
- 37.4 All parties involved in a formal investigation under these Regulations shall be notified of the outcome of the investigation, with the level of information regarding that outcome determined by the Conduct and Complaints Office and/or Disciplinary Panel as deemed appropriate.

### 38 Links to related documents, policies and procedures

- Appeal Form (for use by Responding Student only following a final determination by the Student Misconduct Officer or Disciplinary Panel) [Appeal Form - Formstack](#)
- Accommodation Misconduct Procedure [Accommodation Misconduct Procedure](#)
- Data Retention Policy [Retention policy.docx \(hull.ac.uk\)](#)
- ICT Regulations [ICT - Acceptable Use Policy \(Guidance\) \(hull.ac.uk\)](#)
- Misconduct Report Form (for use by staff only) [Student Misconduct Report Form - Formstack](#)
- Regulation for the investigation and determination of Student Complaints [Student Complaints \(hull.ac.uk\)](#)
- Regulations Governing the Investigation and Determination of Concerns about Fitness to Practise [regulations-governing-the-investigation-determination-of-concerns-about-fitness-to-practise-v2-07.docx \(live.com\)](#)
- Safeguarding Policy [Safeguarding Policy.pdf \(hull.ac.uk\)](#)
- Sexual Misconduct, Violence & Harassment Policy and Disclosure Procedure [Sexual Misconduct Violence and Harassment Policy v1-00 Nov 21.docx \(hull.ac.uk\)](#)
- Student Submission Form (for use by Responding Student only following receipt of notice of a Disciplinary Panel Hearing) [Student Submission - Formstack](#)
- Support for Study [Support For Study Policy.docx \(hull.ac.uk\)](#)
- University Regulation on Freedom of Speech [CoP Freedom of Speech.pdf \(hull.ac.uk\)](#)

### 39 Version Control

Version	Author	Date approved	Relevant sections
1 04	Rebecca Bolder, Conduct and Complaints Manager	March 2025, Senate	<ul style="list-style-type: none"> <li>• Replaced Academic Registrar with University Secretary, Register and Chief Compliance Officer</li> <li>• Replaced Head of Registry Services with Director, Student Administration and Associate Director, Registry Services</li> <li>• Replaced Student Misconduct Officer with Conduct and Complaints Office</li> <li>• Amendment to point 20.8 to provide clarity regarding legal representation</li> <li>• Reference to calendar days changed to working days to provide consistency through the document. Amendment to definition of working days for further clarity</li> </ul>
1 03	Victoria Edwards	08/06/2022	Comprehensive review – approved by Senate

**APPENDIX A: Persons to be notified of any student suspension, exclusion or, expulsion**

- University Secretary, Registrar and Chief Compliance Officer
- Director, Student Administration
- Associate Director Registry Services
- Wellbeing Team (Wellbeing@hull.ac.uk)
- Director of Estates and Facilities
- Accommodation Services Lead
- Facilities and Security Manager
- Dean/Head of the Responding Student's Faculty/Department
- Library Operations Manager(s)
- Chief Executive of HUSU
- ICT (Student Misconduct Officer shall raise a service request where access to the Student's IT privileges are to be adjusted or disabled)
- Executive Director of Alumni

**39 Version control**

<b>Version</b>	<b>Author</b>	<b>Date approved</b>	<b>Relevant sections</b>