

Student Disciplinary Policy and Procedure

- UGM Manchester is committed to providing a **supportive** culture and environment in which we can all study, live and work.
- UGM Manchester is committed to **inclusiveness** and being **responsible** for the **care** of each other and all individuals, irrespective of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
- As a student of UGM Manchester you are expected to behave responsibly and respectfully to others, whether they are students, members of UGM Manchester staff, visitors or members of the local community.

Who is responsible for dealing with disciplinary issues at the LCAE?

- **YOU** are responsible for making sure that you abide by the UGM Manchester's rules and regulations.
- If UGM Manchester receives an allegation about your behaviour, then a small panel will be established comprising two members of UGM Manchester staff determined by the Academic Registrar and/or Dean. This panel will be known as the Investigation Panel.
- The Investigation Panel has a responsibility for student safety and the investigation of alleged student misconduct within the UGM Manchester. The Investigation Panel will investigate all issues in a fair and impartial way.
- The Investigation Panel will ensure that you are supported throughout the process.

What happens if the UGM Manchester receives an allegation or complaint about my conduct?

- The majority of students progress through their time at UGM Manchester without having any issues raised about their conduct.
- If an allegation is made about you, an initial investigative stage will be arranged by an investigating officer. You will be informed of the allegations and that an investigation is taken place.
- The investigating officer will be, as far as reasonably possible, unconnected to the investigation and will usually be either the Director of Studies or the Assistant Director of Studies.

What should I expect during the Initial Investigative Stage?

- The investigating officer will investigate in order to gather facts and information related to the allegation. As part of this stage, the investigating officer may request to meet with you in order to gather further information. You are entitled to be accompanied by a friend or companion during any initial meeting, but they will not be a part of the investigation and should not provide evidence on your behalf or give personal opinions which may impact the outcome of the initial investigation.
- Any student involved in the investigatory stage is expected to cooperate fully and promptly in order to provide such assistance to the Investigating Officer as required. This will include informing the Investigating Officer of the names of any relevant witnesses, disclosing any relevant documents and attending any investigative meetings.
- You and any other individual involved in the investigation will be advised as to the sensitive nature of the investigation and the need for confidentiality.
- The extent of the investigation will be dependent on the nature of the allegations of the misconduct and are likely to vary from case to case.
- Where the Investigating Officer indicates that the matter may be dealt with informally via, for example, a restorative conversation between the impacted parties, this will be arranged and the resolution reported on the Complaints and Disciplinary Register which is reviewed by the Faculty Board each trimester. Where an informal resolution can be reached or in matters where no formal action needs to be taken, the investigating officer will conclude the process by informing the individuals involved that the investigation has ended.
- Where the investigation indicates that a formal disciplinary hearing is warranted, or in instances where the matter is subject to proceedings described in other UGM Manchester policies such as the Sexual Misconduct policy, the Dean will be informed and advice may be taken from the executive board or the Quality Transformation Unit at our partner institution.

What disciplinary action could take place after the initial investigation stage?

- Following the initial investigation stage, you may be issued with a warning as part of the conclusion to your case. In cases where a written warning is issued, this will be held on your record for a set duration. Where any further disciplinary proceedings are held against you in the future and your written warning is still logged on your record, this will be taken into consideration in future investigations.

First Formal Action for Misconduct – Formal Verbal Warning

- A verbal warning will normally be given for the first acts of misconduct where there are no other active warnings on the student's record. The decision to give or omit a verbal warning will be made dependent on the nature of the misconduct.
- The warning will set out the nature of the misconduct and, where no further sanction is to take place, will serve as the sole evidence of the misconduct having taken place and being proven.
- The record of the warning will be placed on your student record and will remain active for 6 months from the date given. After this time, the warning will be disregarded in deciding the outcome of future disciplinary hearings.

Second Formal Action for Misconduct – Written Warning

- A written warning will normally be given where there is a record of a verbal warning already on your student record or where there are no other active warnings on your record depending on the nature of the misconduct. The decision to give or omit a written warning will be made dependent on the nature of the misconduct.
- The warning will set out the nature of the misconduct and, where no further sanction is to take place, will serve as the sole evidence of the misconduct having taken place and being proven.
- The record of the warning will be placed on your student record and will remain active for the entirety of your studies.

Why have I been suspended or received a request to change my timetable whilst the investigation is ongoing?

- Where misconduct has resulted in criminal proceedings against you, or when the allegation is of such a nature that continuing to attend may hamper the investigation or put you/others at risk, we may decide to temporarily suspend your studies or ask you to cease attending classes.
- The final decision regarding student suspension will be made by the Academic Registrar and the Dean and will be a last resort in order to safeguard you and others.
- Suspension is not in itself a disciplinary sanction and does not imply that any decision has been made about your case. Normally during the period of suspension access to the VLE and student account will remain available to the student so that they can keep up with studies at home and continue to be in contact with key staff members during the investigation.

Who will sit on the formal UGM Manchester Disciplinary Panel?

- Depending on the nature of the disciplinary matter the formal Disciplinary Panel will be chaired by either the Director of Studies, Academic Registrar or the Dean.
- Where the matter under consideration relates to a non-academic matter the third member of the formal Disciplinary Panel, in addition to the Director of Studies, Academic Registrar or the Dean, will come from UGM Manchester's professional services team.
- Where the matter under consideration relates to an academic matter the third member of the formal Disciplinary Panel, in addition to the the Director of Studies, Academic Registrar or the Dean, will come from the UGM Manchester teaching team.
- No members of the formal UGM Manchester Disciplinary Panel will have previously been involved with the activities of the Investigation Panel.
- You may have seen some of the members of the formal Disciplinary Panel around UGM Manchester. However, they are selected to provide an independent and balanced assessment and will not normally know you or be directly associated with your teaching.

- A secretary will provide administrative support to the formal UGM Manchester Disciplinary Panel and will produce a written record of the discussions. You are entitled to copy of the written record of the discussions.

What is a formal UGM Manchester Disciplinary Panel?

- A formal UGM Manchester Disciplinary Panel consists of up to 3 people including an appointed Disciplinary Officer from the senior management team of the institution.
- You will be notified of the date, time and place of the hearing with reasonable notice. You will receive all of the information gathered during the initial investigation such as witness statements or relevant documents at least 5 working days before the date of the disciplinary hearing (unless this is not reasonably practicable).
- Within your invitation to the formal disciplinary meeting, you will be informed as to whether you can be accompanied by a companion. In the event that a companion is able to attend with you, the individual may not be directly involved with the case and will not be permitted to answer questions for you during the meeting.
- Where a witness is involved in the investigation, any information regarding the witness's identity will be kept confidential whilst also enabling you to receive as much information as possible with regards to the evidence provided by the witness.
- The formal UGM Manchester Disciplinary Panel will be asked to consider the case and if the allegation(s) are upheld as they are found to have been more likely to have happened than not, they will consider an appropriate sanction.
- Whilst every effort will be taken to ensure that the matter is dealt with swiftly, you need to be aware that the formal UGM Manchester Disciplinary Panel hearing may not take place immediately after the initial investigation stage. UGM Manchester would hope to conclude both the Investigation Panel and, as necessary, the formal UGM Manchester Disciplinary Panel events within no more than a week to ten days following the reported incident.
- Serious allegations, such as physical or sexual misconduct or hate incidents, will always be sent to a formal Disciplinary Panel for consideration.
- During the formal UGM Manchester Disciplinary Panel meeting you will be asked questions regarding the allegations that have been made against you. You will be allowed the opportunity to provide a statement and you will also have the opportunity to put forward relevant information and ask questions of the formal UGM Manchester Disciplinary Panel.
- If you cannot attend at the date/time specified, you should inform the Disciplinary Officer immediately and they will seek to agree an alternative date/time.
- If you do not attend and do not provide notice or a good reason, the Disciplinary Hearing will be held and a decision will be made based on the information and evidence available to the Disciplinary Officer and other panel members.
- The Disciplinary Hearing may be adjourned if the Disciplinary Officer deems that further investigations are necessary. You will be given reasonable opportunity to consider any new information obtained before a Disciplinary Hearing is rescheduled or reconvened.

Outcome of the Formal Disciplinary Panel

- Having listened very carefully and objectively to all the evidence the UGM Manchester Disciplinary Panel will meet to consider the case and to decide whether the allegation(s) made against you is (are) true.
- If the UGM Manchester Disciplinary Panel uphold the allegation(s) they will give you clear reasons for their decision which will be detailed in an outcome letter to you.
- The UGM Manchester Disciplinary Panel will then look at an appropriate penalty considering any factors that might make the case worse (for example being under the influence of drugs, use or threatening and bullying behaviour likely to give rise to severe distress, etc).
- The UGM Manchester Disciplinary Panel will consider any factors that could reduce the level of penalty for example showing remorse or admitting responsibility for the matter under investigation. At this point in the process the UGM Manchester Disciplinary Panel will also be made aware of any previous misconduct that you may have had.
- The outcomes of the UGM Manchester Disciplinary Panel can vary: it could be that no further action is needed. However, it could also include warnings, advice and guidance about attitudes and behaviours, a fine, suspension or in the most serious cases, expulsion from the UGM Manchester.
- The outcomes of the UGM Manchester Disciplinary Panel will be confirmed to you in writing, usually within 5 working days of the hearing.

Can I be expelled following my disciplinary hearing?

- Students may be expelled following a disciplinary hearing in the following circumstances:
 - a) There is an active written warning on the student's record
 - b) A serious misconduct has taken place and proven, regardless of whether the student has received any previous verbal or written warnings

Can I appeal?

- You can request a review of the decision of the UGM Manchester Disciplinary Panel if you consider that due process hasn't been followed by UGM Manchester or if you believe that there has been a material misunderstanding (deliberate or otherwise) of the evidence presented to the UGM Manchester Disciplinary Panel.
- You are entitled to request a review against any decision of the UGM Manchester Disciplinary Panel so long as you can demonstrate one or more of the following grounds for review. You need to be aware that you **cannot** request a review just because you disagree with the decision of the UGM Manchester Disciplinary Panel and your request for a review does **not** mean that there will be re-hearing of the case.

- The grounds for requesting a review of the UGM Manchester Disciplinary Panel’s decision are:
 - the emergence of significant additional evidence not available at the time of the panel hearing which could reasonably have affected the UGM Manchester Disciplinary Panel’s decision if disclosed at the panel hearing, including that you have new material evidence that you were unable, for valid reasons, to provide earlier in the process;
 - the emergence of evidence to show that there has been maladministration in the conduct of the proceedings, including: that the procedures were not followed properly; that there has been bias or a reasonable perception of bias during the disciplinary procedure; and that the decision maker(s) reached an unreasonable decision;
 - the emergence of evidence which demonstrates that the measures determined by the UGM Manchester Disciplinary Panel implemented are too severe, or disproportionate or not permitted under the procedures.
- As the most senior member of UGM Manchester management not having had any previous involvement with the matter, any request to review the decision of a formal UGM Manchester Disciplinary Panel will be considered by a member of the UGM Manchester’s Executive Team.
- In reaching their decision on the outcome of an appeal against the decision of the formal UGM Manchester Disciplinary Panel, the member of UGM Manchester’s Executive Team will take guidance from the Chair of the formal UGM Manchester Disciplinary Panel, as appropriate.

What will happen to my data following the disciplinary proceedings?

- Records of the disciplinary case will be kept for the period of the active sanction and comply with relevant statutes and will be destroyed thereafter. These records will normally include the complaint against the student, the student’s defense, findings made and action taken, the reason for action taken, whether an appeal is lodged and the outcome. Notes of any formal meetings will also be kept.

UGM Manchester

The Student Code of Conduct

Responsible, Reasonable and Respectful Conduct

UGM Manchester recognises that it is a community with a significant part to play in the wider communities in which it is located and that its obligations to its own staff and students extend to these wider communities. UGM Manchester therefore believes that it should both promote a high level of responsibility within the student body and further the development of good relationships between UGM Manchester and these wider communities and beyond.

In doing so, UGM Manchester reminds students that in any situation, in any part of UGM Manchester or when involved in any activities associated with UGM Manchester including those undertaken away from UGM Manchester premises, students must:

- behave responsibly and with consideration, courtesy and respect towards others;
- not act in a way that could endanger, or cause harm or any form of distress to any other person;
- not engage in behaviour which causes offence or distress because of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation;
- use the UGM Manchester 's facilities or services with care;
- act within UK law;
- behave in accordance with UGM Manchester's rules and regulations including, but not limited to, those relating to:
 - the Academic Regulations
 - Health and Safety
 - Equal Opportunities and treatment and respect for others
 - Use of UGM Manchester facilities;
- not interfere with the normal working of UGM Manchester or any of its facilities or services
- not bring UGM Manchester into disrepute by any of their actions.

Students as members of UGM Manchester and the wider UK community must also comply with UK government and/or UGM Manchester rules, requirements, protocols or guidance that are put in place with a view to ensuring public health and safety and/or the safeguarding of others including taking reasonable preventative measures designed to ensure the health and safety of others.

Under no circumstances will UGM Manchester tolerate any behaviour that amounts to an offence against a person including, but not limited to, assault, sexual assault or sexual violence, domestic violence or discrimination or harassment of any kind, whether verbal or physical and in any form or medium, including in any online space or context; such misconduct will be dealt with severely.

Individual students are responsible for ensuring that they are aware of any such regulations or standards and that they comply with them.

Examples of behaviour that will be regarded as misconduct are set out below.

Illustrative examples of Misconduct

The defining and grading of the misconduct in the procedures is intended to give an indication as to the severity of the measure to be imposed. Misconduct graded solely as serious misconduct and/or any misconduct involving the (mis)use of alcohol and/or any other substances or against a person would normally be considered under the formal UGM Manchester Disciplinary Panel phase. Moreover, any person who engages in any form of violence, assault, misconduct or sexual misconduct against another person or who is found guilty of a criminal offence will be liable to the most severe measures permissible by UGM Manchester.

Any misconduct graded as general misconduct may be considered at the 'Informal Phase' and progressed to the Formal Phase if or as necessary.

The examples listed below are **illustrative** only and are neither comprehensive nor exhaustive.

Misconduct against People	Serious	General
<i>Under this procedure 'Misconduct against People' should normally be regarded as Serious misconduct in all circumstances</i>		
Acts of disturbance that threaten the rights and privacy of any member of UGM Manchester, whilst on UGM Manchester premises or engaged in UGM Manchester activity, or resident in UGM Manchester owned or managed accommodation	✓	✓
Serious abusive behaviour which may be regarded as aggravated which includes acts that may be regarded as sexual, violent, disorderly, threatening, intimidating or offensive; including the use of such language (whether expressed orally or in writing, including electronically)	✓	
Abusive behaviour which includes acts that may be regarded as disorderly, threatening, intimidating or offensive; including the use of such language (whether expressed orally or in writing, including electronically)		✓
Any act of discrimination, or any bullying, harassment, intolerance or victimisation.	✓	
The sending, posting or display by any means and in any form or medium of sexual, intimate, harmful, cruel or offensive text or images	✓	
Sexual misconduct including engaging or attempting to engage in an intimate or sexual act, touching or other offence without consent, the inappropriate showing of sexual organs to another person and the making of unwanted remarks of a sexual nature (whether expressed orally or in writing, including electronically).	✓	
Failure to respect the rights of others including those relating to: freedom of speech and expression, freedom of belief, thought, conscience and religion, confidentiality and privacy.	✓	✓

Jeopardising the health and safety of oneself or of any other person.	✓	
Conduct that may incite, fund, promote or lead to acts of violent or non-violent extremism.	✓	
Possession of an offensive weapon (including replica weapons) and /or ammunition on UGM Manchester premises or whilst engaged in any activity associated with UGM Manchester.	✓	
Possession or use of illegal substances or New Psychotic Substances whilst on UGM Manchester premises or whilst engaged in any activity associated with UGM Manchester.	✓	✓
Inclusion on one or more of the barred lists maintained under the Care Act (2014), Safeguarding Vulnerable Groups Act (2006), Mental Health Act (1983) or any act that would lead to investigation or deregistration by an appropriate professional body.	✓	
Conduct which constitutes a criminal offence.	✓	✓
Misconduct against Property	Serious	General
Failure to comply with any aspect of the Health and Safety Procedures, rules or duties of UGM Manchester or of any other organisation to which a student may be subject.	✓	✓
Misuse or unauthorised use of UGM Manchester premises or items of property, including computer misuse and the communications network.	✓	
Damage to, or defacement of, UGM Manchester property or the property of other members of the UGM Manchester community caused intentionally or recklessly, and misappropriation of such property.	✓	✓
Unauthorised taking or use of property belonging to either the UGM Manchester or another person without permission.	✓	✓
Unauthorised entry into, or unauthorised use of UGM Manchester premises and property or the premises and property of other members of the UGM Manchester community.	✓	✓
Unauthorised publication or transmission to any third party of a UGM Manchester activity and/or the unauthorised use of any form of recording equipment during a UGM Manchester activity.	✓	✓
Misconduct against the LCAE	Serious	General
Conduct which brings UGM Manchester into disrepute.	✓	✓
Conduct which disrupts, or improperly interferes with, the academic, administrative, sporting, social, or other activities of UGM Manchester, whether on UGM Manchester premises or elsewhere.	✓	✓

Conduct which obstructs, or improperly interferes with, the functions, duties or activities of any student, member of staff or other employee of UGM Manchester, or any authorised visitor to UGM Manchester, whether on UGM Manchester premises or elsewhere.	✓	✓
Failure to uphold or pursue the standards expected of any relevant professional or vocational bodies, which awards qualifications to students in relation to the care, welfare or education of the public.	✓	✓
Conduct during assessment and examination which does not constitute Unacceptable Academic Practice or Academic Misconduct, for which separate rules and procedures apply.	✓	✓
Dishonesty or the supply of false or misleading information in relation to UGM Manchester or its staff or students in connection with the holding of any office in UGM Manchester, or in relation to being a student at UGM Manchester, or in circumstances which UGM Manchester reasonably considers affect professional suitability.	✓	
The submission to UGM Manchester of false data, documents or documents containing false information/data and/or elements, such as signatures, including for the purposes of admission, recording attendance (whether manually or electronically), work, assignments, timesheets or other documents including evidence to explain absence, claims for mitigating circumstances or academic appeal, etc.	✓	
The fraudulent production of, and/or the submission to a third party of, any document purporting to be issued by UGM Manchester containing false or fraudulent information and/or elements; including, but not limited to, grades, marks, confirmation of student status, confirmation of attendance, or signature or any associated matter.	✓	
Breach of the provisions of any rules or regulations of UGM Manchester or of any other organisation to which a student may be subject	✓	✓
Failure to disclose your name and other relevant details to an officer or employee of UGM Manchester, in circumstances when it is reasonable to require that such Information be given	✓	✓
Failure to comply with a previously-imposed penalty or implemented action under UGM Manchester procedures	✓	
Knowingly encouraging, permitting or assisting any individual to engage in any of the above.	✓	✓
Any other behaviour which may reasonably regarded as constituting misconduct or unprofessional conduct	✓	✓