

STUDENT MISCONDUCT & FITNESS TO PRACTISE REGULATIONS 2026/2027

Title: Student Misconduct & Fitness to Practise Regulations					
Version	Issue Date	Revision Description	Author	Approved By & Date	Next Review Date
1.0	September 2024	Revised format and content	Siobhan Coakley	Quality Assurance Committee/Academic Board	June 2025
2.0	September 2025	Second Issue – previously Non-Academic Misconduct Regulations	Louise Neate / Niamh Križan	Quality Assurance Committee/Academic Board 25 June 2025	June 2026
3.0	September 2026	Third Issue - previously Student Misconduct Regulations	Louise Neate / Niamh Križan	Quality Assurance Committee/Academic Board 24 June 2026	June 2027

CONTENTS

SECTION ONE: INTRODUCTION.....	2
SECTION TWO: REGULATORY PRINCIPLES.....	3
General principles	3
Covert recordings	4
Advice and support	5
Misconduct which is also a criminal offence	5
Legal support/representation	7
Holding of awards and end-of-year results	7
SECTION THREE: STUDENT MISCONDUCT.....	8
Stage 1: Non-major misconduct.....	8
Stage 2: Investigation into student misconduct.....	8
Stage 2: University Disciplinary Committee hearing	8
Stage 3: Request for Review	8
SECTION FOUR: FITNESS TO PRACTISE	9
Principles	9
Professional misconduct.....	9
Advising students of professional standards.....	9
Professional Statutory and Regulatory Bodies (PSRBs) sign off	10
Suspension from placement or area of practice learning	10
Stage 1: Cause for Concern	11
Stage 2: Investigation into fitness to practise	11
Stage 2: Fitness to Practise Committee hearing	11
Stage 3: Request for Review	12
SECTION FIVE: SANCTIONS	12
Mitigating, aggravating or compounding factors	13
Application of sanctions	14
Informing professional bodies/local authorities/Disclosure and Barring Service	15
The Office of the Independent Adjudicator for Higher Education (OIA)	15
Appendix 1: Courses and their accrediting/regulatory bodies.....	16

SECTION ONE: INTRODUCTION

- 1.1 Registered students of the University agree to be subject to the Student Code of Conduct, the Student Misconduct & Fitness to Practise Regulations and the associated Procedures. Failure to comply with the Code of Conduct will be treated as misconduct.
- 1.2 As such, these regulations should be read in conjunction with the [Student Code of Conduct](#) which sets out the behavioural expectations of students at the University.
- 1.3 Confidentiality will be maintained, where possible, noting that:
 - Relevant staff will receive information that is necessary and proportionate to their role and involvement.
 - Information of a sensitive nature may need to be shared with those involved in the case.
 - Where a student is on a programme leading to professional registration there may be disclosure obligations on the University to the external body.
 - The University may need to share information outside the institution if this is necessary to protect the Reporting Student, the Responding Student, or others, from harm or prevent a crime taking place.
- 1.4 All parties must keep information that is disclosed to them as part of the process confidential. Any unauthorised disclosure of confidential information, including the recording, copying or distribution of video/audio recordings and paperwork associated with investigations and hearings, will be considered a disciplinary offence and will be addressed accordingly. The University will act in compliance with the General Data Protection Regulation (GDPR) and Data Protection Act 2018. Further information about how data is shared is contained in the [Student Casework Privacy Notice](#).
- 1.5 The Regulations and Procedures that apply to cases will be those in operation during the academic year in which the allegation is received. In specific cases (e.g. where a student has been suspended from their studies due to an external investigation), whether to apply the most recent regulations or the regulations to which the student most recently signed up will be decided by the Head of Student Casework (or nominee).
- 1.6 Misconduct matters for students enrolled on courses leading to professional registration and/or a license to practise in a professional context will be dealt with under Section 4 of these regulations (Fitness to Practise).
- 1.7 References to 'apprentice' throughout these Regulations refer to apprentices/Operational Policing students. Breaches of the Student Code of Conduct by apprentices on policing courses/Operational Policing students will be reported to the apprentice/Operational Policing student's employer by the Dean of Faculty (or nominee). The procedures of the relevant police force will take primacy. No investigation under the University's procedures will take place until the outcome of the police investigation is known.
- 1.8 The Dean of Faculty (or nominee) will decide whether any allegation/ongoing investigation for apprentices on other courses should be reported to the employer.
- 1.9 Breaches of the Student Code of Conduct relating to sexual misconduct and violence will be considered with reference to the [Sexual Misconduct and Violence Policy](#).
- 1.10 Breaches of the Student Code of Conduct by students who are also members of staff of the University may be dealt with under the Human Resources disciplinary procedures.

- 1.11 Students may make an allegation of misconduct against another student by a variety of means, including through the Report and Support system, directly to Wellbeing Services, or to any member of the University's staff.

SECTION TWO: REGULATORY PRINCIPLES

General Principles

- 2.1 The University has a responsibility to provide an environment that is safe, respectful and tolerant. Consequently, it is expected that students, their representatives and staff members act reasonably and fairly towards each other and treat the process with respect.
- 2.2 The University is committed to safeguarding the emotional, mental and physical well-being of all parties involved during the operation of its Student Misconduct & Fitness to Practise Regulations and the associated Policy and Procedures.
- 2.3 The Student Casework Unit provides guidance to staff and students on the application and operation of the Regulations and associated Policy and Procedures.
- 2.4 The burden of proof determines whose responsibility it is to prove an issue. In relation to student misconduct/fitness to practise allegations, the burden of proof rests with the University.
- 2.5 The outcome of any case under these regulations will be determined on the balance of probabilities, according to reasonable belief that the allegation is more likely to be true than not. This is called the "standard of proof" and is different from the criminal standard, which is beyond reasonable doubt.
- 2.6 Allegations of misconduct must be brought as soon as reasonably possible and ordinarily no later than three months after the last instance giving rise to the allegation. The exceptions to the ordinary timeframe of three months are cases involving an allegation/s of misconduct which could also be a criminal offence, a sexual misconduct allegation, or cases where there is a good reason why the allegation was not brought within the specified timeframe. In such cases, a decision will be made by the Head of Student Casework (or nominee) on whether to permit the case.
- 2.7 Students are asked to kindly flag any sensitive evidence on submission.
- 2.8 Where an allegation of misconduct is made against a group of students, a decision will be made on whether it is more appropriate to consider the case as a group or whether to consider each case individually.
- 2.9 The student who is the subject of an allegation ("the Responding Student") has the right to be informed of, and respond to, those allegations so that they can defend themselves. Anyone making an allegation must accept that their statement and supporting evidence will be provided along with their name to the Responding Student. Consequently, allegations made anonymously will not normally be accepted by the University. In addition, the University will not normally consider anonymous witness statements. The Head of Student Casework (or nominee), in conjunction with relevant colleagues, will decide whether to allow the consideration of an anonymous allegation or witness statement.
- 2.10 The Responding Student will be given the opportunity to confirm or deny that the alleged breach of the Student Code of Conduct occurred.

Mae'r ddogfen hon ar gael yn Gymraeg. This document is available in Welsh.

If the Responding Student admits the allegation in full and as presented, the Dean of Faculty (or nominee) or the Disciplinary/Fitness to Practise Committee will consider the facts of the case and any relevant factors to decide what, if any, sanctions should be applied. In this case, the full Procedure may not be followed, but the student retains the right to request a review of the outcome.

- 2.11 The University Secretary (or nominee) has the authority to approve amendments to the composition of any committee or panel under these Regulations and Procedures.
- 2.12 A voluntary, mutual agreement between students (a No Contact Agreement, or "NCA") to limit the likelihood of contact, except contact which is necessary for studying, may be put in place before or during the operation of this Procedure. An NCA does not indicate that a finding of misconduct has been made.
- 2.13 Where there is any ambiguity concerning which procedure should be applied, the Head of Student Casework (or nominee) will liaise with the Dean of Faculty (or nominee). An example of this may be when there are elements which would be more appropriately considered under the Academic Integrity Procedure. If more than one procedure applies and it is necessary to follow one before the other, the outcome of the first procedure may be used to inform any subsequent procedures.

Covert recordings

- 2.14 The University recognises that with advances in modern technology, it is easier to make covert recordings ie, recordings of meetings or conversations made without the consent of the participants. Where recordings are made of telephone calls, this activity is likely to be in breach of the Investigatory Powers Act 2024. In the case of recordings of face-to-face meetings, the material gained is likely to be held in breach of the participant's Article 8 right (to private and family life) under the Human Rights Act and the UK's data protection regulations.

In addition, a recording should only be used for the purpose for which it was made and should not be made available to a third party without the consent of the individual it refers to, unless there is lawful reason to do so.

For these reasons, the University will only permit the use of such recordings in cases, in exceptional circumstances.

The facts that will be considered are:

- The extent to which the evidence is relevant to the issues in the case, including considering the nature of the evidence and if other, more cogent evidence is available.
 - The extent to which the evidence has been obtained unlawfully, or its use otherwise interferes with privacy rights.
 - The extent to which the evidence can be relied upon from a technical perspective given that it is possible to manipulate recorded material. The availability of an independently created transcript of any recording may be helpful to satisfy this requirement.
- 2.15 Where a safeguarding issue is identified and/or an issue could cause a serious risk to the wellbeing of the University community or reputational damage to the institution, the case may be referred to Student Casework for consideration under the [Risk Assessment Procedure](#). A case may also be referred where an allegation could constitute a criminal offence.

Advice and support

Students

- 2.16 Reporting and Responding Students will be referred to the confidential support and advice services at the University as a matter of course, when going through the University's procedures.
- 2.17 Students can have a support person in attendance at any meetings/hearings taking place under the associated Procedures.
- 2.18 Reporting and Responding Students can request a letter from Student Casework to support a claim under the Extenuating Circumstances Procedure, where a disciplinary procedure has impacted their studies.
- 2.19 The Student Casework Unit is committed to making reasonable adjustments to its processes where the need is identified, to ensure an equitable experience for students. Student Casework will ask students if they need reasonable adjustments. If a student informs Student Casework that they need reasonable adjustments, if a student is registered with the University's Disability Service, or if a student has an Individual Support Plan, a meeting will be arranged with the Disability Service to put this in place. The student will have the option to attend this meeting; or, if they prefer, they will be able to submit written requests for consideration in advance. The outcome of any discussion on reasonable adjustments will be communicated to the student for their agreement.

Staff

- 2.20 It is recognised that involvement in student misconduct matters can be distressing for staff. The University runs a Staff Support Scheme, details of which can be found on the Human Resources website. In addition, the Chaplaincy has considerable experience of dealing with sensitive matters and is available to offer confidential advice and support.

Misconduct which is also a criminal offence

- 2.21 Failure to advise the University of a criminal offence, including a caution or reprimand, as soon as possible after the arrest and within five working days (for students on non-professionally registered courses) or the next working day (for students on professionally registered courses), will be regarded as misconduct. A list of the professionally registered courses can be found at Appendix 1.
- 2.22 The University has a duty of care to its staff and students and therefore must be informed of any alleged criminal activity by its students. If at any time during their registration as a student of the University, they are cautioned, or arrested for, or charged with a criminal offence they are required to report this within ten working days and to report on the progress of any criminal proceedings to Student Casework:
studentcasework@southwales.ac.uk.
- 2.23 If a student is sent for trial, the Student Casework Unit must be kept informed at all levels either by the student or by their solicitor/representative. If a student is subsequently convicted, then this must also be reported along with details of any penalty or sentence imposed.
- 2.24 Applicants, after receiving an offer of a place, are asked to contact Enquiries and Admissions to disclose 'unspent' convictions and associated sanctions, and/or any allegations under investigation. This may also apply to applicants who have been included on the barred list without conviction. The barred list contains details of individuals that have been banned from working with children or vulnerable adults due to past behaviour.

This is because the University may need to mirror any restrictions and conditions that have been put in place.

Further information can be found in Enquiries and Admissions' [Criminal Convictions policy](#). Where students have previously failed to disclose information on admission to the University, this may be regarded as student misconduct.

- 2.25 The University expects that students will report an allegation of a criminal offence to the police; however, in some circumstances, the allegation will be made by the University on behalf of the Reporting Party. In exceptional circumstances, the University will report an alleged crime to the police contrary to the wishes of the Reporting Party if disclosure of the information is necessary to protect the Reporting Party, or others, from harm or prevent a further crime taking place.

In deciding whether to make such a disclosure and in deciding what information to disclose, the University will take into account its obligations under the General Data Protection Regulations/Data Protection Act and any potential harm that the unauthorised disclosure may cause to the Reporting Party.

If the Reporting Party decides not to involve the police, they will still have the option of requesting that the University considers the matter under its Regulations and Procedures. The University may of its own volition, also decide to engage its Regulations and Procedures. In these circumstances, the case will be dealt with as a potential breach of the Student Code of Conduct and not as a criminal offence.

- 2.26 Criminal offences may also amount to student misconduct and be dealt with under the associated Procedures if they:

- took place on University premises; and/or
- affected other members of the University; and/or
- damaged or was likely to damage the reputation of the University; and/or
- impacts on a student's fitness to practise and/or
- may cause feelings of vulnerability within the University community.

- 2.27 The following applies where the alleged misconduct would also constitute an offence under the criminal law if proved in a court of law:

- a) The University's Procedures will, in most cases, be paused while police action is ongoing. Precautionary, neutral action may still be taken under the [Risk Assessment Procedure](#). There may be exceptional circumstances where the University deems it necessary to run an internal investigation alongside a police investigation. This decision will be made by the Head of Student Casework (or nominee) in conjunction with the University's General Counsel and in consultation with the relevant force.
- b) Where a finding of misconduct is made and the Responding Student has been sentenced by a criminal court in respect of the same facts, the court's penalty will be taken into consideration in determining any sanction under the University's regulations. Further investigation by the University will not normally be required, as the conviction/caution will be taken as evidence that the behaviour took place. The Head of Student Casework (or nominee) in conjunction with the Dean of Faculty (or nominee) will determine whether an investigation is required.
- c) When a custodial sentence of less than six months has been imposed, the Responding Student will normally be required to suspend studies for the duration of the custodial sentence.

Mae'r ddogfen hon ar gael yn Gymraeg. This document is available in Welsh.

A University Disciplinary/Fitness to Practise Committee will consider the date of the Responding Student's return to studies, along with their individual circumstances. The University may instigate the [Risk Assessment Procedure](#) prior to the student's return.

- d) Where the custodial sentence is more than six months, or longer than the remainder of the duration of the Responding Student's course, the University will automatically withdraw them. Should the student wish to return to study in future, they are required to re-apply through the University's Admissions policy. Where a student is withdrawn, they will not normally be allowed to reapply to the University for a minimum of twelve months from the date the decision was made.

If a student is convicted for an offence that occurred prior to their enrolment at the University, a University Disciplinary/Fitness to Practise Committee may be convened to consider the impact of the conviction on their future studies (see 2.27b), depending on the seriousness of the offence and the associated risks to the University. 2.27c and 2.27d apply in relation to custodial sentences for such cases.

- 2.28 A driving offence may be considered under the Student Misconduct & Fitness to Practise Regulations in relation to students on courses leading to professional registration. In considering whether a driving offence calls into question a student's fitness to practise, the following will be considered:

- the nature of the offence;
- whether the offence occurred in the course of undertaking professional duties;
- if it is a repeat offence;
- whether there are other circumstances connected with the offence.

Legal support/representation

- 2.29 The process for requesting legal representation for cases is defined under the [Procedure for Requests for Legal Representation](#).

Holding of awards and end-of-year results

- 2.30 In certain cases, for example where an allegation is very serious, and the Responding Student is also due to be awarded or receive end-of-year results, it may be appropriate to hold the Board's consideration of the award/results until there is an outcome in respect of the alleged misconduct. Likewise, this may be the case where there is an ongoing criminal matter (in respect of a charge before or after the student's enrolment), in light of the University's duty to uphold public trust, mitigate risk and maintain institutional values.
- 2.31 The Head of Student Casework (or nominee) has the authority to make this decision in consultation with the student's faculty.
- 2.32 Students can appeal this decision in writing within five working days of being informed of their results/award being held. An appeal must be supported with a good reason to demonstrate that the University's decision was disproportionate. Appeals against the holding of awards/results will be considered by an independent nominee of the University Secretary. The student will be informed of their decision within a further five working days. Where the appeal is unsuccessful, the student will be issued with a Completion of Procedures letter.
- 2.33 Where a student is enrolled on a course leading to professional registration (see Section 4), and their fitness to practise is under a Stage 2 investigation, the Board's consideration of the final award will usually be deferred until there is an outcome in respect of their fitness to practise, in the interest of public and client safety.

SECTION THREE: STUDENT MISCONDUCT**Stage 1: Non-major misconduct**

- 3.1 Please see [Procedure for Stage 1: Non-major Student Misconduct](#).

Stage 2: Investigation into student misconduct

- 3.2 Please see [Procedure for Stage 2: Investigations into Student Misconduct & Fitness to Practise](#).

Stage 2: University Disciplinary Committee hearing

- 3.3 University Disciplinary Committees will be constituted as follows:

- one member of the University's senior management (Chairperson);
- one staff member of the Academic Board;
- the President of the Students' Union or nominee.

University Disciplinary Committee hearings will be serviced by a Secretary, who is not a member but will be present throughout the proceedings. The Secretary will be the Head of Student Casework (or nominee).

The members of the University Disciplinary Committee will have had no previous involvement with the case(s) or association with the student(s). The Students' Union representative will not have previously supported the student during the case.

If the Responding Student is an apprentice/Operational Policing student, an employer representative will also be invited to attend as an observer.

- 3.4 The functions of the University Disciplinary Committee are as follows:
- a) To consider reports from Investigating Officers in respect of serious allegations of misconduct.
 - b) To establish, as far as possible, the facts of the case, and call witnesses where necessary.
 - c) To decide whether allegations are upheld on the balance of probabilities.
 - d) To consider appropriate actions and outcomes.
 - e) To report its decision to the Vice-Chancellor and the University Secretary.
- 3.5 Please also see [Procedure for Stage 2: Committee Hearings](#).

Stage 3: Request for Review

- 3.6 For responding students, please see [Stage 1: Procedure for Non-major Student Misconduct](#) and/or [Procedure for Stage 3: Requests for Review of Stage 2 Misconduct & FTP](#).
- 3.7 If the Reporting Party or any witnesses (who are students at the University) are dissatisfied with the way in which the Procedure has been handled, they may be able to submit a complaint using the [Student Complaints Procedure](#).

SECTION FOUR: FITNESS TO PRACTISE

Principles

- 4.1 Fitness to Practise relates to courses that lead to professional registration, both initial and/or further annotation/registration, and/or a license to practise in a professional context and are characterised as being service-centred/client-centred/patient-centred and directed towards the achievement of professional competence and/or professional registration. Additionally, these Regulations may apply to courses which facilitate entry to courses which lead to professional registration and/or a license to practice (please see Appendix 1).
- 4.2 The University will, when necessary, take action under its Student Misconduct & Fitness to Practise Regulations and associated Policy and Procedures to:
- protect present or future patients, service users or clients (ie, public protection);
 - demonstrate robust processes to protect the public;
 - comply with the requirements of Professional, Statutory and Regulatory Bodies (PSRBs).

In its application, the University's Student Misconduct & Fitness to Practise Regulations protects the University if in future an employer, and/or the general public and/or ex-students were to question our process and subsequent decision making.

Professional misconduct

- 4.3 The Student Code of Conduct includes a list of **non-exhaustive** examples of behaviour and conduct, which would constitute professional misconduct and thereby trigger an investigation of a student's fitness to practise. These apply to all aspects of a student's professional and personal life, including online activity and social networking.

Advising students of professional standards

- 4.4 Each faculty must ensure that its students are aware of the relevant professional standards and should have its own internal arrangements to monitor and ensure the fitness to practise of students.
- 4.5 These arrangements will include:
- provision of a student contract which includes reference to the issue of fitness to practise;
 - provision of advice to students regarding standards of professional behaviour, eg, as described in student handbooks and/or guidelines from appropriate professional bodies;
 - provision of appropriate induction sessions on professional conduct and fitness to practise and what it means;
 - provision of details of the relevant professional body requirements to students, including those relating to the student's eligibility to register and to the dean of faculty's obligation with regard to declaring them fit to practise;
 - provision of a copy of the Student Misconduct & Fitness to Practise Regulations and relevant Procedures;
 - a process for identifying alleged cases of unfitness to practise, for carrying out the requirements of this Procedure and of any additional requirements pertaining to the subject area.

Professional Statutory and Regulatory Bodies (PSRBs) sign off

- 4.6 Some PSRBs require an authorised Registrant from that body, who is also a senior member of academic staff within the discipline area, to sign off each student as being professionally suitable before the candidate will be allowed to register. While any case considered through this Procedure may inform this decision, the decision is one for the Registrant to make as required by the PSRB and is not subject to appeal or review through the University. In very serious cases, where there is a safeguarding issue posed by retaining marks following the conclusion of a fitness to practise process, marks previously obtained may be removed.

Suspension from placement or area of practice learning

- 4.7 A placement provider may suspend a student from placement or area of practice learning, under its own procedures, and prior to referral to the Student Misconduct & Fitness to Practise Regulations and associated Policy and Procedures, and/or may seek advice from the University regarding suspension, if it asserts that the student is not fit to practise.
- 4.8 The Course Leader (or nominee) should normally be informed immediately of a suspension but where circumstances make this impossible, the Course Leader (or nominee) must be informed within two working days.
- 4.9 The Course Leader (or nominee) may also instigate the suspension of a student from placement or area of practice learning.
- 4.10 Examples of circumstances which would necessitate a suspension from placement or an area of practice learning, include (but are not limited to):
- alleged criminal activity which resulted in an arrest by the police and is subject to ongoing investigations or pending a court hearing, including being subject to police bail;
 - any safeguarding concerns relating to children or adults at risk;
 - any concerns relating to client safety and /or public protection whereby they have been suspended from an employment;
 - any allegation related to dishonesty, fraud, and sexual misconduct raised by an employer or an individual, including ongoing investigations by NHS Counter Fraud Service Wales, and equivalent U.K. bodies;
 - any investigation undertaken by a UK health and social care regulator, for example Care Council Wales, Solicitors Regulation Authority, and the General Dental Council.
- 4.11 The student will normally be suspended from the placement or area of practice learning until a conclusion as to their fitness to practise is reached.
- 4.12 If the student is on a Tier 4 visa, the Course Leader (or nominee) must inform the Head of Compliance, who will report the change in circumstances to UK Visas and Immigration (UKVI).
- 4.13 The process that will be followed where there are concerns around a student's fitness to practise is outlined from 4.14.

Mae'r ddogfen hon ar gael yn Gymraeg. This document is available in Welsh.

Stage 1: Cause for Concern

- 4.14 Please see [Procedure for Stage 1: Cause for Concern](#).

Stage 2: Investigation into fitness to practise

- 4.15 Please see [Procedure for Stage 2: Investigations into Student Misconduct & Fitness to Practise](#).

Stage 2: Fitness to Practise Committee hearing

- 4.16 The Fitness to Practise Committee is constituted as follows:

- one senior staff member at Head of Subject level or above, normally with experience of fitness to practise (Chair);
- one member drawn from the academic staff of schools of the faculty which have fitness to practise requirements and have the required professional registration to meet professional body standards;
- an external practitioner drawn from the relevant profession;
- the President of the Students' Union (or nominee).

Fitness to Practise Committee hearings will be serviced by a Secretary, who is not a member but will be present throughout the proceedings. The Secretary will be the Head of Student Casework (or nominee).

The members of the Fitness to Practise Committee will have had no previous involvement with the case(s) or association with the student(s). The Students' Union representative will not have previously supported the student during the case.

- 4.17 The functions of the Fitness to Practise Committee are:

- a) To consider cases of students, who are enrolled on a course leading directly to a professional qualification or further annotation/registration that gives the right to practise a particular profession, which are referred on either of the following grounds:
 - any conduct which may call into question a student's fitness to be admitted to and practise that profession, including academic misconduct, or
 - any health problem, which may call into question a student's fitness to be admitted to or obtain further annotation/registration and practise that profession.
- b) To hear appeals from students who have been refused confirmation of their declaration of good character and/or good health or similar.
- c) To consider reports from Investigating Officers.
- d) To decide whether allegations are upheld on the balance of probabilities.
- e) To consider appropriate actions and outcomes.

- 4.18 Please also see [Procedure for Stage 2: Committee Hearings](#).

Stage 3: Request for Review

- 4.19 For responding students, please see [Procedure for Stage 1: Cause for Concern](#) and/or [Procedure for Stage 3: Requests for Review of Stage 2 Misconduct & FTP](#).
- 4.20 If the Reporting Party or any witnesses (who are students at the University) are dissatisfied with the way in which the Procedure has been handled, they may be able to submit a complaint using the [Student Complaints Procedure](#).

SECTION FIVE: SANCTIONS

- 5.1 There are a range of sanctions that the University can apply at different stages of its Procedures, where there is a case to answer.
- 5.2 Amendments to these may be considered and applied as a reasonable adjustment depending on the student's individual needs.

Written apology

- 5.3 The Responding Student may be required to write a written apology; this could be to the relevant individual, or to the University. The apology must be reflective and show an understanding of what the student did, why it was not in line with University expectations, and its impact on others. Whether the apology is sufficient or requires further action (e.g. rewriting) will be determined at the discretion of the Head of Student Casework (or nominee).

Warnings

- 5.4 There are three categories of formal warnings that may be issued depending on the seriousness of the misconduct.
- **Verbal warning.**
 - **Written formal warning** – will remain on record for a specified period, normally one year. Any repeated occurrence of a similar offence may result in the Responding Student being referred to a Disciplinary/Fitness to Practise Committee.
 - **Final written warning** – any further cases of misconduct may be dealt with directly by a Disciplinary/Fitness to Practise Committee, and the proven offence will be taken into consideration when determining a sanction.

Charges

- 5.5 The Responding Student may be required to make good any damage they have caused at their expense, up to £1000. The charges will be paid to the owner or possessor of the property damaged. Consideration will be given to the means of the Responding Student, and they may be allowed time to pay the sum or be allowed to pay the sum in prescribed instalments.

Restrictions/conditions

- 5.6 Restrictions or conditions may be imposed on the Responding Student. Examples are: support to be sought from Student Services; no direct contact to be made with another student (No Contact Order (NCO)). Where it is deemed in the student's best interests, a referral may be made to an educational programme. For courses leading to professional registration, a student may also be required to continue under close supervision.

Exclusion

- 5.7 A University Disciplinary/Fitness to Practise Committee has the authority to exclude the Responding Student from specific campuses, certain areas of a campus, such as the Students' Union, Halls of Residence or the Sports Hall. In such cases, the Responding Student will normally be allowed to attend the University for education and support purposes only.

Suspension

- 5.8 A University Disciplinary Committee/Fitness to Practise Committee has the authority to suspend the Responding Student from the University on disciplinary grounds for such period as the Committee considers just and reasonable in the circumstances. Conditions may be imposed on the Responding Student's return to study. Responding Students who are suspended may be required to pay a proportionate amount of fees dependent upon an assessment of fees already paid and the teaching already received. Any marks that have not been ratified by the assessment boards prior to the suspension may be removed.

Withdrawal

- 5.9 A University Disciplinary Committee/Fitness to Practise Committee (see Sections Three and Four below) has the authority to require the Responding Student to withdraw from the University on disciplinary grounds. The Responding Student may be required to pay a proportionate amount of fees dependent upon an assessment of fees already paid and the teaching already received. Any marks that have not been ratified by the assessment boards prior to the expulsion may be removed. For students on courses leading to professional registration, where the Chair is not a member of Executive, this sanction will be ratified by the Vice Chancellor (or nominee).

Sanctions specific to courses leading to professional registration

- 5.10 Require that the student's studies on a course leading to a professional qualification or further annotation/registration be terminated but the student is able to:
- transfer their credit onto another course, subject to them having met any specified entry criteria and the course leader of the receiving course, in liaison with the faculty representative, having undertaken the appropriate mapping exercise. The student will be supported by the faculty in this process;
 - apply for admission as a new entrant through the normal procedures.

The student will not be able to transfer their credit onto certain courses, including those that lead to a professional qualification that is subject to the Fitness to Practise Regulations and Procedures. This also applies to courses leading to further annotation/registration. The decision of the Committee will be communicated to staff that require the information to make a decision on transfer/admission.

Mitigating, aggravating and compounding factors

- 5.11 The University will consider mitigating, aggravating and compounding factors when deciding on a sanction in relation to upheld allegations.
- 5.12 Examples of mitigating factors that the University may take into account include (but are not limited to):
- admitting to, and demonstrating genuine remorse for actions;

Mae'r ddogfen hon ar gael yn Gymraeg. This document is available in Welsh.

- evidence that the offence was committed without the intent to cause harm, damage or upset;
 - there has been an attempt to make amends;
 - engagement with educational programmes relevant to the offence;
 - insight into, and the impact of the offence;
 - the Reporting Party has requested leniency.
- 5.13 Examples of aggravating factors that the University may take into account include (but are not limited to):
- the use of force/violence/threats/intimidation;
 - the use of drugs/alcohol;
 - no insight or remorse;
 - the Reporting party has requested enhanced sanctions.
- 5.14 Examples of compounding factors that the University may take into account include (but are not limited to):
- prior history of misconduct;
 - previous misconduct of a serious nature;
 - cumulative breaches.

Application of sanctions

- 5.15 If the decision of the Committee is to suspend or terminate the studies of an international student on a Tier 4 visa the Head of Compliance must be informed immediately as these sanctions are subject to Tier 4 visa regulations.
- 5.16 Where enrolment is allowed to continue on a course under specified conditions the faculty will monitor progress and report any failure to meet the conditions to the Secretary of the Committee and, in the case of international students on a Tier 4 visa, the Information Compliance Manager.
- 5.17 The sanctions in the [Guidelines for the Application of Sanctions](#) are illustrative only.
- 5.18 Multiple or repeated incidents of misconduct may be more serious than a single act of misconduct and previous findings may be considered when determining what sanction should be imposed.
- 5.19 Sanctions may be imposed on responding parties who have graduated, where an offence took place whilst they were a student at the University. This would normally constitute a formal written warning that would remain on the Responding Student's record for a specified period.

Informing professional bodies / local authorities / Disclosure and Barring Service

- 5.20 Certain professional bodies require the University to inform them as soon as an investigation is instigated under this Procedure and then to inform them of the outcome.
- 5.21 For all other professional bodies, once the University's Procedure has been completed the most senior registrant within the faculty will inform the relevant professional body/local authority of the outcome reached.
- 5.22 In certain circumstances professional bodies may also require that elements of, or the full case file, be provided to them.
- 5.23 The University is required to report serious concerns to the Disclosure and Barring Service (DBS). A referral to the DBS may take place at any point during the consideration of a case under this Procedure.¹

The Office of the Independent Adjudicator for Higher Education (OIA)

- 5.24 If the Responding Student is unhappy with the outcome of a case considered under the Student Misconduct & Fitness to Practise Regulations and Procedures, they may, following issue of a University Completion of Procedures Letter, lodge a complaint with the OIA.
- 5.25 Details of the OIA and the relevant information in relation to the Scheme can be accessed at www.oiahe.org.uk. Further information and advice can be obtained from the Student Casework Unit.

¹ The gov.uk site details our legal duty to refer: <https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs#>

Appendix 1

Course	Accrediting/Regulatory Body
Nursing courses leading to registration	Nursing and Midwifery Council (NMC)
Midwifery courses leading to registration	
MSc/BSc Specialist Community Public Health Nursing (all pathways)	
MSc/BSc Community Health Studies (all pathways)	
Return to Practice	
Prescribing V100 and V150	
Independent Prescribing	Nursing and Midwifery Council (NMC), Health and Care Professions Council (HCPC), General Pharmaceutical Council
Master of Chiropractic	General Chiropractic Council (GCC)
Social Work	Social Care Wales (CCW)
BSc (Hons) Psychology with Behaviour Analysis	Behaviour Analyst Certification Board (BACB)
MSc Behaviour Analysis and Therapy	
PG Dip Behaviour Analysis Supervised Practice	
BSc Systemic Counselling	British Association for Counselling and Psychotherapy (BACP)
MSc Systemic Psychotherapy	The Association for Family Therapy and Systemic Practice (AFT)
PgD Systemic Practice in Psychotherapy	The Association for Family Therapy and Systemic Practice (AFT)
MA/PGDip Integrative Counselling and Psychotherapy	British Association for Counselling & Psychotherapy (BACP) Dip level
MSc/PGDip Cognitive Behavioural Psychotherapy	
MSc Play Therapy	British Association of Play Therapists (BAPT)
MA Art Psychotherapy	Health and Care Professions Council (HCPC)
MA Music Therapy	
Postgraduate Certificate Cognitive Behavioural Therapy Skills Postgraduate Certificate Integrative Counselling Skills	Entry requirement for MA Integrative Counselling and Psychotherapy and MSc Cognitive Behavioural Psychotherapy - British Association for Counselling and Psychotherapy
Teaching courses with QTS	Education Workforce Council (Wales)
UCert Further Professional Development for Returning and Supply Teachers	Education Workforce Council (Wales)
PcET Professional Certificate in Education and Training (PcET)	Education Workforce Council (Wales)

Mae'r ddogfen hon ar gael yn Gymraeg. This document is available in Welsh.

PcET Professional Graduate Certificate in Education and Training (PcET)	Education Workforce Council (Wales)
PcET Postgraduate Certificate in Education and Training (PcET)	Education Workforce Council (Wales)
BA (Hons) Youth and Community Work	Professional endorsement by Education and Training Standards Committee Wales
BA (Hons) Youth and Community Work (Youth Justice)	Professional endorsement by Education and Training Standards Committee Wales
MA/PgD Working for Children and Young People (Youth Work Initial Qualifying Youth)	Professional endorsement by Education and Training Standards Committee Wales
BA (Hons) Early Years Education and Practice	Social Care Wales
Professional Doctorate in Counselling Psychology (D Psych)	British Psychological Society (BPS) and Health and Social Care Professional Council (HCPC)
PG Diploma SEN/ALN (Specific Learning Difficulties)	British Dyslexia Association
BA Counselling and Therapeutic Practice	Seeking accreditation with British Association for Counselling & Psychotherapy (BACP)
Cert HE Counselling Studies	Route to admission to the BA Counselling and Therapeutic Practice, which is seeking accreditation with British Association for Counselling & Psychotherapy (BACP)
Foundation Degree Veterinary Nursing	Royal College of Veterinary Surgeons (RCVS)
BSc (Hons) Physiotherapy	Chartered Society of Physiotherapists (CSP) and Health & Care Professions Council (HCPC)
BSc (Hons) Operating Department Practice	College of Operating Department Practitioners (CODP) (endorsement) and Health & Care Professions Council (HCPC)
BSc (Hons) Occupational Therapy	Royal College of Occupational Therapists (RCOT) and Health & Care Professions Council (HCPC)
CertHE Health Care Support Worker	Route to admission to the first year of the nursing degree