



UNIVERSITY
of
ABERTAY DUNDEE

Student disciplinary code

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1. INTRODUCTION

- 1.1 As members of the University, students subscribe implicitly or explicitly to the regulations and internal regulations of the University which are in force for the time being and which enable all members of the University community to live and work together in harmony. They require the observance of certain standards of behaviour and certain obligations. The University is entitled to protect these and to protect also its name and reputation.
- 1.2 This Student Disciplinary Code indicates how the University will proceed in cases where students do not comply with the required standards of behaviour expected of them as part of the University community.
- 1.3 The University will operate the procedures in the Code fairly and as speedily as is possible.
- 1.4 Copies of the Code are available to all students.

2. DEFINITIONS

The following expressions shall have the following meanings in the Code:

"Code"	means the Student Disciplinary Code approved by the University Court.
"University"	means the University of Abertay Dundee, Bell Street, Dundee, DD1 1HG.
"University Court"	means the University Court of the University of Abertay Dundee.
"Senate"	means the Senate of the University of Abertay Dundee.
"Principal"	means the Principal and Vice-Chancellor of the University of Abertay Dundee or a member of the senior management of the University to whom the Principal has delegated the powers of the Principal in terms of the Code.
"University Secretary"	means the University Secretary of the University of Abertay Dundee or a member of the senior management of the University to whom the Principal or the University Secretary has delegated the powers of the University Secretary in terms of the Code.
"University Community"	means all staff and students of the University.
"University property"	means all University campuses and buildings and surrounding areas and the fabric of and fixtures, fittings and equipment within buildings.

"Students' Association"	means the Students' Association of the University of Abertay Dundee.
"Misconduct"	is defined in Section 4 of the Code and examples are given in Appendix 1 to the Code.
"Internal regulations"	mean any authorised internal rules, regulations and codes of practice which regulate or guide areas of University activity.
"Regulations"	mean the regulations of the University approved or established in terms of the University of Abertay Dundee (Scotland) Order 1994 or by the University Court, and include internal regulations.
"Working days"	mean Monday to Friday inclusive of each week except during periods when the University is closed.
"Friend"	means a fellow student, officer of the Students' Association, University Student Adviser or other person who accompanies or represents a student in the context of the Code. The friend shall have no involvement otherwise in the disciplinary matter in question.
"Committee"	means the Student Disciplinary Committee referred to in Section 9 of the Code and "Chair" means the Chair or the Deputy Chair acting in place of the Chair of the Student Disciplinary Committee.
"Presenter"	means a member of the University Secretariat who will present the University's case to a meeting of the Committee or the Appeal Committee.
"Appeal Committee"	means the Student Disciplinary Appeal Committee referred to in Appendix 3 Part B to the Code.
"Student Disciplinary Record Book"	means the record kept by the University Secretary of disciplinary decisions affecting the record of students of the University whether reached executively or by the Committee or the Appeal Committee.

3. JURISDICTION

- 3.1 The University has jurisdiction over students of the University in respect of both their studies and their conduct within the following contexts:
- (i) where the conduct relates to the academic or other work of the University;
 - (ii) where the conduct, though not directly related to the work of the University, has occurred or commenced on University property;
 - (iii) where the conduct relates to the academic or other work of the University but has not taken place on or within University property;
 - (iv) where the conduct involves other members of the University but does not directly relate to the work of the University nor does it take place necessarily on University property; and
 - (v) where the conduct (a) jeopardises or damages or may jeopardise or damage the good name and reputation of the University, (b) causes or is likely to cause injury or impair safety on University property, or (c) raises the question as to whether a student should remain a member of the University because he/she poses dangers to other members, or to the good order, of the University community even though the conduct in question is not related to the work of the University, and/or did not take place on University property, and/or did not impact directly on staff or students of the University.
- 3.2 The University recognises that certain types of misconduct may also constitute an offence under the criminal law of Scotland. In such cases the University will
- (i) if the offence is not considered to be serious and would be so considered as such under the criminal law, deal with it as misconduct under the Code, though it may also be reported to the police;
 - (ii) if the offence is considered to be serious and would be so considered under the criminal law, report it to the police and also in appropriate cases deal with it under the Code.
- 3.3 The University recognises that a member of the University community who has suffered as the result of the misconduct (especially serious misconduct) of a student may not wish to report the misconduct either to the police or to the University to enable appropriate action to be taken against an offender. The University strongly encourages those who suffer misconduct to report it but retains the discretion if incidents of misconduct come to its notice either directly or indirectly to take such action as appears to it to be appropriate or necessary in all the circumstances. The University will always report serious offences to the police (for example, serious or indecent assault, use of or dealing in controlled drugs, storing or downloading of illegal pornographic material).
- 3.4 The University operates the Code for the benefit of all members of the University community and retains absolute discretion as to when and how to implement its provisions.
- 3.5 What constitutes misconduct is outlined in Section 4 of the Code and further information is given in Appendix 1. Neither the description nor the examples given are prescriptive.

- 3.6 Specific rules, regulations or codes of practice (described in the Code as internal regulations) apply to the use or occupation of certain University facilities, for example the library and computer systems, residences, laboratories and the Students' Association. The Code does not supersede these particular rules, regulations or codes, but may be used to reinforce them where (a) there is persistent or serious breach of their provisions, (b) in terms of these rules, regulations or codes particular offences are described as punishable under the Code, or (c) an appeal is allowed from decisions taken under these rules, regulations or codes to the Committee in terms of the Code. However the University officer responsible for taking action in terms of internal regulations may refer the misconduct in the event that it is considered to be serious or for other appropriate reason to the University Secretary for action in terms of the Code.

4. MISCONDUCT

- 4.1 Misconduct constitutes (a) improper interference with the proper functioning or activities of the University or with those who work or study in the University, or (b) action which otherwise damages the University.
- 4.2 There is no prescriptive list of what constitutes misconduct in all circumstances. Examples of types of misconduct are given in Appendix 1.
- 4.3 The Code is not part of the criminal law of Scotland and it does not seek therefore to define misconduct in terms of the criminal law. The purpose of the Code is to regulate students' behaviour as students of the University in order to secure the safe and harmonious working of the University.
- 4.4 Misconduct may be treated by the University as serious or minor depending on the nature and/or persistence of the misconduct.
- 4.5 Heads of School or their authorised deputy may deal with appropriate matters of academic deceit in terms of the Senate Policy on Academic Deceit from time to time in force provided that actions taken are recorded on the student's file and reported to the University Secretary for inclusion if appropriate in the Student Disciplinary Record Book.

5. INVESTIGATION OF MISCONDUCT

- 5.1 When misconduct occurs or is alleged to have occurred, it should be reported, preferably in writing and accompanied by such details as are available, without delay to the University Secretary who will investigate the facts of the matter before a decision is taken as to whether formal disciplinary procedures should be initiated.
- 5.2 If circumstances warrant it, immediate action may be taken to suspend a student by the Principal, following a report from the University Secretary to the Principal.
- 5.3 The University Secretary as part of the investigation may meet with the student concerned and such other persons as the University Secretary considers may be able to provide information about the alleged misconduct and may consult with appropriate external agencies. The investigation does not form part of the formal disciplinary process and should aim to be completed within ten working days of the incident being reported to the University Secretary. The student concerned and any other persons who meet with the Secretary may during these meetings be accompanied by a friend.

5.4 Following investigation, the University Secretary, will decide whether the conduct complained of *prima facie* constitutes misconduct and whether it is serious or minor.

6. ACTION FOLLOWING INVESTIGATION OF MISCONDUCT

6.1 In the event of the University Secretary deciding, following completion of the investigation, that no misconduct occurred, no further action will be taken.

6.2 Where, following investigation, misconduct appears to have occurred, the University Secretary shall inform the Principal of the misconduct and of the course of action which in his/her view should be taken.

6.3 The Principal may decide at this stage that in the circumstances further action under the Code should not be taken but that the matter be disposed of by a caution.

6.4 Where the University Secretary initiates disciplinary action after consultation under Section 6.2, the options available are as follows:

(i) to report the matter with such information as has been obtained in the investigation to the police or other proper authority with a view to their investigating and instigating such action as is appropriate;

(ii) to report the matter as in (i) above and also to refer the matter for action to the Committee;

(iii) to refer the matter to the Committee for action;

(iv) to refer the matter to the Chair of the Committee for action; or

(v) to deal with the matter executively in terms of Section 8.5.

6.5 The University may under the Code deal with misconduct which may comprise an offence under the criminal law (a) even if the police or other proper authority decide to take no action, or (b) during the course of any investigation by the police or other proper authority and prior to the student in question being either charged or convicted of said offence where such action appears to the University to be necessary or appropriate.

6.6 In the event of (a) proceedings being taken which result in a finding of guilt against a student in terms of Section 6.4 (ii) to (iv) inclusive or (b) the matter being dealt with executively in terms of Section 6.4 (v) above, a record of the outcome will be maintained by the University Secretary in the Student Disciplinary Record Book.

7. SUSPENSION

7.1 The Principal may on the request of the University Secretary suspend or exclude from the University or University property a student against whom an allegation of misconduct has been made or who is the subject of a police investigation pending further consideration of the alleged misconduct or determination of the investigation if it appears that continued attendance by the student is likely to be detrimental to the interests of other students, staff or University property. Such suspension or exclusion will continue in force for such period as is required to investigate the alleged

misconduct or complete the investigation and to enable the outcome to be determined by either or all of the Committee, the Appeal Committee or the Courts.

- 7.2 Details of the suspension of a student shall be reported without delay to the Chairman of the University Court and the Chair of the Committee for the purpose of information.
- 7.3 Suspension involves a total prohibition on attendance at or access to the University or University property or facilities and on participation in University activities. Suspension may on cause shown and in appropriate circumstances (for example, such as to attend for the purpose of an assessment or examination) be qualified by the Principal or the University Secretary to a limited extent provided that no other party (including the University or other students) is thereby prejudiced. Suspension shall come into effect from a date and time (which may be immediate) indicated to the student and/or confirmed in a notice of suspension sent to the student. For the avoidance of doubt where suspension or exclusion is *inter alia* from occupancy of a student residence it may take immediate effect; and while the University through its accommodation office may assist a student who has been suspended or excluded from a residence in finding alternative accommodation, the University is under no obligation to do so or to make such accommodation available.
- 7.4 Exclusion involves a selective restriction on attendance at or access to the University or University property or facilities or a prohibition on exercising the functions or duties of any office or committee membership in the University or the Students' Association. Exclusion shall come into effect from a date and time (which may be immediate) indicated to the student and/or confirmed in a note of exclusion sent to the student.
- 7.5 Confirmation of suspension or exclusion shall be given in writing or by email and shall set out briefly and clearly the reasons for and the extent of the suspension or exclusion, including a specification if appropriate of persons with whom the student concerned shall have no contact. A student to whom notification of confirmation of suspension or exclusion is given shall be deemed to have received such notification within 24 hours of it having been issued.
- 7.6 The Principal shall review the suspension or exclusion every four weeks taking into account the current circumstances of the investigation or its outcome and any representations made by or on behalf of the student concerned.

8. PROCEDURE FOLLOWING INVESTIGATION OF MISCONDUCT

- 8.1 Each student whose conduct is the subject of an investigation will be notified of the decision reached and as to whether disciplinary action is to be taken by the University. Notification will normally be given to the student within five working days of the completion of the investigation (ie normally within fifteen working days of the misconduct being reported to the University Secretary) although in cases where the investigation is complex or information is delayed the decision and notification may also be delayed. The University Secretary shall notify the student concerned if there is going to be such a delay in the decision and give an indication as to when the student may expect to have a decision.
- 8.2 The University may decide (a) to take no further action, (b) to deal with the matter executively, (c) to refer the matter to the Chair of the Committee for action, or (d) to refer the matter to the Committee for disposal.

- 8.3 At any stage in the investigation it is open to the student concerned to admit that the misconduct occurred and accept responsibility therefor. He or she should do so in writing to the University Secretary and may be required to appear before the Committee for sentence.
- 8.4 In the event of it being deemed that no further action is to be taken by the University against the student, the student concerned will be notified accordingly.
- 8.5 The University Secretary may in appropriate cases where the misconduct is considered to be of a very minor nature and has been admitted by the student concerned, decide to take no formal disciplinary action but to deal with the matter executively by giving a written caution to the student containing a warning about the misconduct and the action which could be taken in the event of recurrence or other misconduct taking place.
- 8.6 Where the University Secretary considers in all the circumstances that the misconduct is of a minor nature and/or if the misconduct has been admitted and/or if time is of the essence in its disposal but where he/she does not consider that a caution is of itself appropriate, it may be referred to the Chair of the Committee for action. The Chair will meet with the student concerned, who may be accompanied by a friend and will thereafter reach a decision as to disposal. The Chair may request the University Secretary or other adviser to be present during the meeting. Action taken by the Chair shall be considered as action taken by the Committee.
- 8.7 Where an incident of misconduct is referred to the Committee for consideration, the University Secretary will arrange a meeting of the Committee as soon as possible, taking into account the need to provide appropriate notice to the student concerned. The Committee will normally be convened within twenty working days of the conclusion of the investigation. The student concerned will receive a formal notice including a specification of the misconduct alleged together with a requirement that he/she is to be present at the meeting, normally giving at least five working days' notice of the date and time of the meeting and indicating where the meeting is to be held. The student will also be informed of his/her entitlement to be accompanied. The procedure before and during the meeting of the Committee is set out in Appendix 2.
- 8.8 If the student does not appear before the Committee at the time and place indicated and no satisfactory explanation for the absence has been given and provided that the Committee is satisfied that due notice to appear has been sent to the student at his/her last recorded address, the Committee may proceed to deal with the misconduct charged and where appropriate impose a sanction in his/her absence.
- 8.9 The decision of the Chair or the Committee referred to respectively in Sections 8.6 and 8.7 above will be notified in writing to the student concerned normally within five working days of the respective meeting. The notification will also set out details as to how, if the student is aggrieved at the decision, the appeal procedure will operate. A student dealt with in terms of Section 8.5 also has the right to appeal against the caution given to him/her.

9. STUDENT DISCIPLINARY COMMITTEE

- 9.1 The Committee has the responsibility of (a) dealing at first instance with misconduct considered to be serious or persistent or referred to it, and (b) acting as an appeal forum for misconduct considered to be less serious which has been dealt with executively (by the University Secretary) or in terms of internal regulations.

- 9.2 The Committee will comprise a Chair, appointed by Senate; three members of academic staff selected by the Chair on a rotational basis from a list of experienced academic staff agreed by Senate, of whom one shall act in the place of the Chair if the Chair is absent as Deputy Chair; and the President of the Students' Association or a student appointed by him/her from the Executive of the Students' Association who is not involved whether as the friend in the proceedings or otherwise.
- 9.3 The Committee may, in appropriate cases, or in cases of urgency (as to which the Chair and the University Secretary shall decide) act through the Chair and any actions taken or decisions reached in this way shall be treated as decisions of the Committee and shall be reported to the next ensuing meeting of the Committee.
- 9.4 A member of the University Secretariat will act as presenter and will present cases to the Committee at its meetings.
- 9.5 The Committee may seek advice from and may have present during its meetings such advisers as it considers appropriate or necessary. Such advisers shall be present to provide advice to the Committee as to the carrying out of its function, decisions as to guilt and penalty in terms of the Code being matters for the Committee. A note of the proceedings of the Committee will be taken by a member of University administrative staff.
- 9.6 The Committee will reach decisions by a majority vote, the Chair having a casting vote (in the event of no majority decision having been reached) in addition to his/her deliberative vote.
- 9.7 The Committee will maintain minutes of its proceedings, summaries of evidence given at hearings conducted by it, and a Student Discipline Record Book for the recording of disciplinary decisions reached whether executively, by the Committee, by the Appeal Committee or otherwise.

10. DISCIPLINARY SANCTIONS

- 10.1 The sanctions which may be imposed in the event of misconduct being admitted or found proved include the following:
- (i) a caution in terms of Section 8.5 above which will be in writing and will remain on the student's record for a specified period or for the remainder of his/her time at the University;
 - (ii) a reprimand or severe reprimand which will be recorded and will remain on the student's record for a specified period or for the remainder of his/her time at the University;
 - (iii) exclusion for a specified period from the University;
 - (iv) exclusion for a specified period from a part or area of the University, for example student residences or the library;
 - (v) withdrawal of privileges (for example access to and use of the computer systems) for a specified period;
 - (vi) expulsion from the University;

- (vii) a financial penalty by way of a fine not exceeding £500 (see Section 10.4);
- (viii) an order for reimbursement or compensation payable either to a victim or the University (see Section 10.4);
- (ix) the carrying out of work to rectify any damage or other outcome of the misconduct;
- (x) in the case of misconduct relating to academic work, the cancellation of the academic work in question together with the cancellation of any other work which may possibly be affected in addition to any other appropriate penalty.

10.2 The above sanctions are not exclusive and shall be combined in appropriate cases.

10.3 The application of appropriate sanctions will be dependent on the nature and type of misconduct and its seriousness in the view of the University acting through the Committee, the Chair, or the University Secretary as the case may be.

10.4 In the case of a financial penalty being imposed or an order for reimbursement or compensation being made (Section 10 (vii) and (viii) above), the student concerned may be excluded from the University or part thereof or part or all of its facilities pending payment being made or satisfactory arrangements as to payment being agreed with the University Secretary. The Committee may, while imposing a penalty or order, include within its decision provisions which will come into effect in the event of non-payment.

10.5 In the event of the misconduct relating to academic work the Committee may, prior to imposing a penalty, seek advice on the effect of the misconduct and the appropriate penalty in the view of the School from the School to which the student concerned belongs and will take this into account in fixing the appropriate penalty.

10.6 The Committee will, in cases where the student concerned is also being prosecuted in the Courts in respect of the same incident of misconduct, where possible take into consideration the penalty imposed following the criminal trial, but need not await the outcome of the criminal trial before deciding on the appropriate penalty to be imposed if the misconduct is admitted or found to be proved in terms of the Code. Neither a decision by the Procurator Fiscal not to proceed at any stage with the complaint arising from the misconduct nor an acquittal of the student concerned following trial are of themselves grounds for a review or an appeal against a decision by the Committee.

11. APPEALS

11.1 A student who wishes to appeal against the outcome of action taken or a penalty imposed should appeal in writing to the University Secretary within ten working days of the date of issue of the written notification of the decision. The University Secretary will arrange for the appeal to be heard in accordance with the relevant procedure set out in Appendix 3.

Examples of Misconduct

Note: *It should be clearly noted and understood that any specific references to misconduct given in this Appendix are only examples of types of misconduct and do not exclude in any way the University's discretion as to conduct in individual circumstances which may constitute misconduct under this Code.*

1. The following shall (subject to the Note above) constitute examples of misconduct:
 - (i) disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere.
 - (ii) obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of the University or any authorised visitor to the University.
 - (iii) violent, indecent, disorderly, threatening or offensive behaviour or language whilst on University premises or engaged in any University activities.
 - (iv) fraud, deceit, deception or dishonesty in relation to the University or its staff or in connection with holding any office in the University or in relation to being a student or graduate of the University.
 - (v) action likely to cause injury or impair safety on University property or in connection with any University activities.
 - (vi) harassment, including sexual or racial harassment, of any student, member of staff or other employee of the University or any authorised visitor to the University.
 - (vii) breach of the provisions of any authorised University rule, regulation or code of practice which either provides for breaches to constitute misconduct under the Code or constitutes misconduct which would otherwise be dealt with under the Code.
 - (viii) examination or assessment offences and offences falling within the definition of "academic deceit" in terms of the Senate Policy on Academic Deceit.
 - (ix) damage to or defacement of University property or the property of other members of the University community caused intentionally or recklessly, and misappropriation of such property.
 - (x) misuse or unauthorised use of University property or items in or attached to such property, including computer misuse.
 - (xi) conduct which constitutes a criminal offence where that conduct
 - (a) takes place on University property, or
 - (b) affects or concerns other members of the University Community, or
 - (c) damages the good name of the University, or

- (d) itself constitutes misconduct within the terms of the Code, or
 - (e) is an offence of dishonesty, where the student holds an office of responsibility in the University.
- (xii) behaviour which brings the University into disrepute.
 - (xiii) failure to disclose name and other relevant details to an officer or an employee of the University in circumstances where it is reasonable to require that such information is given.
 - (xiv) failure to comply with a previously imposed penalty under the Code or under any other internal rule, regulation or code of practice.

Minor and Serious Offences

2. The level of action taken will depend on the misconduct which occurs. While some instances of misconduct are clearly identifiable as *minor* or *serious*, in the case of misconduct normally considered by the University as minor, the level of action taken will depend on the nature of the misconduct, and whether it is persistent or where there have been previous instances of misconduct (not necessarily cognate).

There is no hard and fast definition of what constitutes minor or serious misconduct: for example persistent instances of minor misconduct may lead to the matter being dealt with by the Committee rather than more informally. As a guide however, any instances of assault, indecent assault, fraud, theft, academic deceit, serious misuse of computer facilities or conduct likely to cause serious damage to University property or endanger the safety of persons is likely to be treated as serious misconduct.

Jurisdiction

3. The jurisdiction of the University (Section 3 of the Code) will apply in the undernoted areas (examples of types of misconduct within each area are also given). The references are to Section 3 of the Code.

where the conduct relates to academic or other work of the University. Examples of misconduct will include, for example, misuse of computer systems; matters of academic deceit, such as cheating in examinations, or plagiarism in coursework; theft of or damage to library books; theft of or damage to laboratory or computer equipment. (3.1 (i))

where the conduct, though not directly related to the work of the University, has occurred or commenced on University property. Examples of misconduct will include, for example, damage to University property; fighting; assault; theft from the University, staff or another student; possessing, using or supplying drugs; incitement to racial hatred. (3.1 (ii))

where the conduct relates to the academic or other work of the University but has not taken place on or within University property. Misconduct may occur, for example, on field trips, visits to other institutions or organisations, or during work placements. (3.1 (iii))

where the conduct involves other members of the University but does not directly relate to the work of the University nor does it take place necessarily on University property. Examples of misconduct will include assault (including sexual assault) on another student or member of staff; supplying drugs to other students. (3.1 (iv))

where the conduct (a) jeopardises or damages or may jeopardise or damage the good name and reputation of the University, or (b) raises the question as to whether a student should remain a member of the University because he/she poses dangers to other members, or to the good order, of the University community even though the conduct in question is not related to the work of the University, and/or did not take place on University property, and/or did not impact directly on staff or students of the University. Examples of misconduct include supplying drugs; downloading pornographic materials; serious sexual or other assaults; persistent theft; or incitement of racial hatred. (3.1 (v))

Procedure before and during meetings of the Student Disciplinary Committee

A. Procedure prior to the meeting

1. The University Secretary will notify the student, normally not less than five working days prior to the date of the meeting, that a disciplinary meeting is to be held and that he/she is required to attend. The notification will contain the time, date and place of the meeting, a specification of the misconduct and will ask the student whether he/she wishes to plead guilty or not guilty to the charge. The student will also be advised in the notification that he/she may be accompanied by a friend, and that if he/she wishes to submit written statements or call witnesses, copies of the written statements and the names and addresses of the witnesses should be submitted to the University Secretary not less than two working days before the date of the meeting.
2. The University will notify the student at least two working days before the meeting of any witnesses whom it proposes to call and will provide copies of or information about any relevant papers or written statements on which it proposes to found.

B. Procedure at the meeting

3. If the student does not appear before the Committee at the time and place indicated and no satisfactory explanation for the absence has been given and provided that the Committee is satisfied that due notice to appear has been sent to the student at his/her last recorded address, the Committee may proceed to deal with the misconduct charged and where appropriate impose a sanction in his/her absence.
4. At the meeting, the Chair of the Committee will identify those present and the purpose of the meeting. The Chair will seek confirmation from the student (a) that he/she understands the purpose of the meeting, (b) whether he/she pleads guilty or not guilty to the charge(s), (c) that any relevant papers which have been issued have been received, and (d) that the student accepts the procedure. The student and friend will be present throughout the meeting except as stated below.

In the event of the student pleading not guilty

5. The Presenter will present the case against the student by describing the alleged misconduct in detail by reference to documents and by calling witnesses (if any).
6. The student will then present his/her case with any supporting documentary evidence and oral evidence from witnesses (if any).
7. Witnesses will be called separately to the meeting. In each case, once witnesses have given the information which they have been asked about, the other party will have the opportunity of asking questions for clarification. Witnesses will leave the meeting after the conclusion of their evidence.
8. A final statement may be made on behalf of the University, followed by a final statement by or on behalf of the student.
9. If at any time relevant information is brought forward which requires further investigation or if further information is required, the meeting may be adjourned by the Chair and a time, date and place agreed for it to be reconvened.

10. Members of the Committee may ask questions during the presentations. Once the presentations have been concluded, the Chair and members of the Committee may seek further clarification to ensure that a clear understanding of the issues is reached. The Chair will then summarise the main points raised by the University and the student, and seek confirmation from the student that he/she has had the opportunity to say all that he/she wishes to say.
11. The Committee will then meet in private to consider the evidence which it has heard and its decision. It may require the presence of an adviser if it considers this to be necessary or appropriate. After reaching a decision, the Committee will normally again meet with the student and his/her friend to intimate orally its decision and to invite the student to present or have presented on his/her behalf information about any extenuating or mitigating circumstances which he/she may wish to advance prior to the Committee deciding on the penalty to be imposed.
12. The Committee will again meet in private (with an adviser if it considers this to be necessary or appropriate) to decide on the penalty to be imposed. The Committee will normally thereafter reconvene with the student and his/her friend present to intimate to him/her its decision as to the penalty to be imposed.
13. The Committee has the discretion if it considers it appropriate to intimate its decisions in writing only but if it chooses to follow this procedure it must, having reached a decision as to the student's guilt (see paragraph 11 above), reconvene with the student and his/her friend present to allow the student the opportunity of presenting information about any extenuating or mitigating circumstances before it reaches a decision as to penalty.

In the event of the student pleading guilty

14. The Committee may ask the Presenter to outline the case against the student but will invite both the Presenter and the student to inform the Committee of any relevant facts and circumstances additional to those set out in the documentary evidence available to the Committee. The Chair and members of the Committee may ask questions of the Presenter and/or the student for clarification. The student will then be invited to present or have presented on his/her behalf information about any extenuating or mitigating circumstances which he/she may wish to advance prior to the Committee deciding on the penalty to be imposed.
15. The Committee will meet in private (with an adviser if it considers this to be necessary or appropriate) to decide on the penalty to be imposed. While the Committee will normally thereafter reconvene with the student and his/her friend to intimate to him/her its decision as to the penalty to be imposed, it may intimate to the student that its decision will be conveyed to him/her in writing.

Miscellaneous

16. A student may provide written statements by third parties and/or may call a witness or witnesses to speak to his/her character, but in the event of a witness being called that witness shall be entitled only to make a brief relevant statement and shall not be examined or cross-examined in any way although the Chair or member of the Committee may ask questions for clarification.

17. Written notification of the decision and the penalty, together with advice on the student's right of appeal against the decision and/or the penalty will be sent to the student normally within five working days of the date of the decision having been made.

**Procedure before and during meetings with the
Chair of the Student Disciplinary Committee**

18. Where the Chair deals with an incident of misconduct without referring this to the Committee, written notification will be given to the student that the matter will be considered by the Chair who may be accompanied by an adviser and a Presenter. The student will be informed that he/she may be accompanied by a friend, and that he/she should indicate (a) that he/she pleads guilty to the charge of misconduct, and (b) that if he/she wishes, a written statement setting out the student's position and any extenuating or mitigating circumstances should be submitted to the University Secretary not less than two days before the date set for the meeting. The notification will normally also give to the student five working days' notice of the meeting and will specify the misconduct and the charge against the student and the time, date and place of the meeting. A note of the meeting will be kept.
19. The Chair will ask the student to confirm his/her plea and to advance any further information in addition to any written statement which he/she may wish to bring to the Chair's notice, particularly in regard to extenuating or mitigating circumstances. If necessary further clarification can be sought from the adviser, Presenter or the student.
20. The Chair will at the conclusion of the meeting consider the evidence and the penalty without the student being present and will again meet with the student to indicate his/her decision.
21. The decision of the Chair will be confirmed in writing to the student together with an indication that if the student disagrees with the decision, he/she may appeal to the Committee.
22. The Chair may at any stage of the proceedings decide to refer the matter to the Committee for a decision.

Appeals Procedures

A. Appeals to the Student Disciplinary Committee

1. The Committee will hear appeals against decisions of the Disciplinary Board of the Students' Association in the case of offences under the Students' Association Code, appeals against decisions made under internal regulations of the University, and appeals against decisions in terms of the Code taken by the University Secretary or the Chair.
2. The procedure for and during a meeting of the Committee acting as an appeal Committee shall be as set out below.

Procedure prior to the Meeting

3. Appeals shall be intimated in writing to the University Secretary within ten working days of the date of intimation to the student of the original decision. The notice of appeal must state clearly the grounds of appeal and whether the appeal is against the decision and/or the penalty imposed.
4. The University Secretary will convene a meeting of the Committee normally within twenty working days of the date of receipt of the notice of appeal. When the date of the meeting is set, the Secretary will give to the appellant normally not less than five days' written notice of the date, time and place of the meeting, the notification of the meeting indicating that the appellant may be accompanied by a friend (the friend will not include an officer of the Students' Association where the appeal is against a decision of the Disciplinary Board of the Students' Association) and that if the student wishes to submit a further written statement or call witnesses, the written statement and the names and addresses of the witnesses must be in the hands of the University Secretary not less than two working days before the date of the meeting.
5. The University will notify the appellant at least two working days before the hearing of any witnesses whom it proposes to call and will provide copies of or information about any relevant papers or written statements on which it proposes to found.
6. The Committee will receive a note of the proceedings of the original hearing and of the evidence considered and the decision reached. The Committee has discretion not to hear witnesses and not to consider evidence already heard by the original hearing.

Procedure during the Meeting

7. At the meeting, the Chair of the Committee will identify those present and the purpose of the meeting. The Chair will seek confirmation from the student (a) that he/she understands the purpose of the meeting, (b) that any relevant papers which have been issued have been received, and (c) that the student accepts the procedure. The student and friend will be present throughout the meeting except as stated below.
8. The appellant will present his/her evidence first with any witnesses being called. The University will then present its case with any supporting evidence from witnesses.
9. Witnesses will be called, subject to the discretion of the Committee, separately to the meeting. In each case, once witnesses have given the information which they have

been asked about, the other party will have the opportunity of asking questions for clarification. Witnesses will leave the meeting after the conclusion of their evidence.

10. Each party will have the opportunity of making a final statement, in the same order as in paragraph 8 above.
11. Members of the Committee may ask questions during the presentations. Once the presentations have been concluded, the Chair and members of the Committee may seek further clarification to ensure that a clear understanding of the issues is reached. The Chair may adjourn the meeting if in the opinion of the Committee further information is required, fixing a date, time and place for the reconvened meeting.
12. The Committee will thereafter meet in private (with adviser(s) if it considers it necessary or appropriate) to consider its decision and will intimate this in writing to the appellant normally within five working days of the date of the meeting.
13. The Committee has the right to confirm, vary or set aside any finding, decision or penalty imposed upon the appellant in terms of the Code or other internal regulation, and has the power in particular to increase any penalty previously imposed. The decision reached by the Committee will be entered in the Student Discipline Record Book and will be intimated to the person or body having heard the matter at first instance.
14. In the case of appeals against a decision or a penalty imposed in terms of an internal regulation, the decision of the Committee is final and no appeal to any other authority is competent.

B. Appeals from decisions of the Student Disciplinary Committee

1. Appeals against decisions of the Committee, or against decisions of the Chair where the Committee takes the view that it would be appropriate for such an appeal not to be heard by the Committee, shall be to the University Court acting through a sub-committee known as the Student Disciplinary Appeal Committee. The Appeal Committee will comprise three lay members of Court of whom one shall act as Chair.

Procedure prior to the Meeting

2. An appellant requires to submit to the University Secretary a written notice of appeal setting out clearly the grounds of appeal, whether the appeal is against the decision of or the penalty imposed by the Committee and any information or evidence supporting the grounds of appeal. The notice of appeal shall contain sufficient information to identify and support the grounds of appeal.
3. Appeals will normally be heard by the Appeal Committee within twenty working days of receipt by the University Secretary of a notice of appeal which provides the necessary information or the date on which such information is received. The University Secretary will arrange a meeting of the Appeal Committee, and will notify in writing the appellant not less than five working days before the meeting. The notification will specify the date, time and place of the meeting, will have attached to it a statement responding briefly to the notice of appeal submitted by the appellant together with a note of any witnesses to be called by the University and information about any documents or other information to be founded on, and will advise the appellant that he/she may be accompanied by a friend.

4. The appellant should submit to the University Secretary not less than five working days before the meeting the names and addresses of any witnesses who are to be called in support of the appeal and a note of any further evidence or documentation which the appellant wishes to use in support of the appeal. The appellant requires also to indicate whether he/she intends to be accompanied by a friend and to provide details of such friend. In the event of the supporting information being extensive, new or submitted at a late stage, the Appeal Committee may decide to postpone the meeting to enable it to be considered, or may decide to disregard such evidence.
5. The Appeal Committee may seek advice from and may have present during its meetings such advisers as it considers necessary or appropriate.
6. The Appeal Committee will not reconsider any matters raised at an original hearing and will only consider new or additional evidence or a statement of mitigating circumstances which was not reasonably available at the original hearing. In particular the Appeal Committee will not re-hear any or all of the evidence considered at the original hearing, relying on the record of the meeting and the statements submitted by the appellant although it has the discretion to recall and question witnesses if it wishes.
7. The answer to the appeal will be presented by the Presenter. A member of the Secretariat will keep a minute of the proceedings of the Appeal Committee.

Procedure during the Meeting

8. The meeting will be conducted as follows:
 - (i) The appellant or his/her friend shall speak to his/her statement of appeal and may call witnesses. The Presenter has the opportunity of asking questions of either the appellant, his/her representative or of any witnesses. The Appeal Committee may also seek clarification of any points raised in the notice of appeal and any supporting documentation or in the evidence given.
 - (ii) The Presenter shall put the University's response to the appeal in the presence of the appellant and may call witnesses. The appellant or his/her friend may ask questions of the Presenter and of any witnesses. The Appeal Committee may also seek clarification of any matters raised during the presentation.
 - (iii) Witnesses will only be present in the meeting during their evidence.
 - (iv) The appellant or his/her friend and the Presenter will have the opportunity to sum up their cases if they so wish, with the appellant speaking first. The Chair and members of the Appeal Committee will seek any further clarification which is considered necessary from the parties. The appellant and his/her friend and the Presenter will then withdraw from the meeting.
 - (v) The Appeal Committee will consider the information made available to it and will reach a decision in private. The parties may be recalled to clarify facts presented, but any recall must include both parties. The Appeal Committee's advisers will be present to advise during the meeting and may be present during consideration of the outcome of appeal.
 - (vi) The Appeal Committee will intimate its decision in writing through the University Secretary, normally within five working days of the hearing. The decision given will be final. The decision will be recorded in the Student Disciplinary Record Book.

The Student Disciplinary Code was approved by the University Court of the University of Abertay Dundee at a meeting on 30 June 2001. It replaces the Code of Student Discipline (Edition No. 1) approved by the Governors of Dundee Institute of Technology on 7 May 1974.

University Secretary & Director of Operations
September 2001