

BEHAVIOUR AGREEMENT AND SUSPENSION POLICY

1 Introduction

1.1 Behaviour agreements and student suspension are not a punishment; they are a temporary precautionary measure taken in response to an allegation of misconduct (as defined by the Disciplinary Policy) or to ensure the wellbeing of all parties where an allegation of misconduct may be reasonably anticipated, or a criminal case is on-going. They are not punitive but rather intended to facilitate an investigation to proceed unimpeded or to protect the student or other members of the University community. Behaviour agreements and suspension are non-judgemental processes and will be considered where appropriate. This policy supersedes those relating to attendance.

2. Cases in which suspension or behaviour can be considered.

Suspension or behaviour agreements may be considered as appropriate in the following cases:

- a) Where it is reasonably believed there is or will imminently be a police investigation pending into an allegation that the student has committed an offence or offences against the criminal law, where the offences involve other students or affect or have the potential to affect the interests of the University or have the potential seriously to affect the health and safety of staff or students.
- b) Where a complaint has been made about the student under the University's Disciplinary Policy
- c) Where a student's previously undisclosed criminal conviction, as defined in the University's **Criminal Convictions Policy**, is made known to the University, and the University determines that the past offence(s) may affect the interests of the University or may seriously affect the health and safety of staff and students.
- d) where a student may be causing disruption to others or may be severely damaging their own academic prospects or may be seriously affecting the health and safety of staff or students.
- e) as a short-term emergency measure to facilitate an investigation into the conduct of a student.

3. Emergency suspension

3.1. Emergency suspension will normally only be considered where the alleged misconduct poses a serious risk to the health, safety, welfare or property of the student or others.

3.2 As an emergency measure and following consultation with the relevant Director of the student's academic department and/or Head of Subject and course coordinator(s), the Head of Quality Assurance & Enhancement (QAE) or Vice-Chancellor (or their

nominee) may suspend a student from the entire or specified parts of the University for up to ten (10) days, where the Head of QAE or Vice-Chancellor (or their nominee) is of the reasonable opinion that it is urgent and necessary to take such action. Such a period of emergency suspension will be used for further investigation of the matters prompting such action.

3.3 When an emergency suspension is put in place the Head of QAE or Vice-Chancellor (or their nominee) must within 24 hours make all reasonable efforts to provide to the student, the Director of the student's academic department and Quality Assurance & Enhancement (QAE):

- a) a written notification of the emergency suspension including the reasons for that suspension;
- b) a copy of this regulation; and
- c) notification of the student's right to make oral or written representations to either the Head of QAE or Vice-Chancellor (as directed within the notification) within five (5) working days' receipt of the notice of suspension.

3.4 Any representations made by the student within five (5) working days' receipt of the notice of suspension will be considered by the Head of QAE or Vice-Chancellor (or their nominee) as soon as practicable, but in any case, within two (2) working days of receipt of such representations. The Head of QAE or Vice-Chancellor (or their nominee) will then confirm to the student, the Director of the student's academic Department and QAE whether the suspension is to be lifted or remain in place.

4. Suspension

4.1 The Head of QAE or Vice-Chancellor (or their nominee) may suspend a student for a period of up to four (4) weeks from any part of the University or any University facilities or activities by providing written notification of the suspension to the student and a copy of this regulation. Any such student may not use, access or enter any such University buildings or facilities as may be specified by the Head of QAE or Vice-Chancellor (or their nominee) for a defined period but may use, access or enter all University buildings or facilities not thus specified. An order of suspension may include a requirement that the student have no contact of any kind with defined person or person(s).

4.2 Any academic member of staff shall have the right to require any person to leave his or her class for one particular teaching session. Where an academic member of staff believes it is necessary to raise an allegation of misconduct under University discipline regulations, they may seek to suspend the student from a particular class for a period not exceeding four (4) weeks, pending the outcome of a disciplinary investigation. In such a case, the academic member of staff should seek approval from the Director of the academic department or their nominee who will then seek approval for the suspension from the Head of QAE or Vice-Chancellor (or their nominee). Following consultation with the relevant Director of the student's academic department and Head of Subject and course coordinator(s), the Head of QAE or Vice-Chancellor (or their nominee) may suspend the student from that particular class for up to four (4)

weeks, where they are of the reasonable opinion that it is necessary to take such action. The student, the Director of the student's academic department and QAE should be informed in writing of the suspension by the Head of QAE or Vice-Chancellor (or their nominee).

4.3 A Director of an academic department or their nominee shall have the right to exclude any student from attending any part of a module for which they are not registered, if this is appropriate to ensure the proper conduct of the class.

4.4 The Head of QAE or Vice-Chancellor (or their nominee) may exceptionally suspend a student from the entire University pending completion of a police investigation or criminal proceedings or for any other reason, for a period of up to twelve (12) months.

5 Review and appeal

5.1 Throughout a period of suspension the Vice-Chancellor or Head of QAE (or their nominee) shall keep the suspension under review in light of any representations, developments or information which are brought to their attention and which in their reasonable opinion change the nature of the suspension or warrant its lifting. Should the period of suspension exceed four (4) weeks, the suspension should be reviewed at four-weekly intervals.

5.2 In addition to 5.1 above, the Vice-Chancellor or Head of QAE (or their nominee) must conduct a thorough investigation during the period of the suspension to establish whether the suspension should be lifted or whether the suspension be continued for a further specified time. If the investigation is not concluded by the end of the period of suspension, the suspension may continue for a further specified time as determined by the Vice-Chancellor or Head of QAE (or their nominee) with the student, the Head of the student's academic department and QAE being so notified. The student's period of suspension shall normally be concluded should no conclusion to the investigation have been reached at the end of the further specified time.

5.3 In all cases where the suspension might involve removing the student temporarily or otherwise from his or her accommodation, the Accommodation Office must be contacted as soon as possible for advice on how to proceed.

5.4 If it becomes apparent that the student may have mental health support needs, then proceedings should be adjourned and advice sought from Student Services. The **Health, Wellbeing and Support for Study Policy** may be invoked as more appropriate to the circumstances pertaining at the time.

5.5 The Vice-Chancellor must be notified where a student is suspended:

- a) for four weeks or more; and/or
- b) the suspension is from the entire University.

5.6 A student may appeal against suspension where his or her suspension is continued beyond four weeks through the University's appeals procedure.

6. Attendance during suspension

- 6.1 Students are normally expected to fulfil all academic commitments during a period of suspension, where feasible. The student cannot however be granted access to classes or areas from which they are suspended.
- 6.2 The Director (or nominee) of the student's academic department will advise the Vice-Chancellor and/or Head of QAE (or their nominee), and the student on how and to what extent academic commitments can be fulfilled during suspension, and any means of mitigating the academic consequences of a suspension.
- 6.3 If, in the reasonable opinion of the Director (or their nominee) of the student's academic department, it is not possible to mitigate adequately the academic consequences of a suspension within the current academic year, the student may be required to intermit until they can resume their studies at an equivalent point during the following academic year to that when the suspension began. The Director of the student's academic department in conjunction with QAE will determine the appropriate point of recommencement.

7. Behaviour Agreements

- 7.1 Behaviour agreements are initiated where the University does not decide to suspend the student but determine it would be appropriate to prevent contact with others involved in an ongoing case. These can be initiated by Head of Student Cases & Advice (or delegated nominee).
- 7.2. All open disciplinary cases which QAE are made aware of will incur at minimum a behaviour agreement during an ongoing investigation. A risk assessment will then be completed before deciding whether a suspension should be put in place in line with section 3.
- 7.3 A behaviour agreement can require a student to not have contact of any kind with a defined person or persons (this includes online or through an intermediary person) as well as identify specific areas of university campus or accommodation a student is banned from accessing (such as specific halls accommodation buildings) to avoid contact.
- 7.4 A behaviour agreement will normally be issued initially for a period of 4 weeks. Exceptions to this include that there is understanding an ongoing police investigation / case will exceed this time frame, or there is demonstrable reason this should be shorter (i.e., student registration ends in 2 weeks). This will be reviewed on an ongoing basis with extensions following the same approach.
- 7.5 If a student does not agree to the behaviour agreements and does not specify appropriate rationale, why they should not undertake the agreement the Head of Student Cases & Advice can recommend the student be suspended by Head of QAE or Vice Chancellor (or their nominee) who will make a final decision on this.
- 7.6 As a decision of the University, a student may appeal against a behaviour agreement through the University's appeal procedure.

VERSION CONTROL

PURPOSE/CHANGE	AUTHOR	DATE
Original document for approved at AQSC.	QAE	November 2015
Updates to the clauses below following approval at Academic Board: 3.2; 3.3; 3.4; 4.1; 4.2; 4.4; 5.1; 5.2; 6.2.	QAE	12/07/2017
Update to policy title: 5.4	QAE	August 2019
Updates to include information regarding behaviour agreement information (1.1, 2, 3.4) and creation of section 7 to that affect, 2a regarding status of a police investigation, updated to reflect role changes (3.2, 3.3, 3.4, 4.1, 4.2, 4.4)	QAE	9 June 2021