

## SPSO decision report

**Case:** 201507619, University of Edinburgh  
**Sector:** universities  
**Subject:** student discipline  
**Decision:** not upheld, no recommendations

### Summary

Mrs C, a solicitor, complained on behalf of her client (Mr A). Mr A, a postgraduate student, became the subject of two misconduct investigations by the university. The first was about several allegations of misconduct related to Mr A's behaviour (case A). The second related to an allegation of academic misconduct in a paper published by Mr A at a conference (case B). Following investigation, both cases were upheld by the respective conduct investigators and both were referred to a student disciplinary committee (SDC). Following a hearing, the SDC upheld case B and most of the allegations under case A. The SDC decided to exclude Mr A permanently from the university, with no eligibility for re-admittance on any course or degree programme.

Mrs C complained that the university's investigation of both cases was unreasonable, as important aspects of the process were unfair, perverse, irrational or arbitrary. Mrs C also complained that the conduct of the SDC and the disciplinary penalty imposed were unfair. Amongst other things, she raised concerns that:

Mr A was not offered an interview during the investigation into case B;

the SDC hearing went ahead despite Mr A submitting a medical certificate stating he was unfit to work;

several witnesses who had been asked to attend the SDC (to support case A) decided at a late stage not to attend; and

the SDC did not allow Mr A to have a translator or take into account that he speaks English as a second language.

We found that Mr A received adequate notice of the allegations, and had a reasonable opportunity to respond. The evidence provided by the university showed that the investigators had taken into account relevant evidence and given detailed reasons for their decision, which were shared with Mr A before the hearing. We noted that the university's policy did not specifically set out how they would deal with requests for postponing an SDC hearing (for example on medical grounds), or how they would take into account students' individual needs in considering requests for additional support (such as the use of a translator). However, in this case we considered the evidence indicated that Mr A received a fair hearing, particularly as there was a dual language speaker available at the hearing to assist with translation issues. We did not uphold Mrs C's complaints.