



Student Discipline Procedure

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STUDENT DISCIPLINE PROCEDURE

Introduction

1. UK Management College (UKMC) (hereafter the 'College') aims to provide a supportive and positive environment for learning and teaching. It is committed to ensuring that the rights of individuals are respected and that each person is treated with dignity, respect and courtesy at all times. Students are expected to conduct themselves in accordance with this commitment and should show concern for the reputation of the College and the student body, and for the effect their behaviour may have on their fellow students and staff as well as others visiting the College. In this context, the College has the power to discipline students who fail to meet acceptable standards of behaviour and conduct, and to suspend, exclude or expel any student where there is good cause.

2. The College seeks to ensure that all students are aware of their obligations with regard to conduct and acceptable standards of behaviour, and of the likely consequences of failure to meet these obligations. Students have a responsibility to be aware of and comply with the College's policies, procedures and regulations, all of which are published on the College's website. On enrolment, all students are required to confirm that they accept the policies, procedures and regulations of the College, which include the General Regulations, the Student Charter, Dignity at Study, Online Safety, Acceptable Use of IT, and this Student Discipline Procedure.

Purpose

3. The purpose of the Student Discipline Procedure is to ensure the fair and consistent treatment of students by providing a clear and impartial process for dealing with allegations of misconduct or unacceptable behaviour within a reasonable timeframe and with due regard to the spirit of natural justice. Accordingly, it sets out the rights and duties of all those concerned in considering allegations of misconduct and the range of penalties that could be applied for breaches of acceptable standards of behaviour (see appendices 1 and 2).

4. This Procedure operates in accordance with the Office of the Independent Adjudicator (OIA) Good Practice Framework: Disciplinary procedures issued in October 2018.

Scope

5. The Student Discipline Procedure applies to all students enrolled on a course at UKMC. It applies to the behaviour and conduct of students whilst on the College's premises. It also applies to behaviour and conduct off-site during College activities such as placements and field trips, and those activities when the student may be regarded as representing the College as an individual or as part of a team or group.

6. The College will not normally take disciplinary action against students acting in their personal capacity in their own homes or in public places away from the College's premises (which includes social media) except where the student's behaviour is serious enough to warrant concern about the potential safety of students and/or staff of the College or where the alleged victim of the behaviour is the College itself or a student or employee of the College. Examples of this may include the police being called to an incident, serious assault on others, anti-social behaviour or where the student's behaviour may adversely impact the College's community or the College's reputation.

7. There is a separate procedure for dealing with allegations of academic misconduct, including allegations of plagiarism, collusion and cheating. However, depending on the nature of the academic misconduct considered proven by the Student Academic Office (SAO) further action may be taken under this Student Discipline Procedure.

8. Where an investigation following an allegation of misconduct indicates that the student's behaviour may be due to physical, mental or emotional wellbeing difficulties, consideration should be given to whether to instead follow the Fitness to Study Procedure.

Principles

9. The procedure is designed to help and to encourage students to achieve and maintain acceptable standards of behaviour by dealing with breaches of the College's rules, regulations and standards of conduct in a supportive manner through proper investigation and explanation.

10. The procedure is built on the principle that decision-making will be free from bias

or conflict of interest. Any judgement made will be on the basis of the evidence provided by all parties.

11. Investigations into allegations of misconduct will be carried out in a timely, objective and thorough manner, with due regard to confidentiality.

12. An allegation will be found proven if it is considered that the evidence presented identifies, on the balance of probabilities, that the student is blameworthy of the misconduct.

13. Any disciplinary action taken must satisfy the test of reasonableness in all the circumstances and be proportionate to the offence. Account will be taken of the student's previous record and any other relevant factors, including mitigation.

Commitments

14. In considering any allegations, appropriate attention will be paid to the requirements of the Equality and Diversity Policy. In particular, reasonable adjustments will be made for those with disabilities, specific learning difficulties or long-term medical conditions to ensure that the procedure can be applied equitably to all students.

15. All proceedings should be conducted on the basis of strict confidentiality. All parties to the allegation and individuals who have been involved in any related investigation and/or the management and/or the administration of the case will observe the requirements for confidentiality. Whilst confidential information may need to be disclosed in order to appropriately consider and investigate the allegation, this will only be to those staff involved in or relevant to proceedings.

16. All documentation, correspondence and information in relation to student disciplinary investigations and proceedings will be treated as strictly confidential. The formal outcome and evidence on which decisions were reached will be retained by the SAO pending any further action. These papers will be made available as required to bodies/individuals with the necessary authority to require disclosure. All copies of papers provided to those involved in proceedings will be returned to SAO and destroyed.

17. Students can access impartial and confidential advice from the Student Support

Team in the SAO at any stage in the procedure.

18. At every stage in the procedure, the student will be informed of the nature of the allegation against them. The student will be given the opportunity to respond to the allegation and state his or her case before any decision is made.

19. At every stage in the procedure, the student has the right to be accompanied by a friend. A friend is defined as a member of staff of the College, or a registered student of the College. The role of the friend is to act as an observer, give moral support and to assist the student to make their case. The friend should not also be a witness to the alleged incident. In addition, where reasonable adjustments are required, a student may be accompanied by a supporter e.g. a sign language communicator or a note-taker, and a student with difficulty in understanding English may be accompanied by an interpreter.

20. Audio recordings of meetings will not normally be allowed, although reasonable adjustments may be made if required in accordance with the Equality and Diversity Policy. Requests for adjustments must be made in advance to SAO.

21. It is in the interests of all to resolve disciplinary matters as quickly as possible. Whilst every effort will be made to work within the published timescales, these may be subject to reasonable variation after discussion between the parties or if circumstances require. Where timescales are extended, all parties will be updated on the progress of the investigation on a regular basis.

22. If at any stage during the procedure the student is unable to attend a meeting through sickness or any other valid reason, reasonable efforts will be made to rearrange events to enable the student to be present or to participate via other means, for example by telephone or Skype. However, in the interests of progressing the disciplinary action, where alternative arrangements cannot be made, a meeting may take place without the student present. In such cases, exceptionally, the student's friend may be authorised in writing by the student to attend in their absence.

23. If a student under the age of 18 is involved in any disciplinary action, their parent/guardian may be informed.

24. The College reserves the right to report any incident to the police where the

alleged misconduct may constitute a criminal offence and has been committed against the College or where there is suspected terrorist activity.

Expectations

25. Students must recognise that they are independent adults with legal and social responsibilities and are therefore personally accountable for their actions and behaviour.

26. Students are strongly advised to consult the Student Support team as soon as they learn that an allegation of misconduct has been made.

27. Students are encouraged to respond to any allegation of misconduct, even if only to confirm that they have no comment to make.

28. Students are required to attend any meetings called to discuss their behaviour when requested to do so, and are expected to answer all reasonable questions and to co-operate in the investigation.

Definition of misconduct

29. Misconduct is behaviour which interferes with the proper functioning of the College and its activities or those who work and study at the College, or which has the potential to damage the reputation of the College or the student body.

30. The following list is indicative of behaviour which would constitute misconduct and is provided for guidance. It is neither exclusive nor exhaustive, and there may be other offences which also constitute misconduct.

- a) Disruption of, or improper interference with, the academic, administrative, sporting, social, or other activities of the College;
- b) Obstruction of, or improper interference with, the activities, functions or duties of any student, member of staff, or authorised visitor to the College, including failure to disclose name, student number or other relevant details to a member of College staff in circumstances when it is reasonable to require such information to be given;

- c) Violent, indecent, disorderly, threatening, aggressive or offensive behaviour or language, however expressed, towards any other student, member of staff, or visitor to the College;
- d) Bullying or harassment in any form of any member of the College's community (including students, members of staff, contractors, or other authorised visitors to the College);
- e) Inappropriate use of social media, including making offensive comments to or about members of the College's community and/or publishing audio or visual recordings of members of the College's community without their consent and with the intention to cause embarrassment, distress or harassment;
- f) Misuse or unauthorised use of College premises or items of property, including computer misuse or breaches of the College's acceptable use of IT policy;
- g) Damage to, or defacement of, College property or the property of other students, caused intentionally or recklessly;
- h) Theft or unauthorised removal of any property owned or leased by the College or property belonging to a student, member of staff, or authorised visitor to the College;
- i) Behaviour that uses, or attempts to use, fraud, deceit, deception or dishonesty in relation to the College or its staff or in connection with holding any office in the College or in relation to being a student of the College, including the falsification of College records including letters, certificates and transcripts;
- j) Actions which might cause injury or put at risk the health or safety of people on College premises or whilst on College activities;
- k) Behaviour that jeopardises or damages the good order or reputation of the College, staff or the student body;
- l) Drug use on College premises and/or attending classes or entering any other learning environment whilst under the influence of alcohol or drugs;
- m) Possession of offensive weapons, possession of implements that are intended for use as weapons and possession of illegal substances on College premises, on College activities;
- n) Conduct which constitutes a criminal offence when that conduct took place on

College premises, or in the course of College activities, or against any member of the College community;

- o) Conviction of a criminal offence, irrespective of where committed, where the consequences of the offence could impact on College staff, students or property;
- p) Interfering with or intimidating witnesses in disciplinary proceedings;
- q) Failure to comply with a penalty and associated conditions previously imposed under this procedure;
- r) Malicious and/or vexatious allegations and complaints brought against a student, member of staff, or the College under the Student Complaints Procedure;
- s) Behaviour that breaches any other regulation, policy or rule of the College.

31. For the purposes of this procedure, misconduct is categorised at one of two levels, minor or major. Minor misconduct is generally behaviour which is inappropriate but has a small or temporary impact on the College community. Major misconduct is of a more serious nature and is generally behaviour which has, or has to the potential to have, a significant impact on the College community. Examples of indicative offences at each level are set out in appendix 1. This list is provided for guidance only. It is neither exclusive nor exhaustive and there may be other offences not listed which will constitute misconduct.

PROCEDURE FOR DEALING WITH MISCONDUCT

32. There are three stages for disciplinary proceedings: the informal stage for early intervention and informal resolution; the formal stage, with one process for minor misconduct and admitted major misconduct (considered by a Disciplinary Officer) and another process for major misconduct that has not been admitted (considered by a Disciplinary Panel); and the review stage. Initially, allegations of misconduct may be dealt with either at the informal or the formal stage. The process for each of the stages is set out in paragraphs 48 to 80.

33. Additional information regarding the procedure for dealing with allegations of misconduct which may also constitute a criminal offence is set out in Appendix 3.

Reporting allegations of misconduct

34. Any allegations of misconduct should be reported to the Head of Academic

Services (HAS), SAO or Course Leader at the earliest opportunity. Allegations of misconduct may arise from a number of sources including observations by members of College staff (see also paragraph 37 below), complaints from fellow students, reports from the police, and complaints from the public.

35. All members of College staff, including persons acting as agents of the College such as security staff, are empowered to take such action as may be necessary to prevent or bring an end to any conduct that may be in contravention of the College's rules and regulations and may be considered misconduct. In such cases, for transparency and to ensure consistency and equitable treatment of all cases, all incidents should be reported at the earliest opportunity to SAO and/or the HAS or nominee.

36. Following receipt of an allegation of misconduct, the HAS, in consultation with the SAO will determine whether the allegation can be dealt with at the informal stage or is of sufficient concern that formal stage proceedings should be instigated. In potentially serious cases, the HAS and SAO may recommend to the Dean that the student is suspended pending investigation (see paragraphs 39 to 50).

Precautionary action (including suspension) pending investigation and/or outcome of formal disciplinary proceedings

37. Where a student is the subject of an allegation of misconduct, has a criminal charge pending or the subject of a police investigation, the College may take precautionary action pending the outcome of the disciplinary process or the conclusion of the police investigation and/or any criminal proceedings. Such action may be considered necessary in order to ensure that a full and proper investigation can be carried out (either by the police or by the College), or to protect the alleged victim or others whilst the allegation is being dealt with.

38. Precautionary action may include imposing conditions requiring the student to have no contact with a named person or persons, or suspending the student from the College, with the suspension applying to placement elements, theory elements or both.

39. A student who is suspended may be wholly or partly prohibited from entering the College's premises and from participating in College activities, including exercising their duties of any office or committee membership in the College. The suspension may be

subject to qualification, such as giving permission to attend an examination or submit an assignment, and depending on the nature of the alleged misconduct, the suspension may permit or deny access to LearnSpace (we have this?) and other online resources.

40. Suspension is an interim measure and is not a punishment. The suspension may be to take a student off campus or out of placement for their own safety or for the safety of others while an investigation is carried out, or to provide a cooling off period.

41. In cases where the safety of others is perceived to be at risk, or where deemed necessary to protect the property of the College or of a member or members of the College community or to protect or uphold the reputation of the College, the suspension may be with immediate effect following receipt of the allegation.

42. Only the Dean may suspend a student. In the absence of the Dean, the Chief Operating Officer is empowered to authorise the suspension.

43. The period of suspension is at the discretion of the Dean (or equivalent) or their authorised representative.

44. The terms of the precautionary action and the reason for it will be notified to the student in writing by the Dean. The student will also be informed how to appeal the decision.

45. The suspension of a student, wholly or partly, will be reviewed every four weeks, or at any stage if there is a material change in the circumstances of the case, and a recommendation made to the Dean as to whether the suspension should continue. The review will be carried out by a member of the Executive Board who has not had any involvement in the case. Factors to be considered as part of the review include the reason(s) for the suspension, any altered circumstances, the stage of any investigation(s), the behaviour of the student since being suspended and the estimated timescale before the case is likely to be resolved. Those carrying out the review may also consult with the relevant course leader, and the student will also be given the opportunity to submit written representations and to make representations in person.

46. Should the outcome of the review be a recommendation to lift the suspension, consideration will be given to any terms that should be applied to the student's return to the College. The lifting of the suspension will not affect the disciplinary process. The

suspension may be reinstated immediately if there are grounds for suspecting that the student is either seeking to influence the proceedings or if there is a further incident of misconduct, either related or unrelated to the original cause of suspension.

47. Should the suspension continue after the review, it shall remain under review and subject to review at four-weekly intervals until the conclusion of the formal stage proceedings.

STAGES

Early intervention and informal resolution (informal stage)

48. The College encourages open and transparent communication between staff and students in order to identify and remedy minor incidents of misconduct as speedily and as effectively as possible. There is likely to be less recourse to the formal stage if deficiencies in a student's conduct, including standards of behaviour, are brought to their attention at the earliest possible opportunity by their tutor or other appropriate member of staff and where appropriate help and support are offered to the student.

49. It is expected that the Head of Academic Services (HAS) ensure that processes and appropriate recording mechanisms are in place locally to respond to minor incidents of misconduct in a timely and proportionate way through early intervention and informal resolution. This may include a compulsory meeting with the HAS, regular pastoral support and guidance with the student's Module Tutor, or referral to Student Support for further specialised support and guidance.

50. If the student is required to attend a compulsory meeting with the HAS or nominee, the student may be accompanied at the meeting by a friend as defined in paragraph 20. At this meeting, the HAS or nominee may decide to impose a penalty on the student for a proven and/or admitted act of misconduct, in accordance with the table in Appendix 2. The HAS or nominee will be responsible for determining the penalty and explaining the rationale to the student, either verbally or in writing.

51. Where attempts have been made at early intervention and informal resolution but there are repeated incidents of misconduct or, as a result of discussion with the student, the matter is found to be more serious than it initially appeared, the HAS, in consultation with the Chief Operating Officer may initiate formal stage proceedings.

Formal stage

52. On the instigation of formal stage proceedings, SAO be notified and an Investigating Officer will be appointed to carry out a preliminary investigation to establish whether there is sufficient evidence to support the allegation of misconduct and, if so, to determine whether it should be classified as minor or major misconduct. The Investigating Officer will normally be a senior academic who has been trained to undertake the role of Investigating Officer and has had no previous involvement in the case.

Formal stage – preliminary investigation

53. The Investigating Officer, via SAO, will arrange a meeting with the student in order to discuss the allegation, normally within ten working days of receipt of the allegation.

54. The student will be informed of the date, time and venue for the investigative meeting in writing by SAO at least three working days before the meeting, and will be provided with a summary of their alleged misconduct. The student will also be advised that they may be accompanied at the meeting by a friend (as defined in paragraph 19) and that guidance and support is available from the Students' Support Team in the SAO.

55. The Investigating Officer may also interview, or request written statements from, relevant staff and students as part of their investigation in order to establish the facts of the case.

56. A representative from SAO will be present at all meetings held as part of the preliminary investigation to take minutes of the discussions. A copy of the minutes will be sent to the participants in the meeting(s) for approval as an accurate record of discussions.

57. Following the preliminary investigation, the Investigating Officer will produce a report providing:

- a summary of the allegation;
- an outline of the investigation carried out;
- a summary of the findings, including whether the student has admitted the misconduct;

- a conclusion on whether there is sufficient evidence to support the allegation;
- a summary of how the alleged misconduct may impact on an individual, a group, or the College as a whole;
- the category of misconduct (minor or major).

58. The Investigating Officer will discuss their report and findings with the Dean or nominee who will decide, based on the balance of probabilities, one of the following outcomes:

- a) there is no case to answer and no further action should be taken;
- b) there is a case to answer, but it should be pursued under another procedure (for example Fitness to Study procedure);
- c) the allegation should be considered under the formal proceedings by a Disciplinary Officer (see paragraphs 60 to 65);
- d) the allegation should be considered under the formal proceedings by a Disciplinary Panel (see paragraphs 66 to 76);
- e) the allegation is frivolous, malicious or vexatious, in which case there is no case to answer but action may be taken against the individual who made the allegation.

59. The student will be notified by SAO of the outcome of the preliminary investigation, normally within five working days of the decision. In all cases, the student will be provided with a rationale for the decision, and given clear information about what will happen next (where applicable).

Formal stage – disciplinary proceedings by a Disciplinary Officer

60. If, following the preliminary investigation, the alleged misconduct has been admitted by the student, or there is sufficient evidence to support the allegation and it is categorised as being minor, the case can be referred to a Disciplinary Officer to complete the disciplinary proceedings.

61. The Disciplinary Officer will normally be a senior member of academic staff and will have been appropriately trained for the role.

62. When notified by SAO the outcome of the preliminary investigation, the student will be asked to submit a written statement in response to the allegation and any relevant supporting evidence for consideration by the Disciplinary Officer. The student will be given a date by which to submit the written response, normally within five

working days. The student will also be informed of the date, time and venue for the disciplinary meeting with the Disciplinary Officer. The student may be accompanied at the disciplinary meeting by a friend, as defined in paragraph 19.

63. In advance of the disciplinary meeting, the Disciplinary Officer will review the Investigating Officer's report, minutes of the Investigating Officer's meetings and written statements gathered by the Investigating Officer, along with the written statement submitted by the student. Following this review, the Disciplinary Officer may seek clarification or request additional evidence or statements as they deem necessary in order to reach an informed decision.

64. At the disciplinary meeting, the Disciplinary Officer will discuss the misconduct with the student and give the student the opportunity to respond. At the end of the meeting, having considered the written evidence and the discussions with the student, the Disciplinary Officer will decide, on the balance of probabilities, if the student is guilty of the misconduct. If a student is found guilty of misconduct, the Disciplinary Officer may impose one or more of the penalties set out in Appendix 2.

65. A representative from SAO will be present at the disciplinary meeting to record discussions and the decision, including the justification for the decision and, where applicable, the penalty to be imposed and any conditions.

Formal stage – disciplinary proceedings by a Disciplinary Panel

66. If, following the preliminary investigation, there is sufficient evidence to support the allegation, it is categorised as being major and the alleged misconduct has not been admitted by the student, the case should be referred to a Disciplinary Panel to complete the disciplinary proceedings.

67. The Disciplinary Panel shall comprise:

- A member of the Executive Board (Chair)
- Two members of staff not previously involved in the case

A representative from SAO will act as secretary to the Disciplinary Panel and will record the discussions and the decision, including the justification for the decision and, where applicable, the penalty to be imposed and any conditions.

68. Membership of the Disciplinary Panel will be approved by the Dean. Other than in exceptional circumstances, the Panel will be of mixed gender.

69. SAO will arrange a date for the Disciplinary Panel meeting as soon as possible (preferably within fifteen working days), and will formally invite the student to attend. The student may be accompanied at the meeting by a friend as defined in paragraph 19. The student will also be asked to provide a written statement in response to the allegation and any relevant supporting evidence for consideration of the Disciplinary Panel. The student will be given a date by which to submit the response, normally at least ten working days prior to the panel meeting.

70. The Investigating Officer will also be invited to attend the meeting of the Disciplinary Panel to present the case.

71. The student and the Investigating Officer may nominate relevant individuals who can present information about the case as witnesses and should inform SAO of their name(s) and relevance to the case at least ten working days prior to the panel meeting. The decision of the Chair of the Disciplinary Panel regarding witnesses to be called shall be final. In reaching a decision about witnesses to be called, the Chair will take into account their number and relevance to the matter in hand.

72. SAO will inform witnesses of the date, time and venue of the Disciplinary Panel meeting and invite them to attend, but is not responsible for ensuring their attendance. The unavailability of witnesses will not restrict or delay the panel meeting unless the Chair determines that their evidence may be material to the decision of the Panel. Unavailable witnesses may submit a statement to SAO for consideration by the Panel. Exceptionally, a witness may be accompanied by a friend as defined in paragraph 19.

73. An explanation of the purpose of the meeting and copies of the documentation being considered will be sent to the members of the Disciplinary Panel, the Investigating Officer and to the student concerned, normally at least five working days before the meeting. The documentation will also include:

- the nature of the alleged misconduct
- membership of the Disciplinary Panel
- the name of the presenter of the case (normally the Investigating Officer)
- the name(s) of any witness(es) called

- the date, time and place of the meeting

74. The order of proceedings will be at the discretion of the Chair, but should normally be conducted as outlined in Appendix 4.

75. The Panel will consider the oral and written evidence submitted by the Investigating Officer and any oral and/or written statement or evidence provided by the student. The Disciplinary Panel has the right to seek such other evidence as it deems necessary to make an informed decision and may be adjourned to allow for such evidence to be gathered.

76. The Disciplinary Panel will operate on the principle of the balance of probability and the decision reached should be the majority decision of the members. Where there is a split decision, the outcome will be determined by the Chair.

Penalties following formal stage proceedings

77. If a student is found guilty of misconduct, one or more of the penalties outlined in Appendix 2 may be imposed.

78. In determining the penalty to be imposed, consideration should be given to:

- the seriousness of the misconduct;
- the student's previous disciplinary record;
- whether the student admitted the misconduct;
- any mitigating factors.

79. The student will be informed in writing by SAO of the penalty and any conditions attached, along with the rationale for the decision. The student will also be informed of their right to appeal the decision.

80. If the decision of the Disciplinary Officer or Panel is that the student is excluded or expelled, SAO will inform the HAS who will make a recommendation to the Dean for the appropriate action to be taken.

Cautions and conditional discharges

81. Any cautions and conditional discharges will be recorded on the student's file and enforced for the specified period of time. There may be occasions when a student's conduct is satisfactory throughout the period in which the caution and/or conditions are in

force only to lapse soon thereafter. If a pattern emerges and there is evidence of abuse, the student's disciplinary record will be taken into account in deciding the time limit for any new cautions and the penalty for further proven offences.

Written warnings

82. Any written warnings will remain on the student's record for the duration of their studies and will be taken into consideration if a further proven case of misconduct occurs. Written warnings should make it clear to the student what the warning is for and the potential consequence of any subsequent actions that constitute misconduct.

Fines and compensation

83. A student may be required to pay a fine to the College for acts of misconduct. For minor misconduct, the maximum fine is £50 and for major misconduct the maximum fine is £100.

84. A student may be required to pay compensation to the College or to the victim to make good, in whole or in part, any loss or damage to property or premises, or to reimburse any additional costs incurred by the College or victim as a result of the misconduct.

85. The student will be given a deadline by which to pay the fine or compensation, and will be informed whether it is possible to pay in instalments. SAO will be notified when payment has been received and the student's disciplinary record will be updated accordingly. Failure to pay the fine or compensation by the deadline without good reason may result in the debt being referred to an external debt collection agency.

Exclusion

86. Only the Dean or their nominee can exclude a student. A student who is excluded from the College may have restricted rights to enter the College's premises or to take part in College activities. Exclusion may be subject to qualification, such as permission to take an examination or submit an assignment. An exclusion may also include a requirement that the student shall have no contact with a named person or persons. There will also be a time limit associated with the exclusion. The terms of the exclusion and the reasons for it will be notified to the student in writing by the Dean.

Expulsion

87. Only the Dean or nominee can expel a student. A student who is expelled from the

College will normally have no rights to enter the College's premises or to take part in College activities. Expulsion will normally take immediate effect. The recommendation to expel the student should also include a recommendation to the Dean as to whether to withhold any exit award due to the student. An expelled student will not normally be accepted on to any future courses at the College. The terms of the expulsion and the reasons for it will be notified to the student in writing by the Dean.

Notification of outcome

88. SAO will confirm the outcome of the disciplinary proceedings to the student in writing, normally within five working days. In all cases, the student will be provided with a rationale for the decision. Where a penalty has been imposed, the student will be given clear instructions of any implications and any actions they need to take. Where the penalty was a recommendation of exclusion or expulsion, the student will be sent a separate letter from the Dean.

Appeals (review stage)

89. A student may appeal against a finding of guilt and/or the penalty imposed by the Disciplinary Officer or Panel. The appeal must be submitted in writing to SAO within ten working days of the date of the letter informing the student of the outcome of the formal stage proceedings.

The grounds on which an appeal can be considered are:

- that the penalty is disproportionate in the circumstances;
- that the Disciplinary Officer/Panel did not make reasonable efforts to acquire all relevant information;
- that new evidence has become available that could materially affect the Disciplinary Officer/Panel's decision or recommendation to the Dean;
- that there is evidence of procedural irregularity and/or prejudice and/or bias or the appearance of prejudice and/or bias in the conduct of the disciplinary process.

90. The COO or nominee will review the appeal and determine whether there are valid grounds for the appeal that warrant further consideration.

91. If the COO or nominee determines that there are no grounds for further consideration of the appeal, the matter will be referred to a senior representative of the awarding institution for consideration. If the senior representative of the awarding institution agrees that there are no grounds for further consideration, the COO or nominee will inform the student, in the form of a completion of procedures letter, within ten working days giving the reasons for that decision. This decision is final and there is no further right of appeal. Students may be able to seek a review by the Office of the Independent Adjudicator (OIA).

92. If the senior representative of the awarding institution determines that the appeal does warrant further consideration, the COO will convene a Disciplinary Appeals Panel.

93. The Disciplinary Appeals Panel shall comprise:

- Dean or nominee (Chair)
- Two senior members of staff (one of whom must be from the awarding institution)
- A representative from SAO will be secretary to the Disciplinary Appeals Panel and record the Panel's decision and justification for that decision.

94. Membership of the Disciplinary Appeals Panel will be determined by the Dean. No member of the Panel shall have had any prior involvement in the case being considered.

95. The Disciplinary Appeals Panel shall carry out a paper-based review of the documentary evidence considered by the Disciplinary Officer or Disciplinary Panel and the report/minutes detailing their decision, together with the written statement submitted by the student setting out the grounds for the appeal. The Panel shall not proceed by way of a re-hearing but has the power to require the presentation of such further evidence as it deems necessary to reach an informed decision.

96. The student will be informed when the Disciplinary Appeals Panel will meet but will not normally be present. In exceptional cases, for example where reasonable adjustments are required or where the interpretation of evidence is disputed, a student may be permitted to attend the meeting to present evidence in person. The decision as to whether to permit a student to attend will be made by the COO in consultation with the Chair of the Panel. The student may be accompanied at such a meeting by a friend (as defined in paragraph 19).

97. SAO will provide the Disciplinary Appeals Panel with the documentation considered by the Disciplinary Officer or Disciplinary Panel along with that submitted by the student in advance of the meeting. The Chair may also request that additional information be gathered prior to the meeting.

98. With limited exceptions (for example, where information cannot be disclosed because of the College's obligations under the General Data Protection Regulation (GDPR)), all written material considered by the Disciplinary Appeals Panel under this procedure will be accessible to the student if requested.

99. The Disciplinary Appeals Panel, having considered the evidence, will decide whether the appeal should be upheld, either fully or partially, or rejected.

100. If the Disciplinary Appeals Panel rejects the appeal, the original penalty shall stand. However, the Panel has the right to increase the penalty where, in the Panel's view, the appeal is frivolous and/or vexatious, or where the penalty originally imposed is considered to be inadequate. In such cases, the Secretary shall record the reasons for the decision.

101. If the Disciplinary Appeals Panel fully or partially upholds the appeal, the Panel may decide that the student is not guilty of misconduct, or confirm the finding of guilt but decide on a different penalty.

102. If following an appeal against exclusion or expulsion a student is reinstated, the College shall make every reasonable effort to mitigate the effects, if any, of the exclusion.

103. The student can expect to hear the outcome of the Disciplinary Appeals Panel, in writing via SAO, within five working days of the Panel meeting. The student will also be informed within that time if the complexity of the case prevents an outcome being reached and advised of the likely timescale for further action and notification of the outcome.

104. In all cases, regardless of whether the appeal was upheld, in full or in part, or rejected, the outcome letter will give a full and clear explanation of the decision and rationale.

105. The decision of the Disciplinary Appeals Panel is final and there is no further right to appeal within the College. Students may be able to seek a review by the OIA.

Further right to appeal

106. Students who are dissatisfied with the outcome of their appeal may be able to seek a review by the OIA should the case be eligible under the OIA's rules (see <http://www.oiahe.org.uk/>). Details will be provided in the completion of procedures letter advising the student of the final outcome of the appeal.

Monitoring and evaluation

107. The College will monitor and evaluate the effectiveness of the Student Discipline Procedure and reflect upon the outcomes for enhancement purposes. A report will be submitted annually to the Equality and Diversity Committee, the Quality and Standards Committee and the Governing Body. The report will include equality monitoring data.

APPENDIX 1: CATEGORISATION OF MISCONDUCT

For the purposes of the policy, misconduct is categorised at one of two levels, minor or major. The following table gives examples of misconduct that would fall into each category and is provided for guidance only. It is neither exclusive nor exhaustive and there may be other offences not listed which will constitute misconduct.

Level	Examples of misconduct offences
Minor Misconduct	<ul style="list-style-type: none">• Disobedience• Noisy behaviour• Dropping litter• Fighting (pushing/shoving)• Rudeness• Poor attitude to staff and other students• Improper use of learning resources• Offensive behaviour or language• Minor disruptive behaviour in class or at placement• Unauthorised and/or unreasonable use of a mobile phone• Minor breach of rules and regulations
Major Misconduct	<ul style="list-style-type: none">• Physical assault / fighting (punching/kicking/slapping/biting)• Sexual misconduct / sexual assault• Serious injury to people or property• Acting with intention to cause serious harm• Persistent or excessive disruptive behaviour in class or at placement• Repeated minor misconduct offences• Repeated, offensive behaviour or language• Deliberate damage to property• Behaviour which endangers others• Stealing from other students, members of staff or the public• Bullying and/or harassment• Intimidation and/or discrimination on the grounds of age; disability; gender reassignment; race or ethnic/national origins; religion or belief; sex; and/or sexual orientation• Verbal abuse or making threats against people or property• Inflicting injury on others or acting in a way which endangers others

	<ul style="list-style-type: none">• Misuse or deliberate interference with computerised information• Accessing or making available to others pornographic or other offensive material on computers or by any means• Fraud or attempted fraud• Not adhering to information, instruction, training and supervision provided for own or others' health, safety and wellbeing• Deliberately damaging or removing safety equipment• Drug related offences, misuse of drugs, alcohol or other substances, or consumption of alcohol or substances in contravention of the University's regulations• Reckless or dangerous driving on site or en route to placement or other University activities• Possession of weapons or replica weapons• Conduct, either on or off campus, which brings the University into disrepute• Promoting unlawful acts• Accessing security sensitive materials without gaining appropriate permissions or conducting security sensitive research• Any conduct which constitutes a serious criminal offence
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APPENDIX 2: PENALTIES

If a student is found guilty of misconduct, one or more of the penalties set out below may be imposed. When determining penalties, consideration will be given to the seriousness of the misconduct, the circumstances of the misconduct, whether the student has admitted the misconduct and the means and general personal circumstances of the student. Any previous misconduct by the student, in related or unrelated areas which might form a pattern of behaviour contrary to the required standards, will also be taken into account. In all cases, the penalty imposed should be proportionate to the offence(s) committed.

Stage	Penalty	Application by level
Informal, Formal and Review	Verbal reprimand/informal warning: The student will be informed that their behaviour is unacceptable	Minor or major
	Apology: Require the student to apologise to a named person or persons for their behaviour, verbally or in writing	Minor or major
	Reflection: Require the student to submit a reflective piece of work on their behaviour	Minor or major
Formal and Review	Absolute discharge: The student may be technically guilty of the alleged misconduct, but no blame is attached to his or her Actions	Minor or major
	Caution: No penalty is imposed, but if the student is found guilty of misconduct on a subsequent occasion in the following twelve months or other specified period, they will then be dealt with for both offences	Minor – up to a maximum of twelve months Major – up to completion of studies
	Conditional discharge: No penalty is imposed subject to the student fulfilling certain stipulated conditions, including good behaviour over the following twelve month or other specified period. If the conditions are not met, another penalty may be imposed following further proceedings	Minor – up to a maximum of twelve months Major – up to completion of studies
	Written warning: This will remain on the student’s record for the duration of their studies and will be taken into consideration if a further proven case of misconduct occurs	Minor or major
	Compensation: Require the student to pay a reasonable sum by way of compensation for identified and quantified loss	Minor – up to a maximum of £500 Major – unlimited

Stage	Penalty	Application by level
Formal and Review	Fine: Require the student to pay a fine of up to £100	Minor – up to £50 Major – up to £100
	Exclusion: A recommendation to the Dean that the student is excluded from the College for a fixed period of time	Major only
	Expulsion: A recommendation to the Dean that the student is expelled from the College, which may also include the withholding of any award (exit or intended) due to the student	Major only

APPENDIX 3: PROCEDURE FOR ALLEGED MISCONDUCT WHICH MAY CONSTITUTE A CRIMINAL OFFENCE

108. In all instances where an alleged misconduct may constitute a criminal offence, the criminal process will take priority. Therefore, where a particular matter is being dealt with under the criminal process, then other than taking any necessary precautionary measures, any College disciplinary processes will normally be suspended until the criminal process is completed. If the matter is not being dealt with under the criminal processes or where the criminal process is complete, then the College will consider the matter as set out in the Student Discipline Procedure.

109. All parties involved in dealing with alleged student misconduct which may constitute a criminal offence should be aware that any notes that are made or documents that are created could be requested by the police as part of a criminal investigation and individuals could be called to give evidence. It is therefore essential that clear, accurate and appropriate records are kept of all actions taken and decisions made by the College from the moment that the alleged incident is reported until the criminal and/or disciplinary proceedings are completed. A central record will be maintained on the student disciplinary file held by SAO.

110. Where the allegation of misconduct has been made by one student against another student, the College will ensure that both the reporting student and the accused student are treated fairly and no presumptions are made about either party. The person to whom the alleged misconduct is reported should contact SAO who will initiate the relevant processes and mechanisms in place within the College to provide independent support to both parties.

111. Students who are victims of alleged behaviour that may constitute a criminal offence are encouraged to report the incident to the police for investigation, but do not have to do so if they do not wish to. The College will provide the alleged victim with support to understand the options available to them and to assist the student to make a decision about the course of action they wish to follow. The options will normally be:

- to report the incident to the police;
- not to report the incident to the police and request that the University considers the case under the Student Discipline Procedure;
- to take no further action.

No pressure will be put on the student to take any particular course of action.

112. Where the victim of the potential criminal offence is the College, the College will determine on a case-by-case basis whether to report the incident to the police. The College will take into account the nature and seriousness of the incident and whether there is any risk to the health, safety and well-being of any member(s) of the College's community. Consideration will also be given to the potential effect on the accused student, and the College may decide that dealing with the matter under the Student Discipline Procedure is a more reasonable and proportionate approach. The final decision will rest with the Dean.

113. Where the victim is not the College, the College will normally allow the victim to decide whether or not to report the matter to the police. If the victim is a member of the College's community and they wish to report the matter to the police, the College will support them to do so. If they do not wish to make a report to the police, then the University will comply with that decision.

114. Where the alleged misconduct may constitute a criminal offence but is not reported to the police and is instead dealt with through the Student Discipline Procedure, consideration will be given to whether any adjustments need to be made to the disciplinary proceedings to address any actual and/or perceived imbalances between the reporting student (or alleged victim) and the accused student (alleged perpetrator). For example, should the case be considered by a Disciplinary Panel, the reporting student may be allowed to provide evidence from a different room via Skype or conference call and questioning could be through the Chair so that the reporting student and accused student do not have to communicate directly with each other and to ensure that no inappropriate questions can be put to either student.

115. For matters dealt with under the Student Discipline Procedure instead of through criminal proceedings, no criminal offences should be referred to in the findings.

116. Where the police investigation results in a criminal conviction, charge or caution, the HAS and the COO may determine that the matter is instead considered under the Safeguarding Policy.

117. Where a student has been found guilty and sentenced by a criminal court for the alleged misconduct, the penalty imposed by the criminal court will be taken into account in deciding the penalty under the College's disciplinary proceedings.

118. Where criminal proceedings (including bail conditions, period of time on remand and/or period of time served in custody following conviction) result in a student being absent from their

study for a period of less than 12 months, the student will be intercalated. It will be the responsibility of the student to notify the College (normally via SAO) when they are released from custody. Before returning to study, their case will be assessed in accordance with the Safeguarding Policy before consideration by a Disciplinary Officer.

119. Where criminal proceedings (including bail conditions, period of time on remand and/or period of time served in custody following conviction) result in a student being absent from their study for a period of 12 months or more, the student will be deemed withdrawn. The student may subsequently reapply for admission to the College but will be required to declare the criminal conviction in accordance with the Admissions Policy prior to a decision regarding an offer of a place. Where a declaration is not requested as part of the standard admissions process, the case will be considered in accordance with the Safeguarding Policy. The Safeguarding Panel will also determine whether there should be any further consideration of the misconduct under the Student Discipline Procedure.

APPENDIX 4: ORDER OF PROCEEDINGS AT A MEETING OF THE DISCIPLINARY PANEL

1. At the start of the meeting, the Disciplinary Panel will have a preliminary discussion in private. The Secretary shall then invite into the room:
 - the Investigating Officer presenting the case
 - the student who is the subject of the case
 - any accompanying friend as permitted by the Procedure

2. If the student fails to appear, the Disciplinary Panel will consider whether or not to proceed with the case immediately and may do so provided it is satisfied that the student has been properly informed of the time and place of the meeting.

3. Any witnesses whom the Disciplinary Panel has invited to attend shall remain outside the room in which the Panel is sitting until called to give evidence.

4. The Chair shall state briefly why the Disciplinary Panel is sitting.

5. The proceedings at the Disciplinary Panel will usually follow the pattern described below:
 - all written evidence will be taken as read;
 - the Investigating Officer will present their case;
 - the student will present their case;
 - the Investigating Officer and the student may question each other and may each be questioned by the Panel upon their statements or evidence, both written and oral;
 - witnesses are called one at a time and are questioned first by the Panel then by the person who nominated them and finally by the other party;
 - following the withdrawal of any witnesses who have been called, the Panel may ask any further questions of the student or the Investigating Officer;
 - the Investigating Officer may make a closing statement if wished (and may leave the room for a few minutes to prepare this);
 - the student may make a closing statement if they wish (and may leave the room for a few minutes to prepare this);
 - the student and Investigating Officer will leave the hearing;
 - the Panel make a decision and the meeting closes.

6. The order of proceedings will be at the discretion of the Chair of the Disciplinary Panel. The ruling of the Chair on any point of procedure shall be final.

7. The Disciplinary Panel may at any time either before or during a hearing decide to adjourn the hearing for a period not normally exceeding seven working days

8. The decision of the Disciplinary Panel shall be sent in writing to the student and to the HAS by the Secretary within five working days of the meeting of the Panel.