

# COLLEGE OF INTEGRATED CHINESE MEDICINE

## STUDENT DISCIPLINARY POLICY

### 1.0 Introduction

#### Purpose and Scope

1.1 The purpose of the Student Disciplinary Procedure is to outline the process for dealing with allegations of inappropriate student behaviour. Students are expected to behave considerately at all times as a member of the College and local community and to respect the rights of other students, staff and members of the general public both on and off campus. Guidance for Staff on addressing inappropriate student behaviour and guidance for students subject to allegations of inappropriate behaviour can be found in the appendices of this procedure.

1.2 CICM is committed to the fair and equal treatment of all individuals regardless of race, sex, disability, age, socio-economic category, sexual orientation, religion or belief. We wish to create a positive, inclusive and diverse working, learning and social environment, free from unfair discrimination, prejudice, intimidation and all forms of harassment. (Single Equality Scheme August 2010).

1.3 The Student Disciplinary Procedure shall apply to any CICM student enrolled on a programme of study and studying at the College.

1.4 This Procedure will normally be applied in respect of alleged inappropriate student behaviour occurring in, or in the vicinity of, premises owned or leased by the College. However, the College also reserves the right to take disciplinary action against a student in respect of behaviour considered inappropriate wherever it may have taken place when the behaviour (a) jeopardises or damages the good name or reputation of the College or (b) raises questions about whether the student concerned should remain a student of the College because (s)he poses a danger to other students, the Staff, or to the good order of the College community as a whole.

1.5 The overall responsibility for the maintenance of student discipline lies with the Dean

#### Categories of Misconduct

1.6 Misconduct is divided into three categories to reflect the different levels of student misbehaviour:

- Minor Misconduct (see section 2);
- Major Misconduct (see section 3);
- Gross Misconduct (see section 4).

#### Guiding Principles

1.7 In order to ensure that students are treated fairly, those Staff responsible for interview/committee arrangements should ensure that students are:

- Informed of any allegations

- Given adequate notice of interview/committee arrangements
- Advised that they are entitled to be accompanied by a CICM student Support/Advice staff or a Friend/Family Member as indicated in the Glossary
- Permitted the opportunity to respond to any allegations and provide additional evidence/witness statements
- Informed of their right to appeal

1.8 In determining any penalties under this Procedure, the interview panel/committee members should decide whether on the balance of probabilities, misconduct has occurred. Staff determining penalties or considering appeals should also give consideration to proportionality.

1.9 Staff making the decisions in disciplinary matters are expected to be independent and impartial.

1.10 Staff should give consideration to the fact that behaviour which may be considered inappropriate may be the result of a disability or mental health difficulties, e.g. Attention Deficit Hyperactivity Disorder (ADHD). See section 6 for further information.

### **Accompaniment**

1.11 A student may be accompanied by a Friend, Family Member, a CICM student or a colleague to disciplinary interviews and disciplinary committees. Students and Staff attending disciplinary committees may also be accompanied by a Trade Union or professional association as applicable.

### **Representation**

1.12 As the Student Disciplinary Procedure is an internal process for investigating allegations of inappropriate student behaviour, representation by a third party is not considered appropriate. Representation by a Friend or Family Member will only be permitted where there is a valid reason (e.g. ill-health and disability). In such circumstances where representation has been requested and agreed by the Dean the student must provide his/her signed written consent to this effect. Legal representation or accompaniment will not be permitted under any circumstances.

### **Mediation**

1.13 Students and staff should be encouraged to mediate any minor occurrences.

### **Student Absence**

1.14 Students are required to engage with the disciplinary process and attend disciplinary interviews/committees when requested to do so. Should a student not be able to attend an interview/committee at the specified date and time, (s)he is required to contact the member of Staff responsible for organising the interview/committee as soon as possible to provide a valid reason for his/her inability to attend. A valid reason would be the attendance at a class or examination, prior personal commitments, particularly for those with caring responsibilities, or non-attendance due to illness with the student required to provide supporting evidence (e.g. timetable, medical certificate.) If a valid reason is provided, an interview/committee will normally be rescheduled.

1.15 In the event that a student does not attend an interview/committee, the panel should review the information to satisfy themselves that the student has been sent the appropriate notification. If a panel decides that the student has been duly notified and determines that they have sufficient evidence to enable them to make a decision, the matter will be considered in the student's absence. If the panel determine that it is not possible to make a decision without hearing the student's account, the following action can be taken:

- Minor Misconduct – reschedule interview. If the student does not attend a second interview, the original issue and the non-attendance should be referred to the Dean for consideration as major misconduct;
- Major Misconduct – reschedule interview. If the student does not attend a second interview, the student may be suspended pending attendance at a rescheduled interview;
- Gross Misconduct - reschedule committee and suspend student pending attendance at a rescheduled committee.

The decision of the panel members on whether to adjourn or proceed in the student's absence is final.

## 2.0 Minor Misconduct

### Definition

2.1 Minor misconduct includes persistent disruptive behaviour, behaviour which causes a disturbance or nuisance to others or behaviour which may impact on health and safety at a lower level. The following are examples of minor misconduct. Please note: this list is illustrative only and not designed to be prescriptive

- Repeated use of mobile phones in classes and/or the library.
- Refusal to comply with minor College procedures and regulations (e.g. eating and drinking in unauthorised areas)
- Addressing Staff or fellow students in an impolite, inappropriate or offensive manner (e.g. using inappropriate language)
- Misuse or unauthorised use of College facilities or property (Depending on the offence, such misconduct may be categorised as major misconduct – see section 3)
- Bringing the College into disrepute (e.g. through noise and/or anti-social behaviour in the local community)
- Obstruction or disruption of College processes and procedures or roles, responsibilities and activities of members of the College community (Depending on the offence, such misconduct may also be investigated as major misconduct- see section 3)
- Failure to evacuate following a fire alarm activation
- Persistent late arrival for appointments and classes
- Petty theft
- Non-compliance with ground rules for acceptable behaviour outlined by academic Staff in lectures, seminars etc.

Please see section 6 regarding behaviour which may be the result of a disability.

## Process

### Reporting of Allegations

2.2 Any members of Staff and students are entitled to report any allegations of minor misconduct to the Dean.

### Conduct of Investigation

2.3 The Dean will collate evidence from Staff and students involved (e.g. witness statements, incident reports, copies of correspondence) and determine the level of misconduct. If allegations are confirmed as minor misconduct, the student will be requested in writing to attend a meeting with the Dean, normally within 7 days of receipt of the allegations. Appendix C provides guidance for Staff conducting disciplinary interviews. Appendix D provides guidance for students subject to allegations of misconduct. The student is entitled to bring a Friend/Family Member or a colleague to the interview for support. Please see 1.14/1.15 regarding student absence.

2.4 Staff and Students who have reported incidents of misconduct or who have been subject to misconduct will not be required or permitted to attend the disciplinary interview. Any written or verbal account of the allegations or incident will be collected from these parties prior to the Interview.

### Penalties and Outcome

2.5 Based on the evidence, the Dean shall determine on the balance of probabilities whether minor misconduct has occurred. In determining an appropriate penalty, previous instances of minor misconduct by the student in his/her faculty or another department may be taken into consideration.

One or more of the following penalties may be applied for instances of minor misconduct:

- Formal written warning;
- Suspension from classes and/or use of facilities for up to a maximum of five days. Suspension should only be used as a penalty where a student's presence in an area has caused a major disruption;
- Suspended Fine up to £200 as a good behaviour bond. A good behaviour bond should be issued as a penalty to discourage future misconduct by a student. The good behaviour bond will normally be payable should the student exhibit similar behaviour in the future.
- Payment of replacement costs up to £250 for loss/damage to College and/or student property (damage of values greater than £250 should be considered as major misconduct);
- A reflective written piece of work from 500 up to 2000 words on the student's behaviour
- A written apology to the aggrieved party.

This list is not exhaustive

2.6 The student will normally be notified of the outcome in writing within 5 days of the interview. Penalties involving a suspension of the use of facilities will normally be applied 5 days after the student has been advised of the outcome.

2.7 The aggrieved party or parties will be notified by the Dean that the investigation has been

concluded. Please note the outcome of the disciplinary process will not be disclosed.

2.8 On completion of a disciplinary investigation, the Dean may determine that the alleged misconduct is more serious than initially considered.

## **Appeal**

### **Grounds for appeal**

2.9 The student has the right to appeal to the Dean against a penalty issued for minor misconduct on one or more of the following grounds:

- The penalty issued was disproportionate given the evidence available
- The procedure was not followed correctly which would have made a material difference to the outcome
- New evidence has come to light that could not have been known at the time of the interview and may have an impact on the decision

2.10 The student must submit an appeal in addition to any supporting documentation to the Dean (see Appendix F for details) within 7 days of the date of the letter advising him/her of the penalty for minor misconduct. Appeals which do not relate to the above grounds or which are submitted outside the 5 day period will not be considered and the student will be notified accordingly. This decision is considered final.

### **Process**

2.11 The appeal and supporting documentation shall be considered by a senior member of the teaching staff with no prior involvement in the case. The quorum of the appeal panel is two members. The appeal panel will be convened as soon as practically possible and normally within 10 days of receipt of the student's appeal. The appeal documentation will comprise: the student's appeal and supporting documentation and a written response to the appeal from the Chair of the Disciplinary Committee who issued the penalty.

2.12 The student is not required to attend in person following the submission of their appeal documentation unless they wish to do so and should indicate a desire to attend on submission of the appeal. Any disciplinary penalty issued against the student will be suspended pending the outcome of the appeal. On the basis of the evidence submitted, the panel shall determine whether the appeal should be upheld or dismissed. Should the appeal be dismissed then the penalty imposed by the faculty/department shall be immediately applied. If the appeal is upheld, the panel must determine whether to:

- a) dismiss the disciplinary case against the student
- b) request that the Disciplinary Committee reconsider the case
- c) impose a lesser penalty

The outcome will be communicated in writing to the student within 7 days of the appeal being considered. This decision is considered final.

## 3.0 Major Misconduct

### Definition

3.1 Major misconduct includes threatening behaviour and bullying or harassment of Staff or students. The following are examples of major misconduct. Please note: this list is illustrative only and not designed to be prescriptive.

- Abusive/threatening behaviour towards Staff and students
- Bullying or harassment of a student or member of Staff via any means including phone, text, e-mails or on internet forums, blogs, Facebook and Twitter. This includes the publishing of offensive material about an individual (Please see Appendix F for sources of support/guidance if you are the victim of harassment/bullying)
- Damage to or defacement of College property or the property of other members of the College community caused intentionally or recklessly
- Theft of College property (Depending on the offence, such misconduct may be categorised as minor misconduct (petty theft) or gross misconduct)
- Fraud, deceit or dishonesty in relation to the College or its Staff or in relation to being a student at the College
- Tampering with fire equipment (Depending on the offence, such misconduct may be categorised as gross misconduct- section 4)
- False or malicious allegations against College Staff – e.g. fabricated complaints/accusations of Staff performance and/or conduct that may have been raised initially as part of the Student Complaints Procedure
- Bringing the College into disrepute (e.g. damaging the good name or reputation of the College)
- Non-compliance with penalties imposed for minor misconduct
- Obstruction or disruption of College processes and procedures or roles, responsibilities and activities of members of the College community
- Conduct which constitutes a criminal offence (see section 7) where that conduct took place a) on College premises b) affected other members of the College community or c) damages the good name of the College.

### Process

#### Reporting of Allegations

3.2 Any allegations of major misconduct should be referred to the Dean together with any documentary evidence. Students reporting incidents of misconduct will be expected to provide a written statement together with any supporting evidence. Based on the information received, the Dean shall determine the level of misconduct.

#### Conduct of Investigation – Disciplinary Interview

3.3 Student(s) will normally be requested to attend a Disciplinary Interview within 7 days of receipt of the allegations. The interview will form part of the Dean's investigation and also provides an opportunity for the student to present his/her account of the incident(s). Please see 1.14/1.15 regarding student absence.

3.4 The student is entitled to be accompanied by a colleague, a Friend or Family Member to the Disciplinary Interview, to call any witnesses and submit relevant evidence in support of his/her case. Appendix D provides guidance for students who are required to attend a disciplinary interview.

3.5 The Disciplinary Interview shall be conducted by the Dean with a member of Staff also present to make a record of the discussions. A representative from the affected programme may also form part of the Disciplinary Interview panel. However, the representative shall not be the directly aggrieved party and will normally be a Programme leader. Appendix C provides guidance for staff conducting the interview.

3.6 Staff and Students who have reported incidents of misconduct or who have been subject to misconduct will not be required or permitted to attend the Disciplinary Interview. Any written or verbal account of the allegations or incident will be collected from these parties prior to the Interview.

### **Penalties and Outcome**

3.7 At the conclusion of the Disciplinary Interview, the Dean/members of the panel will withdraw to consider whether major misconduct has occurred. The panel may seek to verify information provided by either party prior to arriving at a decision.

3.8 Based on the evidence submitted, the Dean/members of the panel will determine on the balance of probabilities whether major misconduct has occurred. If it is determined that it has, the student will be issued with one or more of the following penalties:

- Formal written warning
- Suspension from the College or use of facilities or classes for up to 30 days
- Suspended Fine up to £1000 as a good behaviour bond. This amount will normally be payable should the student not comply with any disciplinary penalties or any future misconduct be related and credited to the Learning Resources funds. Should there be a repetition of similar misconduct, students may be referred directly to a Student Disciplinary Committee and/or be required to pay the good behaviour bond
- Payment of replacement/compensation costs for loss/damage to College and/or student property
- Compensation for wasting Staff time as a direct result of student's misconduct on the basis of £25 per hour up to a maximum of 5 hours

A reflective written piece of work up to 2500 words on the student's behavior. This list is not exhaustive.

3.9 The student will normally be notified of the outcome in writing within 7 days of the Disciplinary Interview.

3.10 If major misconduct has occurred, a copy of the letter notifying the student of the outcome will be sent to the Academic Director. The letter should be marked as confidential and placed on the student's file.

## Referral to the Student Disciplinary Committee

3.11 Staff or students who have been subject to major misconduct will be notified by the Dean that the investigation has been concluded. Please note the outcome of the disciplinary process will not be disclosed.

3.12 On completion of a disciplinary investigation, the Dean may determine that the alleged behaviour is gross misconduct. In these instances, the Dean will request that a Student Disciplinary Committee is convened as outlined in section 4.

## Appeal

### Grounds for appeal

3.13 The student has the right to appeal against a penalty issued by the Dean/panel within 7 days of the date of the letter advising him/her of the penalty. The appeal must be based on one or more of the following grounds:

- The penalty issued was disproportionate given the evidence available
- The procedure was not followed correctly which would have made a material difference to the outcome
- New evidence has come to light that could not have been known at the time of the Disciplinary Interview and may have an impact on the decision

3.14 An appeal should be submitted in addition to any supporting documentation to the Academic Director within the specified timeframe. Appeals which do not relate to the above grounds or which are submitted outside of the 7 day period will not be considered and the student will be notified accordingly. This decision is considered final and as such the student will be provided with information about the Office of the Independent Adjudicator (see section 8).

### Process

3.15 Should an appeal fall within one or more of the grounds for appeal, the Academic Director will convene an Appeal Panel to consider the appeal documentation. The Panel will be convened as soon as practically possible and normally within 25 days. Any disciplinary penalty issued against the student will be suspended pending the outcome of the Appeal Panel. The Appeal Panel shall comprise the following members who will not have had any prior involvement or knowledge of the case:

- One of the Joint-Principals as Chair
- A member of academic Staff of senior grade or a manager of professional grade

The quorum of the Appeal Panel is two members to include the Chair

3.16 The student is not required to attend in person following the submission of their appeal documentation unless they wish to do so. The student must confirm whether they wish to be in attendance on submission of the appeal.

3.17 The appeal documentation will comprise the student's appeal and supporting documentation in addition to a written response from the Dean to the student's appeal.

### **Outcome of the Appeal**

3.18 On the basis of the evidence submitted, the panel shall determine whether the appeal should be upheld or dismissed. Should the appeal be dismissed then the penalty imposed by the Dean shall be immediately applied. If the appeal is upheld, the panel must determine whether to:

- a) dismiss the disciplinary case against the student
- b) request that the Dean reconsider the case
- c) impose a lesser penalty

3.19 The student will be notified of the decision of the Appeal Panel in writing by one of the Joint Principals within 7 days of the Appeal. This decision is considered final and as such the student will be provided with information about the Office of the Independent Adjudicator (see section 8).

## **4.0 Gross Misconduct**

### **Definition**

4.1 Gross misconduct is behaviour which calls into question a student's registration at the College. The following are examples of the type of behaviour categorised as gross misconduct although this list is illustrative and is not designed to be prescriptive:

- Dealing in illegal substances
- Physical assault on a member of Staff and/or student
- Use or threat to use a weapon
- Criminal conviction for any of the above and for offences against the person of a violent or sexual nature
- Theft of College property
- Non-compliance with a disciplinary penalty issued by the Dean
- Non-co-operation with a disciplinary investigation conducted by the Dean (e.g. non-attendance without valid reason at a disciplinary interview)
- Fraud, deceit or dishonesty in relation to the College or its Staff or in relation to being a student at the College (e.g. claiming home fees status as an overseas student, funding applications, identity fraud)
- Malicious activation of fire alarms (e.g. activation of a fire alarm during examinations)

### **Process**

#### **Reporting of Allegations**

4.2 Any allegations that are categorised as gross misconduct will be immediately forwarded to the Dean, including any evidence (e.g. witness statements, incident reports, copies of e-mails, notes of meetings, transcripts of conversations/text messages etc). The Staff Member shall be responsible for referring gross misconduct cases together with documentary evidence to the Dean. The Dean

will determine, based on the definitions/examples above, whether the allegations fall within the gross misconduct category. Should the Dean consider the allegations to constitute major or minor misconduct then the affected student shall be advised accordingly and the matter dealt with at the appropriate level.

4.3 Should the Dean decide that the allegations constitute gross misconduct then s/he will collate the relevant documentation together with supporting evidence which the student/department shall be asked to provide. If it is considered that the student poses a health and safety risk to other members of the College community. Given the nature of the allegations, it may be recommended to the Joint Principal that the student is suspended from the College or excluded from specified premises/campuses of the College pending the completion of disciplinary procedures (see section 5).

### **Arrangements for the Student Disciplinary Committee**

4.4 The Dean will forward the documentation together with an overview of the case to one of the Joint Principals and request that a Student Disciplinary Committee be convened to hear the allegations. The documentation and overview from the Dean will form the basis of the paperwork to be considered by the Student Disciplinary Committee. The Student Disciplinary Committee will be held as soon as practically possible and normally within 25 days of receipt of the allegation of gross misconduct sent by the Dean. The Joint Principal will be responsible for the administrative arrangements for the Student Disciplinary Committee.

4.5 The student will be invited by the Joint Principal to provide a written response to the allegations. Any statement from the student should be submitted to the Joint Principal no later than 5 days before the date of the Student Disciplinary Committee. The statement should include any relevant witness statements.

4.6 The composition of the Student Disciplinary Committee is as follows and no member of the Committee shall have had prior involvement or knowledge of the case:

- Programme leader as Chair
- Two members of academic Staff of senior grade or two managers of professional grade
- A Representative of the Students' Union or any member of the student body.

The quorum of the Committee is three members to include the Chair.

4.7 The student, members of the Student Disciplinary Committee and the Dean shall be sent the relevant paperwork no later than 5 days before the date of the Committee together with a copy of this Procedure. The student is entitled to be accompanied to the Committee by a colleague, Friend or Family Member as indicated in the Glossary.

4.8 The student and the Dean have the right to call witnesses to support their respective cases. The student and the Dean have responsibility for calling their witnesses to the Student Disciplinary Committee in terms of attendance. The names of any witnesses are to be provided to the College Secretary no later than 5 days before the date of the Committee in order that this information can be provided in the paperwork for consideration at the Committee. Should a student or Dean wish for any witnesses' details to be withheld (e.g. cases of harassment) then any such requests should be made to the Joint Principal in advance of the Student Disciplinary Committee.

4.9 Students and Staff who have been subject to alleged gross misconduct may choose to attend the Student Disciplinary Committee to present their account of the incident(s). Should they not wish to attend, written accounts will be considered. The Dean will contact students and Staff to confirm their attendance.

4.10 Both witnesses and students or Staff subject to alleged gross misconduct will attend the Committee to present their account and may also be asked to respond to any points of clarification from the panel. Following this, witnesses, Staff/students attending in this capacity will be asked to leave by the Chair in order that disciplinary proceedings can be concluded.

Please see 1.14/1.15 regarding details of student absence.

### **Conduct of Student Disciplinary Committee**

4.11 The proceedings for the Student Disciplinary Committee shall be as follows:

- The Chair shall open proceedings by outlining the process
- The Chair will summarise the allegations made against the student and ask the Dean to confirm that the allegations as defined are accurate
- The Chair will then invite the Dean to call on any witnesses in support of the allegations
- The members of the Committee and the student will have the opportunity to ask questions of the Dean and its witnesses
- The student will then be asked to respond to the allegations and to call any witnesses in support of his/her case.
- The members of the Committee and the Dean will be able to ask any questions of the student and his/her witnesses
- At the end of the respective submissions, the Chair will ask the student and Dean whether they wish to make any concluding statements prior to the Committee withdrawing to consider its decision in private

### **Penalties and Outcome**

4.12 Based on the evidence submitted, the Committee will determine on the balance of probabilities whether gross misconduct has occurred. Should the Committee determine that gross misconduct has occurred, it can recommend the following range of penalties to the Joint Principal:

- The expulsion of the student from the College with immediate effect
- A suspended expulsion for the remainder of the current academic year or duration of a student's studies. Any further evidence of misconduct and/or failure to comply with penalties agreed by one of the Joint Principals will normally result in the student being expelled with immediate effect from the College without referral to a Student Disciplinary Committee
- A fine or financial penalty. In cases where it has been proven that a student has submitted fraudulent documentation to gain a financial advantage (e.g. claiming home fee status as an overseas student or submitting a fraudulent application for College funding), (s)he shall be required to pay back any difference in amounts;
- Suspension from the College for a period up to a year;

- A final written warning and/or a good behaviour bond ranging between £1000 to £2000. If a good behaviour bond is issued and further incidents of misconduct occur, it may result in payment of the good behaviour bond and/or any of the penalties listed here

This list is not exhaustive.

### **Approval of the Joint Principal**

4.13 The Student Disciplinary Committee, will inform the previously appointed Joint Principal of the Committee's recommendations and will provide a report summarising the case and the reasons for the Committee's conclusions. The Joint Principal can either approve the Committee's recommendations or may decide to impose a lesser penalty. The Joint Principal shall normally give written notice within 5 days of receipt of the Committee's recommendations, to the student, Chair of the Committee and the Dean of the decision and of the penalty/penalties to be imposed.

4.14 A student has the right to appeal against the decision of the Joint Principal within 5 days of the date of the letter from the Joint Principal notifying the student of the decision. The appeal process and the grounds for appeal are outlined in the section below. Should the student not submit an appeal within the specified time frame, then (s)he shall be deemed to have accepted the decision of the Joint Principal and will be required to comply with any disciplinary penalties. Should a student not comply with any disciplinary penalties then the Dean shall refer the matter back to the Student Disciplinary Committee. If the Student Disciplinary Committee determines that the student has not complied with the penalty issued then the student shall be expelled with immediate effect from the College.

### **Appeal**

#### **Grounds for Appeal**

4.15 A student has the right to appeal against the decision of the Joint Principal within 5 days of the date of the Joint Principal's letter informing the student of his/her decision. The appeal must be based on one or more of the following grounds and must be supported by appropriate evidence:

- The penalty issued was disproportionate given the evidence available
- The procedure was not followed correctly which would have made a material difference to the outcome
- New evidence has come to light that could not have been known at the time of
- The Student Disciplinary Committee and may have an impact on the decision

4.16 The student must appeal to the Dean in writing within the specified timescale. Appeals submitted outside of the time period will not be considered unless the student can demonstrate a valid reason (e.g. medical grounds) with evidence to explain why (s)he has been unable to make the deadline. On receipt of an appeal, the Dean will determine whether the appeal falls within one or more of the grounds. Should an appeal not fall within one or more of the grounds for appeal or not be submitted within the specified timescale, it will be rejected by the Dean and the student informed that the penalty determined by the Joint Principal shall stand. This decision is considered final and as such the student will be provided with information about the Office of the Independent Adjudicator (see section 8).

## **Administrative Arrangements for the College Council Appeal Committee**

4.17 Should an appeal fall within one or more of the grounds for appeal, the Dean will convene a Council Appeal Committee. Any disciplinary penalty issued against the student (not including suspensions on grounds of health and safety- section 5) will be suspended pending the outcome of the Council Appeal Committee. The Appeal Committee shall comprise the following neutral parties who will have had no prior involvement or knowledge of the case:

- One member of the College Council – who shall act as Chair
- One other College Council member
- Representative for the student/friend/colleague of the student
- Representative from the University College of Osteopathy

The quorum of the Committee is two members which shall include the Chair.

4.18 The Dean shall be responsible for the administrative arrangements in convening a Council Appeal Committee. A College Representative, normally the Chair of the Student Disciplinary Committee, will be asked to attend by the Dean. The Committee shall be held as soon as practically possible and normally within 25 days of receipt of the appeal. The following arrangements shall apply in respect of the Council Appeal Committee:

- The student's submission to the Appeal Committee will normally comprise his/her grounds for appeal and supporting evidence to substantiate those grounds.
- The College Representative will also be asked to provide a written response to the student's appeal on behalf of the Disciplinary Committee panel no later than 5 days before the date of the Appeal.
- The Council Appeal panel paperwork will comprise the student's submission, the College Representative's response and the Joint Principal's letter advising the student of the disciplinary outcome.
- The student and the College Representative will be asked to attend the Appeal Committee by the Dean with no less than 5 days' notice of the date of the Appeal Committee.
- Copies of the documentation will be circulated to the members of the Committee, the student and the College Representative no less than 5 days before the date of the Appeal.
- The student is entitled to be accompanied to the Appeal Committee by a colleague, Friend/Family Member or a Representative of a Trade Union and Professional (the committee should be notified of this person and their relationship within 5 days of the appeal).

### **Association (see Glossary)**

- The student and the College Representative are both entitled to call witnesses to the Appeal and must provide names of any witnesses that they wish to call to the College Secretary no later than 5 days before the date of the Appeal. The student and the College Representative have responsibility for calling their witnesses to the Appeal Hearing in terms of attendance.

## Proceedings of the Council Appeal Committee

4.19 The Council Appeal Committee will focus solely on the student's grounds for appeal and will not constitute a rehearing of the previous disciplinary level. Please see 1.14/1.15 regarding student absence. The Council Appeal Committee shall be conducted as follows:

- At the beginning of the Appeal, the Chair will outline the process and indicate the grounds for appeal.
- The Chair shall invite the student to provide his/her appeal which can be made by either oral or written submission and to call any witnesses, as appropriate.
- Members of the Appeal Panel will be able to ask questions of the student and his/her witnesses.
- When the student has concluded his/her appeal, the Chair will then invite the College Representative to provide his/her response and to call any witnesses, as appropriate.
- Members of the Appeal Committee and the student will have the opportunity to address any questions to the College Representative and any witnesses that (s)he calls.
- At the conclusion of the College Representative's response, the Chair will ask if the student or College Representative wish to make any final statements to the Appeal Committee in support of their respective cases.
- The Appeal Committee will then withdraw to consider in private whether the appeal should be upheld or not.

## Outcome of the Appeal Committee

4.20 If the Appeal Committee dismisses the appeal, it will confirm the decision of the Joint Principal.

4.21 Should the Appeal Committee uphold the appeal, it may:

- a) dismiss the disciplinary case against the student
- b) refer the matter back to a Student Disciplinary Committee
- c) impose a lesser penalty

4.22 The decision of the Appeal Committee will be confirmed in writing to the student by the Dean as soon as practically possible and normally within 10 days of the Appeal. This decision is considered final and as such the student will be provided with information about the Office of the Independent Adjudicator (see section 8).

## 5.0 Suspension

5.1 A student who is the subject of an allegation of misconduct under this procedure, or against whom a criminal charge or appeal is pending or who is the subject of a police investigation may be suspended from the College by one of the Joint Principals pending the completion of these respective processes.

5.2 Suspension involves a total or partial prohibition of attendance at or access to College premises and on any participation in College activities. It may be subject to qualification, such as permission to attend for the purpose of an examination or a requirement that the student should

have no contact of any kind with a named person or persons. The suspension is not a penalty but a measure taken on health and safety grounds where there is a potential risk to members of the College community and/or its premises.

5.3 The Dean will recommend the suspension of a student from the College to the Joint Principal where there is a health and safety risk posed by the student's presence on campus or where necessary in exercising a duty of care towards other Staff and students. The Dean will normally make the request for a student suspension to the Joint Principal. If the Joint Principal approves the recommendation to suspend, the student will be notified of the decision in writing by the Joint Principal with the suspension becoming immediately applicable. The letter shall advise the student that (s)he has the right to make representations to the Joint Principal within 5 days of notification of the suspension.

5.4 Should a student wish to make representations, (s)he should contact the Joint Principal to make an appointment. The student will normally have the opportunity to make a representation in person unless health and safety considerations make a written representation more appropriate. Following a student's representation and any advice received from the Dean as appropriate, the Joint Principal may decide that the suspension is continued or that the suspension be commuted to an exclusion from specified areas of the College campus and/or from having contact with named individuals. Alternatively, the Joint Principal may determine that in light of developments (e.g. Police investigation), the suspension is no longer required. The student shall be informed in writing of the Joint Principals' decision within 5 days of the meeting.

5.5 A suspension will be reviewed thereafter every three weeks by the on the advice of the Dean. The student will be responsible for informing the Joint Principal of any developments which may have implications for the terms of the suspension.

5.6 A suspension may remain in force pending the outcome of a police investigation or court case.

## **6.0 Students with disabilities /Mental Health difficulties**

6.1 The Mental Health Protocol sets out the procedure for Staff to follow in cases where a student's behaviour may be attributable to a mental health difficulty. If it appears to those considering an allegation of misconduct that the student in question may have a disability/mental health difficulty then the advice of a Mental Health or Disability Advisor in Student Services will be sought. Where appropriate, any disciplinary action may be adjourned for the preparation of a medical report. If there is medical evidence that a student has a disability/mental health difficulty which may have contributed to the behaviour against which disciplinary action is sought, the disciplinary process may be suspended or terminated by the Dean as appropriate.

6.2 It may be made a condition of suspension or termination of the proceedings that the student seeks medical treatment. If the student does not co-operate with the College in relation to investigation of health matters (for example, by refusing to obtain medical reports as requested or by refusing to seek treatment from the relevant specialist, e.g. psychiatrist) then the matter may be referred for consideration under the Student Disciplinary Procedure. Such a decision shall be made following consultation with the appropriate Mental Health/Student Wellbeing liaison.

## **7.0 Misconduct which is also a criminal offence**

7.1 A student is obliged to inform Deans if (s)he is subject to a Police investigation, charge or Unspent (as defined under the Rehabilitation of Offenders Act 1974) Conviction (to include cautions, admonitions, reprimands, final warnings, bind over orders or similar) relating to offences against the person, whether of a violent or sexual nature, or pertaining to unlawfully supplying illegal substances, offences involving firearms, offences involving arson and offences under the Terrorism Act 2006. Any member of Staff in receipt of such information should also immediately notify the Dean. If the nature of the allegations poses a potential health and safety risk for Staff and students, then the College may consider the suspension of the student pending the completion of the Police investigation and/or court case (see section 5). Students failing to disclose criminal convictions and/or submitting fraudulent documentation (e.g. passport, birth certificate etc) as part of their application/enrolment to the College will be dealt with in accordance with the procedure outlined in the Fraudulent Applications Policy.

7.2 For more serious allegations of misconduct where the Police are involved, any disciplinary action on the part of the College will normally be deferred pending the outcome of any Police investigation or court case, as appropriate. However, the College reserves the right to continue disciplinary action for those cases where it is considered appropriate to do so in view of the length of time it can take for Police investigations/court action to be concluded. For cases where disciplinary action is deferred, the College may consider the suspension of the student or his/her exclusion from specified sites and/or named individuals pending the outcome of Police investigations/court case if there are health and safety implications relating to the allegations (see section 5).

7.3 The Dean will advise the student of the deferral of any disciplinary action by the College. The student will be responsible for informing the Dean of any developments/updates concerning Police/court action. The Police may also share relevant information with Deans to inform any disciplinary action, if applicable, under this Procedure.

7.4 Where a student has been sentenced by a court, the Court's penalty shall be taken into account in determining any penalty issued under this Procedure. This can mean that an internal penalty is reduced or that the external penalty indicated the seriousness of the offence. Students imprisoned for a period of 21 days or greater will be deemed to have withdrawn from the College. The Joint Principal shall decide whether a student be re-admitted to the College on the basis of advice and evidence collated by Dean.

## **8.0 Office of the independent adjudicator (OIA)**

8.1 The Office of the Independent Adjudicator for Higher Education (OIA) provides an independent scheme for the review of student complaints, which includes the right to appeal against a final decision by a disciplinary or appeal body. Where a student has completed all the available processes under this procedure, the College will issue the student with a 'Completion of Procedures Letter'. A student will need to submit his/her application to the OIA within three months of the date of the Completion of Procedures letter. Further information about procedures for referring a matter to the OIA is available from the College Secretary or Compliance Advisors or can be accessed via the OIA's website [www.oiahe.org.uk](http://www.oiahe.org.uk).

## Appendix A: Glossary of terms

For the purposes of the Student Disciplinary Procedure, the following terms are defined below

EXPRESSION	MEANING
Days	College Working days (Monday - Friday) excluding Bank and Public Holidays
Staff	Members of staff
Joint Principal	Joint Principal or such other person designated to act on his/her behalf by the Joint Principal
Dean	Deans or any member of Staff as may be designated by the Dean
Friend /Family Member	A person who accompanies a student to provide support. The person would not act as an advocate for the student and would not normally be expected to speak on behalf of the student. Legal representatives are not permitted to attend in any capacity including as a friend/family member
Accompaniment	Students have the right to be accompanied by a Friend, Family Member or colleague as appropriate. The accompanying person can address the hearing, confer with the individual and ask but not answer questions on behalf of the individual unless agreed by the Chair
Representation	Someone formally nominated by the student to make their case on their behalf. Normally only agreed in exceptional circumstances when there is valid reason why the student cannot represent themselves. Legal representation is not permitted
College Representative	In respect of the Council Appeal Committee, this is normally the Chair of the Student Disciplinary Committee. If the Chair of the Student Disciplinary Committee is unable to attend, s/he may delegate his/her responsibilities to another. This would normally be another member of the Student Disciplinary Committee.
Harassment	Unwanted conduct (intentional or unintentional) which has the effect of violating a person's dignity. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as humiliating, degrading and unacceptable to the recipient and can create a hostile and intimidating environment
Bullying	Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. It may happen in public or in Private

Office of the Independent Adjudicator (OIA)	The OIA is an independent body set up to review student complaints which is free to students
Completion of Procedures	A Completion of Procedures letter is issued when the relevant College procedures have been completed. This letter is required in order for a student to submit a complaint to the OIA

## Appendix B: Guidance for staff dealing with inappropriate behaviour

### Introduction

All staff have a responsibility for addressing inappropriate student behaviour by ensuring that students comply with rules and regulations within their areas of work and taking the appropriate action should students fail to comply.

### Proactive Strategies

- Make students aware of how they are expected to behave and wherever possible involve them in this process (e.g. devising ground rules in lectures)
- Stress the benefits of behaving appropriately and complying with rules/regulation (e.g. create a productive learning environment)
- Remind students periodically of rules and behavioural expectations (e.g. at the beginning of each term)

### When confronted with inappropriate behaviour:

- Remind the student(s) of the relevant regulations relating to behavioural expectations (e.g. ground rules). Set the limits by defining permissible behaviour and consequences
- Stay Calm – don't be drawn into an argument
- Recognise when to draw a line – don't take abuse.
- Be aware that the behaviour could be the result of a disability or mental health difficulty (see guidance below)
- Minimise the opportunity for other students to get involved – maintain eye contact with the student involved and move the scene of conflict away from other students wherever possible. In lectures/tutorials, try and see the student after classes.
- If the student refuses to comply with a request to moderate his/her behaviour, seek the assistance of a colleague or ask the student to leave
- Call for assistance if a student refuses to leave and/or continues to exhibit inappropriate behaviour despite warnings to desist from such conduct. Academic staff may consider suspending lectures
- If a student's behaviour is perceived to pose a threat to the health and safety of staff, other students in the vicinity or to him/herself then assistance should be called immediately.
- Make a factual record of events and actions taken
- Seek advice

### Mental Health/Disability and Student Behaviour

- If you are concerned about a student's behaviour but it does not pose any immediate health and safety concerns- contact the Dean for advice and guidance
- Where a student's behaviour poses a threat to the health and safety of others or him/herself ask for assistance from whoever is appropriate.
- Contact the Dean for advice/guidance regarding the Mental Health Protocol

## **Appendix C: Guidance for staff conducting disciplinary interviews**

### **First Steps**

Assess whether the incident should be addressed under the Disciplinary Procedure. If there is no evidence of persistent misconduct or it does not fit within the categories or examples of misconduct in this Procedure, the following approaches should be considered:

- Remind the student of the expected way of conducting him/herself in a particular setting or generally as a student at the College. Ideally this should be addressed by the affected member of staff directly with the student. Alternatively, a letter/email can be sent to the student reminding him/her of the expected conduct. Reference can be made to this Procedure (as appropriate) if the conduct persists.

### **Interview Arrangements**

If it is clear that minor misconduct has occurred (see section 2 of the Procedure) the following steps should be taken:

- Collate evidence relating the incident (e.g. emails/witness accounts)
- Invite the student to attend an interview in writing and include
  - details of the allegations
  - reference to the available support
  - date/time/venue and details of who will be present
  - a request for the student(s) to make the organiser aware of any reasonable adjustments to be made
  - reference to the fact that a student's attendance is required and that the matter may be considered in his/her absence (consideration should be given to students with caring/other responsibilities regarding their ability to attend)
  - reference to the fact that a student can bring witnesses or witness statements in support of their account
- Interviews should normally take place within 7 days of receipt of the allegations

### **During the Interview**

- Explain what will happen in terms of process
- Ensure a balanced account is acquired – afford the student an opportunity to give his/her account
- Keep a factual record of the interview. This should be confidential but may be placed on the student's file.

### **Decision and Outcome**

- Determine on the balance of probabilities whether misconduct took place
- If a penalty is issued, decide on an appropriate and proportionate penalty to the offence
- Write to the student with the outcome within 7 days of the interview
- Provide a reason for reaching the decision and make them aware of their right to appeal and information about how to do this
- Send a copy of the letter to the Dean for annual reporting purposes
- Aim for consistency in the treatment of the student compared with other similar circumstances

#### **Appendix D: guidance for students attending disciplinary interviews**

The Student Disciplinary Procedure is the formal mechanism under which allegations of inappropriate student behaviour are investigated.

What will happen at a disciplinary interview?

- You will be sent written notification of the interview arrangements. The letter will outline the allegations and inform you of the date, time, venue and who will be present. It will also advise that you can bring someone with you to the interview for support (see Glossary for definitions of Friend/Family Member and colleague)
- The interview is likely to last approximately 30 minutes, although it may last longer if the allegations are complex or if there are discrepancies in the accounts provided
- There will normally be one or two staff members present to conduct the interview. There will also normally be a note taker.
- Staff present at the interview will introduce themselves and summarise the allegations against you. You will then be asked to explain what happened in your own words.
- Staff will then ask questions to clarify what happened and ensure they fully understand.
- At the end of the interview, staff will consider all information in private in order to reach a decision.
- You will receive a letter confirming the outcome of the investigation and any penalties.
- The notes will be placed confidentially on your student file.

#### **Frequently Asked Questions (FAQs)**

Do I have to attend? Yes. You are required to attend a disciplinary interview or committee when requested to do so. Even if you feel that you have not done anything wrong or there has been a misunderstanding, it is important that you attend the interview so that your account of an incident can be considered. If you do not attend, the matter may be considered in your absence.

What should I do if I can't attend at the scheduled date/time? Contact the interview/committee organiser as soon as possible and in advance of the scheduled date/time to inform them. You must present a valid reason for not attending (e.g. illness/scheduled lesson/caring or other responsibilities) with evidence to support this.

What is it that I am alleged to have done? The letter inviting you to attend the interview or committee will highlight the allegations made against you. Please note, this does not mean that a

judgement has been made regarding your involvement in an incident. Remember, at this stage the College only has one account of an incident.

What is minor, major or gross misconduct? These are the categories and levels of misconduct defined under this Procedure. For more information about minor misconduct- see section 2, for major misconduct- see section 3 and for gross misconduct, see section 4.

What should I do to prepare for an interview/committee? Familiarise yourself with the process and collate any evidence (e.g. witness statements) in support of your account of an incident. Take time to consider what you want to say.

Can I bring someone with me to the interview/committee? Yes. You can bring a Friend/Family Member, colleague (see Appendix A for definitions). If you have any witnesses who can support your account of an incident, you can ask them to attend with you or provide a statement and bring a copy with you to give to the panel to consider.

Who can I speak to about the process? If you are uncertain about the process and would like to discuss it with someone, you can contact the Dean. You may also wish to speak to your Personal Academic Tutor. Please see Appendix F: Sources of Support & Guidance for Staff & Students for contact details.

Will I be issued with a penalty? If it is determined that misconduct has not occurred, you will not be issued with a penalty. If it is determined that misconduct has occurred, you will be issued with a penalty. Please see the Procedure for a list of possible penalties.

How is the decision made that misconduct has occurred? This is a decision made 'on the balance of probability' taking into consideration the available information about the incident (e.g. accounts, witness statements).

Can I appeal against a decision? Yes. You can appeal against any penalty which is issued under the grounds for appeal and provide supporting evidence to support these grounds. Please see the Procedure for further information.

**Review Date: 2022**