

**ISTITUTO MARANGONI LONDON  
STUDENT CODE OF CONDUCT AND DISCIPLINARY POLICY**

2023-24

**Version Control Statement**

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## 1. Scope

- 1.1. The School aims to provide all of its students with the support and guidance they need to succeed and realise their potential. The Student Code of Conduct sets out the standard of conduct the School expects of its students so that everyone can undertake their studies in a supportive and non-threatening environment.
- 1.2. The Student Code of Conduct does not deal with academic misconduct, which is addressed in the Student Academic Misconduct Policy. Similarly, the Code does not cover conduct by staff towards students. Student complaints about staff conduct must be raised through the Student Complaints Procedure.
- 1.3. Examples of misconduct in this policy are not exhaustive and the procedures established in this policy may apply to breaches of other School policies. Where this is the case, this policy will be referenced accordingly.
- 1.4. The School will always try to act reasonably when dealing with student misconduct. It must also balance the interests of the whole School community and, on occasion, of wider communities with whom it must maintain good relationships. Exceptionally, this might result in action being taken outside of the provisions of the Student Code of Conduct. In such cases, decisions will always be taken by the Registrar, based on such information and advice that they consider appropriate and will be explained to the student accordingly.

## 2. The Student Code of Conduct

- 2.1. In School premises and on School business, the School expects students:
  - To behave responsibly, fostering mutual respect and understanding across the School community.
  - To act within the law, not engaging in any activity or behaviour that could bring the School into disrepute.
  - To behave and communicate in ways that do not unreasonably offend others. Examples of unreasonably offensive behaviour include, without being limited to, using abusive, racist, offensive, discriminatory or obscene language and engaging in any form of discriminatory or anti- social behaviour.
  - To treat with respect everyone, they come into contact with, whether within the School or outside.
  - To treat all School property with respect.
  - To comply with reasonable requests of members of staff.
  - To adhere to the School's Health and Safety policies.
  - To comply with any specific requirements applying to areas where they work.
  - To comply with the code of conduct/regulations governing the use of the Library.
  - To observe fire alarms and related procedures, evacuating buildings when alarms sound.
  - To tell the Student Services team if charged with, and/or convicted of, a serious criminal offence
- 2.2. The School works hard to build good relationships with its local communities. It works with accommodation agencies, local representatives, and the police to help make its building and the surrounding areas safe and friendly environments. In that context, students are expected to:
  - Help support these relationships in the way that they conduct themselves in the surrounding area.
  - Be considerate to neighbours, especially in relation to noise levels and rubbish.
  - Be considerate if they are parking close to the School building, so as not to obstruct residents.
  - Act within the law, not engaging in activity or behaviour that could bring the School into disrepute.
- 2.3. The School considers the forms of inappropriate conduct that are set out in sections 11-14 below to constitute misconduct that is likely to lead to disciplinary action. This is not an exhaustive list.

## 3. Procedure for dealing with alleged breaches of the Student Code of Conduct

- 3.1. Where it is alleged that a student has breached the Student Code of Conduct, the matter shall be dealt with in accordance with the disciplinary procedures set out below.
- 3.2. Allegations of misconduct should be reported to the Student Services team.
- 3.3. A student who wishes to make a complaint about the conduct of another student must use the Student Complaints Procedure. The School discourages the use of anonymous allegations in the complaint's procedure, because transparency is central to the School's values and helps to ensure that complaints can be resolved in an atmosphere of trust, openness and fairness preserving ongoing relationships. If a complaint is made anonymously, it can be much harder to investigate and to preserve fairness to all parties. Allegations that are made anonymously, whether by students or by other persons, will be considered at the discretion of the School considering:

- The gravity of the allegation.
- The credibility of the allegation.
- The likelihood of being able to conduct a fair investigation.
- Whether there is good reason for the complainant to remain anonymous.

3.4. Disciplinary action may be taken against a student where one of the following apply:

- They persistently make allegations outside of the Student Complaints Procedure.
- They do not respect the confidentiality of other parties during an investigation.
- They persistently seek to publicise allegations about others that have been resolved or not upheld.
- They are adjudged to have made malicious or vexatious allegations.

3.5. To balance the conflicting but legitimate rights and needs of the School community (students and staff) and to safeguard the orderly functioning of the institution, even where there has been no formal finding of misconduct, the School may take informal action where no disciplinary record will remain on students' files.

3.6. When the Student Services Team receive an allegation of misconduct, they will undertake an initial assessment and recommend one of the following options:

- There is no case to answer and no action should be taken.
- That an informal resolution such as mediation is appropriate.
- The student is required to attend an informal meeting.
- That a fixed penalty fine should be issued under the summary procedure.
- The case should be referred to a disciplinary panel.
- An informal meeting between the student and a senior member of staff to discuss the issue.
- That an investigation is required before a decision can be made on the appropriate process. An investigating officer will be assigned to conduct a full investigation.

#### **4. The Student Code of Conduct and Placements**

4.1. The School requires full disclosure of relevant information in order to approve placements for students. If a student has a serious, relevant, disciplinary record or a related criminal conviction that is not 'spent', their permission will need to be obtained to disclose that information to potential placement providers, so that the providers can decide whether to accept them. Where a student who is in this position does not give permission for such information to be disclosed, the School will be unable to support a placement for them.

4.2. Students on placements will be subject to the Code of Conduct and associated procedures of both the School and the placement provider, including the provider's absolute authority to dismiss. Dismissal from a placement for misconduct can constitute either misconduct or serious misconduct under the Student Code of Conduct because it damages, or has the potential to damage, the School's relationship or reputation with an external organisation.

4.3. Where dismissal has resulted from a finding of fact made by the placement provider, this will not need to be reopened by the School. The issue for the School will be the seriousness of the offence. Where the placement provider has not gone through a formal disciplinary process, the School may need to invoke its own disciplinary procedures.

4.4. If the pre-placement conduct of a student has the potential to damage the School's relationship with a placement provider, the Careers Service may refuse to allow the student to undertake a placement. Where the student is on a programme that includes a placement year, this will result in the student being transferred to a non-placement variant of the programme. MA students may be required to undertake an alternative project instead of a placement. Detailed guidance will be provided to students in programme and related handbooks. Requests for reviews of such decisions will be dealt with under the review procedure in the Student Code of Conduct.

## Student Disciplinary Policy

### 5. Introduction

- 5.1. This policy sets out the scope, regulations and responsibilities relating to disciplinary action taken against students. Cases of Academic Misconduct are dealt with according to the relevant Academic Misconduct policies and procedures applicable to the course of study and are not within the remit of this policy.

### 6. Purpose of the policy

- 6.1. The purpose of this policy is to enable Istituto Marangoni London to fulfil its obligations relating to the care of and responsibility for its members, and to protect its reputation. Under this policy, the School has the power to discipline students including suspending or expelling a student for good cause.
- 6.2. This document also covers any misconduct relating to harassment including sexual harassment.
- 6.3. The Student Disciplinary Policy and Procedures are designed to act as a deterrent by articulating a penalty for unacceptable behaviour, and to support improvement by discussion and positive action where behaviour falls short of required standards.

### 7. Authority and responsibilities

- 7.1. The Registrar is responsible for the maintenance of student discipline and, within the rules and procedures provided within this policy, for the suspension and expulsion of students on disciplinary grounds or other urgent cause. Where the allegation constitutes criminal behaviour, the School Director, Director of Education, Head of Student Recruitment or Registrar should inform the police. The Registrar may delegate responsibilities in relation to student discipline from time to time to appropriate members of staff. Further information addressing responsibilities of staff and students can be found in section 20.
- 7.2. This document defines the responsibilities of staff authorised to take action in respect of disciplinary offences and the role of those authorised to investigate disciplinary allegations on behalf of the School.
- 7.3. In exceptional cases, where it is considered urgent and/or critical, the School Director, Director of Education, Head of Student Recruitment, Registrar or their nominee may decide to accelerate the proceedings.

### 8. General principles

- 8.1. Below are the principles which influence the School's approach towards disciplinary matters:
  - Accessibility: the policy and procedures are visible, obvious, and easy to navigate.
  - Clarity: there is a clear indication of unacceptable behaviour and how it may be dealt with.
  - Impartiality: the decision-making process is independent of any influencing factors.
  - Consistency and fairness; decision-making is consistently in line with the procedures and is applied fairly across all cases, considering reasonable adjustments where necessary.
  - Confidentiality: outcomes and proceedings are confidential and are only shared with individuals where required, in the interest of security or where it might help in behavioural development.
  - Timeliness: all cases are concluded as quickly as possible and never exceeding the allowed timeframes unless necessary and authorised as per the procedures.
- 8.2. Students will be given notice of allegations made about their behaviour and reasonable time (a minimum of 5 working days) to prepare a defence.
- 8.3. All parties will receive the same information and copies of written evidence at all stages of the process. Written evidence may be anonymised if considered appropriate to protect the interests of individuals. If the facts stated identify individuals, then this will be considered before sharing the evidence.
- 8.4. Students have the right to be accompanied by a representative not acting in a legal capacity at any hearing or meeting conducted individually, or by a panel, covered by this document.
- 8.5. Students will receive an unbiased hearing.
- 8.6. Every decision in the process will be informed by the evidence submitted/available. There will be a proportionate outcome to any offence committed.
- 8.7. Students will be kept informed in writing of the progress of their case at all stages of the disciplinary proceedings. This applies to both parties.
- 8.8. The Registrar or a designated member of staff will keep confidential and secure records of all hearings held by Student Disciplinary Panels.

## 9. Definition of a disciplinary offence

- 9.1. In its general sense, any behaviour which interferes with the functioning or activities of the School and its partners or of those who work or study at the School, or action which otherwise damages the School or its reputation constitutes a disciplinary offence.
- 9.2. Examples of conduct likely to constitute a disciplinary offence are outlined from section 11-14.

## 10. Scope of the policy

- 10.1. This Policy applies to all students enrolled at Istituto Marangoni London.
- 10.2. Students who are engaged on work placements may be subjected to such disciplinary processes of both the School and the entity where they are on placement or working as an intern.
- 10.3. All allegations of academic misconduct are dealt with according to the relevant policies and procedures either of the School or our university partner and not under the Disciplinary Policy and Procedures. Academic Misconduct allegations are covered in the Academic Regulations of Manchester Metropolitan University and/or the relevant School policy on Academic Misconduct.
- 10.4. Exceptionally, this Policy may be invoked to investigate allegations of academic misconduct relating to former students, for example where evidence of malpractice has come to light after the award has been conferred.

## 11. Related regulations, policies and procedures

- Equality, Diversity and Inclusion Policy
- Dignity at Work and Study Policy
- Harassment and Sexual Misconduct Policy

## 12. Examples of disciplinary offences

- 12.1. The offences outlined below are classed as disciplinary offences. The offences are categorised into general misconduct and academic misconduct (i.e., cheating). The lists are not exhaustive and the School may determine that other behaviour constitutes misconduct for consideration in accordance with the Student Disciplinary Policy.

## 13. General Misconduct

- 13.1. The following examples are considered to be general misconduct.
  - Any conduct which constitutes a criminal offence.
  - Any form of violent, vindictive, indecent, disorderly or threatening behaviour or language, either written or spoken including any form of electronic communication.
  - Any form of discrimination, discriminatory language, action or behaviour, whether verbal, physical or written, that contravenes current, relevant legislation and School policies or procedures.
  - Undesignated possession of an offensive weapon on School premises.
  - Bullying or harassment of any type towards a student, member of staff or any visitor to the School.
  - Sexual harassment of any type towards a student, member of staff or any visitor to the School.
  - Fraud, deceit, deception or dishonesty in relation to the School or its staff, students or visitors.
  - Making a fraudulent claim for funds or the re-imbursment of expenses.
  - Failure to respect the rights of others to freedom of belief and expression.
  - Failure to comply with a reasonable instruction related to discipline issued with the Registrar's authority.
  - Theft, misappropriation or misuse of School property or the property of the School's staff and/or students.
  - Disruption or improper interference with the academic, administrative or other activities of the School or its partners where applicable.
  - Obstruction or improper interference with the functions, duties or activities of any student, member of staff of or any visitor to the School.
  - Misuse or undesignated use of the School's premises.
  - Damage to School property or the property of the School's staff, students or visitors caused intentionally or recklessly.
  - Action likely to cause injury or impair safety on School premises.
  - Breach of the provisions of any School code, policy, rule or regulation.
  - Making unsubstantiated allegations about a member of staff or a student.
  - Vexatious or malicious complaints.

#### 14. Serious Misconduct

- Abusive language or behaviour towards others, on the grounds of age, disability, gender, gender identity, pregnancy, maternity, race, religion, belief, or sexual orientation.
- Taking School property, or the property of School staff or students, without permission.
- Deceit, deception or dishonesty in relation to the School or its staff and students, or while on School-related activities.
- The supply of illegal drugs or any substance that has a similar effect to illegal drugs.
- Other behaviour that constitutes a potential criminal offence of relevance to the School or to the student's standing as a member of the School community.
- Any action that caused, or could have caused, serious harm on School premises or during School activities, or that creates a legal liability for the School.
- Physical violence towards others, or the threat of physical violence.
- Behaviour that compromises the reputation of the School.
- Making unwanted remarks of a sexual nature.
- Engaging in a sexual act involving School staff or students without their consent.
- Serious and/or repeated harassment of staff or students.

14.1. In addition, misconduct set out in section 13 above which is considered by the relevant School manager(s) to have a significant impact on others or on the School generally, or to be persistent and/or repeated over a significant period of time, may be treated as serious misconduct.

#### 15. Academic Misconduct (Cheating)

15.1. Academic Misconduct is dealt with in accordance with the policies and procedures of the university partner and not this policy and procedures. However, this policy or associated procedures may apply in the case of academic misconduct allegations in relation to former students.

#### 16. Risk Assessment and Suspension

16.1. Where an initial assessment identifies an allegation of serious misconduct, or where the School becomes aware that a student is under investigation by the relevant authorities on suspicion of having committed a criminal offence, a full risk assessment will be conducted. An appropriate Senior Member of Staff will consider whether any risks have been identified that require precautionary action.

16.2. Where one or more of the following conditions is satisfied the student may be suspended immediately from any or all School premises and facilities by the risk assessor:

- The student's continued presence compromises the reputation of the School.
- There is reasonable suspicion that the student has been supplying illegal drugs.
- There is a risk that the student might harm others.
- There is a risk that the student might cause damage to property.
- There is a risk that the student's continued presence may inhibit an official investigation.
- There is a risk that the student's continued presence may cause serious distress to others.

16.3. Normally, students shall be informed that a risk assessment is being carried out and be given an opportunity to submit representations in writing to Student Services about a recommendation that they should be suspended from the School. Where the Senior Member of Staff considers that the circumstances of a case justify the immediate suspension of a student, the student may be invited to make representations within 10 working days of the suspension being imposed.

16.4. Once restrictions have been imposed and the deadline to submit representations has passed, the student will be informed of their right to request a review of the restrictions. Any review should be submitted within 10 working days to Student Services and will be considered by the Registrar (or the Director in cases where the Registrar imposed the restrictions).

16.5. The Registrar or School Director may either decide to retain the existing restrictions or make an alternative decision that satisfies the institution's over-riding responsibility to ensure the safety, wellbeing and good order of the School community. The decision of the Registrar or School Director shall be communicated to the student in writing and shall be final.

16.6. A student may be suspended from attendance at the School, and/or prohibited from engaging with online or other resources, for alleged misconduct or other good or urgent cause for a limited period of time. Suspension could be of two types depending on the extent and nature of the allegation:

- The student is not allowed to attend School but may engage with online resources and submissions.
- The student is not allowed to attend School and may not access or engage with School resources.

- 16.7. Suspension is not a penalty or assumption of guilt, but a precautionary measure which the School may use in order to exercise its duty of care where necessary before any investigation takes place.
- 16.8. The decision to suspend a student may only be taken by the School Director, Director of Education, Registrar, Head of Student Recruitment or their nominee. The student will be notified by letter of the reasons for the suspension, the terms of the suspension and the right of to request a review. The period of suspension cannot exceed three weeks unless an extension has been agreed by the School Director, Director of Education, Head of Student Recruitment, Registrar or their nominee. The length of the extension will be determined having regard to the circumstances of the case. The student will be advised in writing if an extension is agreed and informed of the length of the extension.
- 16.9. Suspensions that are imposed under this provision shall be reviewed by the School no less than monthly. The student can also request a review at any point if they believe there is a material change in the circumstances of the case. In the event of a material change, the suspension will be referred back to the Senior Member of Staff for reconsideration.
- 16.10. A student who wishes to request a review against a suspension should write to the School Director. The review will be considered by the School Director, Registrar, or their nominee, provided they have not previously been involved in the case. The student will be issued with a response within five working days of receipt of the request to review.

## **17. Burden and standard of proof**

- 17.1. It is the responsibility of the School to prove the allegation. In line with Civil law practice, the standard of proof required is that of the balance of probability meaning that it should be more likely than not that the student has committed the alleged misconduct.

## **18. Penalties for misconduct**

- 18.1. When determining the penalty to be applied, consideration should be given to:
  - The seriousness of the misconduct.
  - The student's previous disciplinary record.
  - The conduct of the student after the alleged act of misconduct.
  - Any mitigating factors.
- 18.2. Where allegations of misconduct are upheld, the following penalties are available:
  - An initial written warning.
  - A final written warning.
  - Expulsion from Istituto Marangoni London.
  - Withdrawal of access to School facilities/services (including from School partners and third parties).
  - Compensation (in cases of vandalism, damage by fire etc.).

## **Student Disciplinary Procedures**

### **19. Scope**

- 19.1. The Student Disciplinary Procedures describe how the Policy is applied. They set out the:
  - Responsibilities of staff and students.
  - Procedures for investigating allegations of disciplinary offences.
  - Purpose, terms of reference, membership and conduct of Student Disciplinary Panel hearings.
  - Evidence required in relation to mitigating circumstances and how Panels should take account of mitigating circumstances.
  - Matters to be considered when determining the penalty for a student disciplinary offence.
  - Review process.

### **20. Responsibilities of staff and students**

- 20.1. All members of staff have a responsibility to report a suspected disciplinary offence by a student. All students are encouraged to raise concerns with a member of the academic team, Student and Academic Services or Registry where they feel that an offence might have taken place.
- 20.2. Sections 11-14 lists examples of misconduct which are deemed to be a student disciplinary offence. Any behaviour which is thought to be a disciplinary offence should be reported as soon as possible. It is the responsibility of the member of staff or students bringing the allegation to provide supporting evidence.



- 20.3. The Registrar is responsible for nominating members of staff to act as Investigating Officers in matters related to student discipline. The Investigating Officer assigned to a case must be independent of the student and the course in question.
- 20.4. The responsibilities of the Investigating Officer are to:
- Be the first point of contact regarding student disciplinary allegations.
  - Inform the student of the allegation and to advise them about the Student Disciplinary Policy and Procedures.
  - Ensure that allegations are investigated properly and that full records are kept of the investigation and to determine whether there is a prima facie case to be heard.
  - Correspond with students, staff and the Registry regarding the progress of investigations into student disciplinary allegations.
  - Instigate hearings by Student Disciplinary Panels when necessary and to present details of allegations to these Panels.
  - Make appropriate penalty recommendations to the Registrar.
- 20.5. It is the responsibility of the Registrar to:
- Determine, after receipt of a recommendation from an Investigating Officer, the penalty to be applied.
  - Where the Registrar declines the recommendation of an Investigating Officer they may impose an alternative penalty or determine that the case is so serious as to require referral to a Student Disciplinary Panel.
- 20.6. It is the responsibility of the Chair of a Student Disciplinary Panel to ensure that:
- The Panel hearing is conducted in accordance with the expectations set out in the Student Disciplinary Policy and Procedures.
  - Students are treated fairly.
  - The reliability, strength and relevance of evidence is considered by the Panel when reaching a decision.
- 20.7. The responsibilities of members of Student Disciplinary Panels are to:
- Declare any personal interests in the matter being investigated.
  - Adopt an unbiased approach when questioning staff, students and witnesses.
  - Ensure they are familiar with the papers relating to the allegation prior to the hearing.
  - Ensure that all matters relating to the allegation are considered in an impartial manner
- 20.8. For Student Disciplinary Panels, a member of the Registry or Student and Academic Services teams will be appointed by the Registrar to act as Secretary to the Panel. The Secretary is not a member of the Panel but will:
- Provide the Panel with advice about the Student Disciplinary Policy and Procedures.
  - Be responsible for arranging meetings of the Panel, which shall include issuing the agenda and supporting paperwork to all attendees.
  - Produce a written record of the hearing which will include details of the outcome and, where the allegation is upheld, details of any penalty imposed.
  - Inform the student and relevant staff of the outcome and provide them with a copy of the record of the hearing.
- 20.9. The Registrar or their nominee will maintain confidential records of meetings of all Student Disciplinary Panels. The Registry will provide the Academic Board with an annual report on casework undertaken and ad hoc reports in serious cases, providing support and guidance to staff in matters related to the Student Disciplinary Policy and Procedures.

## **21. Investigating an allegation of misconduct**

- 21.1. Within 10 working days of receipt of the allegation, the Investigating Officer will write to the student to inform them of the allegation and that a disciplinary investigation has been instigated.
- 21.2. The evidence collected during a disciplinary investigation can come from a variety of sources and may include written and oral evidence.
- 21.3. To determine the facts of the matter, the Investigating Officer may need to meet with the student and/or the party (student or staff member) who raised the allegation. If this is the case the student will be advised in writing of the need for a preliminary meeting and given at least 5 working days' notice of that meeting.

- 21.4. Any preliminary meeting undertaken as part of a disciplinary investigation is solely for the purpose of establishing whether there is a prima facie case to answer.
- 21.5. Notes of preliminary meetings should be taken by the Investigating Officer, agreed by the participants, and kept by the Investigating Officer.
- 21.6. The recommendation, and the investigation report if relevant, will be provided to the appropriate senior Manager who will make a final decision on the relevant procedure to follow. Where there appears to be a clear case of misconduct the matter may be referred directly to a disciplinary panel without further investigation.
- 21.7. Disciplinary investigations and, if required, preliminary meetings must be concluded within 10 working days from informing the student of the allegation.

| Action  | Timescale   |
|---|---|
| Notification of receipt of allegation and the commencement of the investigation | Within 10 working days of receipt of the allegation                 |
| Notice of preliminary meeting   | Minimum of 5 working days   |
| Conclusion of preliminary meetings and disciplinary investigation               | Within 10 working days from informing the student of the allegation |

- 21.8. The student should be advised that if it is subsequently decided there is a case to answer, details of the preliminary meeting may be presented to a Student Disciplinary Panel convened to consider the allegation.
- 21.9. Where misconduct is considered to be minor in nature, an informal meeting between the student and a senior member of staff may be held to discuss the matter. The outcome of the meeting shall be recorded in a letter from the senior member of staff to the student and lodged with the Student Services Manager for record keeping. The letter may be referred to only if there are further concerns subsequently about the student's conduct.
- 21.10. Where the senior member of staff considers that there is substance to the allegation, the letter shall normally include a requirement for the student to give a formal undertaking as to his/her future behaviour and a warning about the possible consequences of any further breach of the Student Code of Conduct. Allegations that are dealt with through an informal meeting should not normally then be referred to a disciplinary panel. If a student does not attend an informal meeting the senior member of staff can either:
  - Send a warning letter in the student's absence.
  - Refer the matter to a disciplinary panel.
- 21.11. Students can choose to reject a warning letter and request that instead their case is considered by a disciplinary panel. Any such request must be made within 14 days of the meeting.

**22. Summary procedure**

- 22.1. Where a member of staff directly witnesses evidence of misconduct on School premises, the matter may, at the discretion of the relevant senior member of staff, be dealt with under the Summary Procedure. In such cases, the student may accept a fixed penalty fine of up to £100, which must be paid to the School Finance Office within 14 days of the date of the written notification to the student. If the student does not accept the fixed penalty fine, the matter will be referred to a disciplinary panel.

**23. Behaviour which may be a criminal offence**

- 23.1. In circumstances where the allegation may constitute a criminal offence the matter should be reported immediately to the School Director, Director of Education, or the Registrar. The School Director, Director of Education, or Registrar should inform the police. The School Director, Director of Education, or the Registrar will decide whether the Student Disciplinary Procedures should continue or be suspended pending the outcome of any police investigation. Generally, it is advisable for the School to suspend its disciplinary process until any legal proceedings have been completed. If necessary, a student may be suspended pending the outcome of a police investigation and any court procedure.
- 23.2. Where a student has already been sentenced by a court in respect of the same matter, the Court's penalty will be considered by the Student Disciplinary Panel.
- 23.3. Where the School becomes aware that a student has been convicted of a criminal offence resulting in the imposition of a custodial sentence, the School shall immediately cancel the student's registration and current enrolment(s). If, at the end of the custodial period of their sentence, the student wishes to return to the School, they must submit a new application in the normal way. If at the time the new application is made, the conviction is not deemed to be spent under the Rehabilitation of Offenders Act 1974, the matter will be considered by a Risk Assessment Panel, in accordance with the School's Recruitment and Admissions Policy

**24. The outcome of the investigation**

24.1. Following the disciplinary investigation, the Investigating Officer will consider all the evidence and decide whether there is a prima facie case to answer. Within 10 working days of the completion of the investigation the Investigating Officer will inform the student against whom an allegation has been made and the party (student or staff member) who raised the allegation of the outcome and the reasons for the decision.

**25. The outcome of the investigation: no case to answer**

25.1. If it is considered that there is no case to answer the matter will be closed. The Investigating Officer may decide that the student should be provided with advice about his/her future conduct. If this is the case, the Investigating Officer will meet the student and provide them with a written counselling note which will be retained on the student’s file.

**26. The outcome of the investigation: case to answer**

26.1. Where it is considered that there is a prima facie case to answer, the Investigating Officer will seek the advice of the Registrar to determine whether the allegation should be considered by the Investigating Officer or referred to a Student Disciplinary Panel. This decision will be based upon the findings of the investigation, the severity of the alleged offence and any previously proven misconduct by the student. The student will be advised of the Investigating Officer’s decision and given written details of the allegation and copies of the evidence obtained during the investigation. Where required these will be anonymised. The Investigating Officer will inform the Registrar of the outcome of the investigation.

26.2. If the allegation is not deemed to require referral to a Student Disciplinary Panel, the student will be asked to consider the evidence supplied and be given the option of contesting the allegation or admitting the offence. The student should be asked to confirm his/her decision in writing within 10 working days of the date of the letter advising of the outcome of the investigation. A student who fails to respond within this timescale will be assumed not to be contesting the allegation.

26.3. Where a student admits an allegation, the Investigating Officer will recommend to the Registrar the penalty to be applied.

26.4. If the student wishes to contest the allegation or the nature of the allegation as such that it requires consideration by a Panel, the case will be considered by the Student Disciplinary Panel.

| Action  | Timescale   |
|---|---|
| Notification of the outcome of investigation to the student concerned and the party who raised the allegation | Within 10 working days of the completion of the investigation                     |
| Student's response to notification of the outcome of investigation contesting or admitting the offence        | Within 10 working days from informing the student of the outcome of investigation |

**Student Disciplinary Panels**

Student Disciplinary Panels are established to consider allegations of general misconduct and to establish the facts and circumstances of a case before determining the outcome and, where appropriate, the penalty.

**27. The Student Disciplinary Panel hearing**

27.1. The student must be given at least 10 working days’ notice of the proposed date for the Student Disciplinary Panel hearing. It is desirable that the student is present throughout the hearing. This is so that they can hear all of the evidence and provide a defence. Exceptionally, a hearing may proceed without the student if it is considered that they have sought to delay the hearing without good cause.

27.2. The student will have the right to be accompanied by a representative not acting in a legal capacity. The role of this person is to support and advise the student. Normally, the representative may not speak on behalf of the student but can ask for an adjournment. The only circumstances in which a representative may speak on behalf of the student, would be where we consider the student to be unable to represent themselves. However, it is expected that the student will speak for him/herself during the hearing.

27.3. If, during the hearing, the Panel feels that further information is required to reach a decision, the hearing may be adjourned. Depending upon the nature of the information and its accessibility, the length of adjournment will be between a few minutes to recommencement at a later time or date which is generally no longer than 2 working days. The Investigating Officer will be responsible for collecting any additional information that is required and will provide copies to the Chair and student. The Chair will decide whether it is necessary to reconvene the hearing to consider any new information.

27.4. All parties will be supplied with all the papers relevant to the hearing. These will be anonymised where required and will include:

- The date, time and location of the meeting.
- Details of the precise nature of the allegations to be examined.
- All documentary information to be provided to the panel (including the Investigator’s Report).
- A list of the panel members.
- An outline of the process of the meeting.
- Notification that the student is entitled to be accompanied by a friend or relative.

| Action   | Timescale  |
|--|--|
| Notification of the proposed date for the Student Disciplinary Panel hearing | Minimum of 10 working days prior to the proposed meeting date                          |
| Maximum length of adjournment  | 2 working days   |
| The outcome of the hearing   | Within 5 working days of the hearing (an extension can be considered by the Registrar) |

**28. The Outcome of the hearing**

- 28.1. If it is concluded that the student is guilty of the alleged offence, the Panel must recommend the penalty that should be imposed after considering any mitigating circumstances.
- 28.2. If the Panel determines that the student is not guilty of the alleged offence, the student will be advised, and no further action will be taken.
- 28.3. If the panel determines that the student is not guilty, then the Panel will advise the relevant members of staff to ensure any restorative measures are taken to ensure that the student is not disadvantaged in any form, such as ensuring provision of catch-up classes and/or extended submission deadlines.
- 28.4. The Panel must conclude its decision within 5 working days of the hearing. If it cannot conclude the matter, then it must seek an extension from the Registrar, and the student should be notified of the delay.

**29. Mitigating circumstances**

- 29.1. Where mitigating circumstances are presented by the student, they must be supported by documentary evidence (e.g., medical reasons must be supported by a doctor’s note).
- 29.2. The student must explain the extent of the problems he/she was experiencing and their impact in relation to the allegation. Mitigating circumstances may be more relevant where:
  - The student had little control over the circumstances or was unable to improve the situation.
  - The circumstances were exceptional.
  - The circumstances are not supported or provided for by the School’s procedures and/or support services.
- 29.3. Where the mitigating circumstances could have been alleviated by the School’s procedures and/or support services and the student did not take advantage of this, the student must explain why he/she did not do so.
- 29.4. Following the presentation of the mitigating circumstances, the Panel will decide whether the circumstances are sufficient to mitigate the disciplinary penalty and, if so, to what extent. If it is concluded that the student is guilty of the alleged offence, the Panel must consider any mitigating circumstances prior to determining the penalty to be imposed.

**30. Penalties**

- 30.1. Penalties must be proportionate and take into account the following:
  - The seriousness of the misconduct.
  - An act that was premeditated or sustained over a period would normally be considered more serious than one that was committed on the spur of the moment or on a single occasion. Additionally, an act which had a significant adverse impact on a fellow student or member of staff would be considered more serious than one that had a negligible or small impact.
  - The student’s previous disciplinary record.
  - Any repetition of a disciplinary offence should be regarded as a serious matter.
  - The conduct of the student subsequent to the act of misconduct.

- An act of misconduct followed by further inappropriate action, for example threatening behaviour, should be regarded as a very serious matter.
- 30.2. Where a student contests an allegation of misconduct and is subsequently found guilty, the penalty imposed may be more severe than if the student had admitted the offence.
- 30.3. Where damage has been caused to property belonging to the School or partners, our staff or our students, consideration will be given to seeking recovery of the cost of repairs or replacement of the damaged article(s).
- 30.4. Where an allegation against a student is upheld, a disciplinary panel may impose one or more of the sanctions that are set out below.
- 30.5. All disciplinary panels:
- - Either an oral or a written warning, advising of the likely consequences of a further breach of the Student Code of Conduct and requiring the student to give a written undertaking as to their future good conduct.
  - A requirement to pay costs in respect of any damages and/or losses suffered by the School and/or any third parties as a result of the student's actions. Payment must be made to the School Finance Office within 14 calendar days of the written notification to the student.
  - A fine of up to £500, which must be paid to the School Finance team within 14 calendar days of the date of the written notification to the student. Fines may be suspended for a period of up to 6 months, during which time they will become payable only if the student does not meet conditions that have been specified by the disciplinary panel. If, at the end of the period, all the conditions have been met, the fine will be cancelled.
  - Withdrawal or exclusion from specified services and/or areas of the School, up to one academic term.
  - A requirement to undertake up to 10 hours of non-academic work to make restitution for any situation that they created or contributed to creating.
  - A requirement to participate in a programme identified by the disciplinary panel to educate students about misconduct and its consequences.
  - A restriction on access to facilities or buildings, or contact with staff and/or other students, for a period not exceeding the remainder of the current academic session if this does not prevent the student's academic progress.
- 30.6. For cases of serious misconduct:
- Suspension from the School for a specified period, up to and including three academic terms or an equivalent period.
  - Exclusion from areas of the School, or School activities, for the duration of a student's enrolment.
  - Expulsion from the School.
- 30.7. If a student fails to comply with a non-financial sanction the Panel chair may impose a fine on the student of up to £300 where the finding is misconduct and up to £500 where the finding is serious misconduct. This sanction will not be imposed while a review is in progress.

### **31. Notification of the decision of a Student Disciplinary Panel**

- 31.1. Within 10 working days from the Panel's meeting the Secretary to the Student Disciplinary Panel will notify the student, the Investigating Officer and Registrar of the Student Disciplinary Panel's decision and, in cases where the allegation has been upheld, of any penalties imposed. The notification will be in writing and will include advice to the student regarding the right to request a review.

### **32. Review**

- 32.1. Students shall have the right to request a review of the finding imposed by a disciplinary panel, on one or more of the following grounds:
- That new information has come to light, calling into question the validity of the panel's conclusion.
  - That there was a material irregularity in the conduct of the process.
  - That the sanction imposed was disproportionate to the offence committed.
- 32.2. Requests for review must be submitted to the Student Services Team in writing within six working days of the panel's written decision notification date. Reviews in all other cases, except where the panel finds that the student should be suspended or excluded from the School, shall be dealt with by a senior member of staff with no previous involvement in the case. Cases where the panel finds that the student should be suspended or excluded from the School shall be dealt with by the School Director or Registrar where there

has been no previous involvement in the case. Reviews shall normally be completed within 15 working days of the review request being received. The Review Stage is not a rehearing of the original case. The reviewer will consider the documents considered by the disciplinary panel, the panel outcome and any additional evidence or written representations supplied by the student(s) requesting review.

32.3. The senior member of staff who reviews the case may reach one of the following conclusions:

- To uphold the finding of the disciplinary panel and the sanction(s) imposed.
- To uphold the finding of the disciplinary panel, but to lessen the sanction(s) imposed.
- To refer the case for re-consideration to a new disciplinary panel.
- To quash the finding of the disciplinary panel and the sanction(s) imposed.

32.4. The review outcome shall normally be communicated to the student in writing within 20 working days of the review request being received. A copy of the letter to the student shall be sent to the relevant programme leader, the director of education and be held on file by Student Services.

### **33. Completion of Procedures**

33.1. Once all stages, including the review stage, of this procedure have been exhausted, a Completion of Procedures letter will be issued. A student who considers that the School has not followed and/or applied the Student Code of Conduct and this procedure correctly may then refer the matter to the Office of the Independent Adjudicator for Higher Education, which provides an independent scheme for the review of student complaints.

## Appendix 1: Student Disciplinary Panels Terms of Reference

### 34. Terms of Reference

34.1. Student Disciplinary Panels have the power to:

- Consider allegations of misconduct.
- Decide whether an offence has been committed.
- Establish whether there are mitigating circumstances which can be considered when determining the penalty.
- Determine and apply an appropriate penalty.
- Make additional recommendations to the student regarding his/her future conduct.
- Make recommendations regarding changes to School processes where improvements are deemed necessary.

### 35. Membership

35.1. The membership will be selected by the Registrar and will comprise:

- Director of Education, Programme Leader or Professional Services Manager, who will Chair the hearing.
- One additional member of staff.
- A member of the Registry or Student and Academic Services team will be in attendance as Secretary to the hearing.

35.2. All members of the Panel must be present for the hearing to proceed. The responsibilities of the Chair, members and the Secretary are defined in the Student Disciplinary Policy and Procedures.

35.3. At disciplinary panel hearings, the Investigating Officer, or a member of staff who has not otherwise been involved in the process, shall present the case to the disciplinary panel. Investigating Officers may not be members of disciplinary panels.

35.4. In all cases that are referred to a disciplinary panel, the student shall receive a letter no later than 10 working days before the hearing that sets out:

- A clear specification of the allegation.
- The time, date and place of the disciplinary panel hearing.
- Their right to be accompanied or represented at the disciplinary panel hearing by non-legal representative – usually a friend or relative.
- Their right to call witnesses, to question these and other witnesses and to submit documentary evidence and/or a written statement.
- A copy of any documentation that will be referred to or made use of during the disciplinary panel hearing.
- In the case of serious misconduct, a notice that potential outcomes of the hearing could include suspension or expulsion from the School.

35.5. If a student fails to attend a hearing, the Panel will consider the evidence and reach a conclusion in the student's absence.

35.6. If the student admits the allegation, they may then make a statement of mitigation. If the student does not make an admission, any statement of mitigation is likely to be given much less weight. In all cases where the student does not admit the allegation, they shall be given an opportunity to respond to the allegation.

35.7. At the conclusion of the disciplinary panel hearing, the panel, in isolation, shall reach a decision. The panel shall determine whether the student has committed the alleged offence. If the panel determines that the student is guilty, it shall then decide on the appropriate penalty. The decision of the panel shall normally be notified to the student, and subsequently confirmed in writing. The written notification shall include a summary of the reasons for the decision and shall be sent within 10 working days of the hearing.

35.8. A copy of the letter to the student shall be sent to the relevant programme leader, the director of education and be held on file by Student Services. The file copy shall be held for the duration of the student's registration with the School and may be referred to in the event that a further disciplinary allegation is made against the student. It should be disposed of when the student has graduated, and it should not normally be referred to in references. There may however be some limited circumstances where disclosure may be justified if the matter is directly relevant to the duty of care which is owed to the recipient of the reference, for instance, where the job applied for requires a high degree of personal integrity and/or responsibility or due to the nature of the offence. As part of its decision, a panel should rule on the length of time for which the panel decision should remain on the student's file, and the extent to which it should be disclosed in a reference seeking external advice where appropriate.

**36. Conflict of interest**

- 36.1. Members of a Student Disciplinary Panel should not have had any direct association with the student or prior knowledge of the case. A member of staff who believes they may have a conflict of interest in respect of a particular case should advise the Secretary to the Panel who will determine whether the member of staff can serve on the Panel. If necessary, the Secretary will consult the Chair of the Panel for advice.