



UK COLLEGE
OF BUSINESS AND COMPUTING

Student Disciplinary Policy and Procedure

Reviewed by	RFP
Reviewed on	Nov 2017
Approved by	ASQC
Approved Date	Dec 2017
Next reviewed by	Jan 2019
Version	V3.1

Introduction

UKCBC is committed to offering a safe, supportive and stimulating environment to enable all learners the opportunity to learn and achieve Higher Education qualifications and to progress their personal and professional lives. Students are expected to engage and behave with peers and staff in a professional, respectful and sensitive manner at all times. In cases of alleged student misconduct, behaviour that undermines the standards or reputation of UKCBC or, activity that disrupts the learning environment of others, the college will instigate this process.

In all cases, incidents of student misconduct and indiscipline will be considered with full confidentiality of the student and college officers where ever possible.

Links to QAA Quality Code

This document is designed to provide confidence in the College's dealings with student discipline and to actively enhance the teaching and learning opportunities and environment for all students to enable them to progress through their learning and development in a safe and supportive environment. In doing so it takes reference from the Quality Code expectation **B3** and **B5**

*Higher education providers, working with their staff, students and other stakeholders, articulate and systematically review and enhance the provision of learning opportunities and teaching practices, so that every student is enabled to develop as an independent learner, study their chosen subject(s) in depth and enhance their capacity for analytical, critical and creative thinking. **B3***

*Higher education providers take deliberate steps to engage all students, individually and collectively, as partners in the assurance and enhancement of their educational experience. **B5***

Additionally, this statement resonates with a range of Health and safety and safeguarding legislation including the following:

- Health and Safety at Work Act 1974
- Electricity at Work Regulations 1989
- Electrical Equipment (Safety) Regulations 1994
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013
- Equality Act 2010
- Care Act 2014
- Safeguarding Vulnerable Groups Act 2006

Links to other policies

The remainder of this policy will relate to both general and academic complaints. UKCBC recommends that this policy is understood in the context of the wider maintenance of quality and standards, and particularly in relation to the following policies:

- Bullying and Harassment Policy;

- Academic Misconduct Policy;
- Appeals Policy;
- Prevent Policy
- Fitness to Study Policy
- Code of Conduct and Student Charter.

Scope and Definition of Student Discipline

Student discipline relates to the following of and obedience to a set of rules and regulation within a prescribed community. It is expressed as good/positive or poor/negative behaviour or conduct.

Within an education context such as UKCBC Student Discipline considers the physical, verbal and social activity of a student as it enhances or detracts from the learning environment. By consequence, any interventions undertaken by UKCBC staff are deployed to

- support students in their academic achievement,
- limit any negative effects on or disruption of other students learning opportunities,
- protect the welfare of college staff and other visitors,
- limit any damage to the reputation of the college.

The college will refer to the Police any disciplinary issues where it considers it appropriate to do so. In all criminal investigations, UKCBC will cooperate fully with any authorities if a student is involved.

Poor behaviour that may breach academic standards or could be generally considered as cheating would be investigated under the Academic Misconduct Policy.

General disciplinary issues could be collated within the following categories:

- General social and behavioural conduct including harassment
- Damage to the local learning environment
- Breach of Health, safety and security expectations
- Misuse of College resources including theft

UKCBC expects that all students promote positive behaviour and activity that enhances the learning environment for all students. Where a student displays disruptive behaviour or attitudes, the college will always attempt a positive change in the student through support and guidance from college staff. UKCBC will administer this through the following 3 stage process. The point of entry will be dependent on the severity of the misdemeanour or the regularity of previous occasions of poor behaviour.

- Informal: Early resolution with particular college staff (often lecturers, programme leaders or administration colleagues),
- Formal – stage A: Major Misconduct allegation to be investigated by **Academic Manager/Campus Manager**
- Formal – stage B: Gross Misconduct allegation to be investigated by **Director of Studies/Head of Administration**

In all cases Student Disciplinary investigations will be considered in a fair, consistent and timely manner. No student will be disadvantaged by raising a complaint of student misconduct in good faith, in line with the Student Charter and Student Code of Conduct. If at any point of an investigation it is discovered the student is suffering from mental health, psychological or emotional issues, this policy may be paused and the Fitness to Study policy invoked.

Formal (stage A and B) Student Disciplinary investigations will be dealt with by staff members not involved in the daily operation of the subject of misconduct to mitigate against perceived bias and any potential conflicts of interest. Where this is not possible due to operational constraints, other staff members will be co-opted for the purpose of the investigation.

UKCBC reserves the right to suspend a student from the college or learning environment if an alleged offence has potential risk of suffering or anguish of others whilst an investigation is under way.

The student disciplinary process is not intended to be a court of law. For the avoidance of doubt, the standard of proof to be used in these investigations or in imposing disciplinary penalties is the 'balance of probabilities': *that it is more probable than not that the alleged misconduct or poor performance occurred*

At all stages the college wishes to support the student through this process and to this end they may be supported by a student or class representative, subject to appropriate safeguards being considered.

Penalties following Student Misconduct

The outcomes of a Student discipline investigation is likely to vary depending on severity of the offence and the potential or actual damage to welfare, property or reputation of the wider college community and whether the student has received previous student disciplinary penalties. Penalties may include the following:

- Give the student a verbal warning that reoccurrence of the offence is not acceptable.
- Give the student a written warning that the offence is not acceptable and reoccurrence of it will lead to further investigation.
- Require the student to undertake a Student Learning Contract with respect to disruption to the learning community
- Give the student a notice to provide a verbal or written apology to those affected by their behaviour or actions.
- Request the student to make good any loss or damage to College property or to the property of affected staff, students or visitors.
- Impose a fine.
- Impose a good conduct penalty for a certain time that will come into effect if the student breaches Student Disciplinary again.
- Suspend the student from the College for 2 weeks to 6 months.
- Recommend the termination of the student's registration and fully expelled from the College. Credit for modules completed and passed will be honoured.

The grid below sets out examples of the student misconduct and also relevant penalties. Note that this is not comprehensive but should be read as a guide:

Type of Poor Student Conduct	Examples of offence	Examples of Penalties
<p>Poor Behaviour and Minor Misdemeanour: Behaviour which is annoying but has a small, localised or temporary impact on the community</p>	<ul style="list-style-type: none"> • Continuous disturbance to others in class • Making significant noise or disruption outside of classrooms • Dropping litter and defacing College environment • Suspicion of being under the influence of alcohol or drugs in college or work placement • Behaviour likely to disturb other students in the Library (i.e. eating, use of mobile phone, broadcasting music etc) • Anti-social behaviour in the local community • Departure from the class rules 	<p>Verbal warning</p> <p>Verbal or written apology</p> <p>Learning Contract</p> <p>Written warning</p>
<p>Major Misconduct Behaviour which has a significant impact or has the potential to have a significant impact on the community</p>	<ul style="list-style-type: none"> • Small scale but intentional misconduct • Interfering with fire and safety equipment • Damage to College or placement provider property (up to the amount of £1000) • Misuse of college resources • Unauthorised access to IT resources of students, staff or the college business • Failure to respond to a reasonable instruction by a member of staff • Repeated instances minor misdemeanours • Running a business on College property without the written permission of the Principal • Bringing the College into disrepute through actions or communications, physical or digital • Theft and fraud– where the consequences may be relatively limited • Possession, use or distribution of illegal substances (eg drugs, alcohol, weapons) on College or work placement premises • Behaviour or language (physical or digital) which is violent, indecent, disorderly, threatening, offensive or causes fear or distress to staff, students or visitors. 	<p>Verbal or written apology</p> <p>Learning Contract</p> <p>Written warning</p> <p>Make good any damage</p> <p>Impose a fine</p> <p>Impose a good conduct penalty</p> <p>Temporary Suspension</p> <p>(severity of penalty may increase if incidences of the offence are repeated during the full term of study)</p>

	<ul style="list-style-type: none"> • Offensive, slanderous, harassing, threatening or dangerous behaviour towards another person, face to face • Harassment of any kind – sexual, racial • Harassment on the grounds of sexual orientation • Vexatious complaints, including allegations of harassment that are found to be mischievous or malicious. • Consistent or significant conduct which prevents, obstructs or disrupts the holding of, or orderly conduct of, any meeting or other lawful assembly in the College. 	
<p>Gross Misconduct</p> <p>Behaviour which represents a fundamental breach of behavioural standards</p>	<ul style="list-style-type: none"> • Fraud or impersonation • Major damage to College or placement provider property (over the amount of £1000) • Theft of College or placement provider property • Major misuse of or damage to College resources • Offensive, slanderous, harassing, threatening or dangerous behaviour towards another person, face to face • Any criminal activity on College or work placement provider’s property including distribution of drugs • Assault or threatening behaviour. • Sexual Abuse. • Racist activity or behaviour. 	<p>Verbal or written apology</p> <p>Learning Contract</p> <p>Make good any damage</p> <p>Impose a fine</p> <p>Impose a good conduct penalty</p> <p>Temporary Suspension</p> <p>Termination of registration and expulsion</p>

Process of Student Disciplinary Investigation

Notification of Suspected Disciplinary Misconduct (SDM)

When details and/or evidence of SDM have been identified or witnessed, UKCBC are determined to treat the situation confidentially by all who are informed about them.

Where the misdemeanour is discussed informally with the student during the initial stage, the College staff member must make a record of the offence and outcome of the discussion including any activity or penalty on the **SDM Notes Record**. This record is to be submitted to the Student Administration department for recording against the student record and also for annual monitoring (Annex 1 Student Disciplinary Log) within 10 working days of the discussion.

Where the severity of the misconduct is such that Stage A or B is instigated, then the relevant investigator must provide an initial record to the Administration department for the student

records. Additionally the investigator will inform the student of the alleged offence by means of the Notification of Suspicion of Disciplinary Misconduct letter (Annex 2) and also be presented a copy of this policy.

In all cases the student is informed that they have the opportunity to respond to the allegation according to this process and the case will be treated confidentially and without bias or perceived bias.

Investigation of Suspected Disciplinary Misconduct (SDM)

Informal: Early Resolution

- Allegation of offence witnessed or identified by college staff is recorded on **SDM Notes Record (“Day Zero”)**
- Member of staff discuss the concern with the student **within 10 working days of Day Zero.**
- Member of staff to investigate and make decision of activity or penalty relating to allegation or no–case **within 15 working days of Day Zero.**
- Where allegation is found true an outline of concern and penalty is provided to Head of Administration (or Nominee) for student records update and annual monitoring (without complainant details) **within 20 working days of Day Zero.**

Formal – Stage A

- Allegation of offence is submitted to the Academic Manager/Campus Manager using UKCBC Student Disciplinary Notes Record – **“Day Zero-A”**
- Student receives a written acknowledgement of the allegation **within 3 working days of Day Zero-A** (Notification of Suspicion of Disciplinary Misconduct letter)
- Alleged offence is reviewed by Academic Manager/Campus Manager (Stage A Chair), or Nominee, **within 10 working days of Day Zero-A**
- The Stage A Chair will convene a panel of at least 3 members – Chair plus 2 additional colleagues to assist in the investigation.
- The Investigation panel will invite the student and other parties to make representation as part of the investigation process. (Invitation to Investigation of Student Disciplinary Meeting Template letter).
- The Student Disciplinary investigation meeting will proceed along key areas of investigation and all relevant evidence or documentation shall be made available to the student **at least 24 hours** prior to the meeting.
- The Student will be kept informed of the progress of the investigation **every 10 working days.**

- Where possible the investigation will be concluded on the day of the Student Disciplinary investigation meeting, but may progress to **within 20 working days of Day Zero-A**.
- If the investigation considers the case to be significantly severe it may impose a Gross Misconduct penalty
- At the conclusion of the investigation the Stage A Chair will inform the student of the outcome and any action in writing **within 3 working days**. Additionally, the student will be informed that if not completely satisfied, they may raise the issue utilising the appeals process.
- An appeal against a Student Disciplinary Penalty must be raised using the UKCBC **appeals process within 10 days** of the notification of investigation outcome. Suspension or expulsion of student will remain in force during an appeal.
- The Student may request a **Completion of Procedures** letter if they wish to progress the issue directly with Office of the Independent Adjudicator (OIA). The letter will note that the internal procedures have not been fully exhausted.
- Details of the offence, investigation and action will be recorded on the student record and in the Student Disciplinary Log for annual monitoring.

Formal – Stage B

- Allegation is submitted to the Director of Studies/Head of Administration using UKCBC Student Disciplinary Notes Record – “**Day Zero-B**”.
- Student receives a written acknowledgement of the allegation **within 3 working days** of Day Zero (Notification of Suspicion of Disciplinary Misconduct letter)
- Alleged offence is reviewed by Director of Studies/Head of Administration (Stage B Chair), or Nominee, **within 10 working days** of receipt of the UKCBC Student Disciplinary Form
- The Stage B Chair will convene a panel of at least 3 members – Chair plus 2 additional colleagues to assist in the investigation.
- UKCBC reserves the right to suspend a student from the college or learning environment if an alleged offence has potential risk of suffering or anguish of others whilst an investigation is under way. The student will be notified accordingly.
- The Investigation panel will invite the student and other parties to make representation as part of the investigation process. (Invitation to Investigation of Student Disciplinary Meeting Template letter)
- The Student Disciplinary investigation meeting will proceed along key areas of investigation and all relevant evidence or documentation shall be made available to the student at **least 24 hours** prior to the meeting.

- The student will be kept informed of the progress of the investigation **every 10 working days**.
- Where possible the investigation will be concluded on the day of the Student Disciplinary investigation meeting, but may progress to **within 40 working days of Day Zero-B**
- At the conclusion of the investigation, the Stage B Chair will inform the student of the outcome and any action in writing **within 3 working days**. This letter will be known as the **Completion of Procedures** (CoP) Letter. Additionally, the student will be informed that if not completely satisfied, they may raise the issue utilising the appeals process.
- An appeal against a Student Disciplinary Penalty must be raised using the UKCBC **appeals process within 10 days** of the notification of investigation outcome. Suspension or expulsion of student will remain in force during an appeal.
- Details of the offence, investigation and action will be recorded on the student record and in the Student Disciplinary Log for annual monitoring.

It is expected that the student will cooperate with the investigation and the panel meeting and confirm attendance of the meeting **within 5 days** of the date of the invitation letter. If the date/time of the panel meeting is unsuitable, the student must contact the signatory of the invitation letter as soon as possible. A new date/time may be negotiated however the college may not be able to accommodate the request due to operational restrictions or availability of panel members.

In cases where a student does not attend an SDM investigation meeting, the panel will make a decision of the SDM, based on the evidence available, in their absence

If at the conclusion of the UKCBC Student Disciplinary process, the student remains unsatisfied with the outcomes or the process, they have the opportunity to raise the issue through the appeals process and also they have the right to direct the issue to the Office of the Independent Adjudicator (OIA). Details can be found at <http://www.oiahe.org.uk/making-a-complaint-to-the-oia/guidance-for-students.aspx>

Stage of SDM	Chair	Panel Members
Informal	College Staff	Not required
A	Academic Manager or Campus Manager	2 colleagues not previously involved in the SDM plus Note taker
B	Director of Studies or Head of Administration	2 colleagues not previously involved in the SDM plus Note taker

General Points regarding the Student Disciplinary Process

If a student is unsure about the student disciplinary process, it may help to discuss the issue with someone confidentially and independently. The Student Representatives may be familiar with your experience and suggest ways to deal with the concern or support you through the process. Furthermore, a student may receive support and assistance by being represented by a (Lead) Student Rep during the process and at investigation meetings.

UKCBC is not liable for financial or other consequences facing the student as a result from action pertaining to this policy.

Complaints Annual Review

All comments, concerns and offences are reviewed, considered and investigated to inform improvements for the student experience and the learning community as a whole. These are collated and logged by the Head of Administration in line with strict confidentiality and data protection protocols. This is formally reviewed each semester resulting in a report and Action Plan presented to the Academic Standards and Quality Committee for discussion, and the college operation and student learning experience enhanced accordingly.

The college welcomes student feedback through a number of published opportunities including: module evaluations, Student Representatives, Quality Circle Activity, and access to Campus and Academic Managers, in addition to direct access to all Senior Managers. As such UKCBC welcomes the opportunity to work with students to enable such enhancements throughout the college operation.