



## **STUDENT CODE OF CONDUCT AND DISCIPLINARY PROCEDURE**

| <b>Audience</b>    | <b>Policy</b>                                      | <b>Version Number and Month</b> | <b>Next Review Due</b> | <b>External Reference Points:</b>                                   |
|--------------------|--|---------------------------------|------------------------|---|
| External (Website) | Student Code of Conduct and Disciplinary Procedure | V-02, Nov 2018                  | Nov-2019               | Office Independent Adjudicator good practice framework and guidance |

### **1. Introduction**

This policy covers the handling of disciplinary offences and defines a code of conduct for students.

### **2. Code of conduct for students**

#### **2.1. General**

Students must recognise that they are independent adults with legal and social responsibilities and are therefore personally accountable for their actions and behaviour. London Churchill College aims to foster a community which has an atmosphere of trust and respect. Students are expected to conduct themselves in accordance with these principles, and with the College's commitment to access and diversity. They should show proper concern in their behaviour for the reputation of the College and the student body, and for its effect on their fellow students, staff and their successors.

Misconduct is behaviour which interferes with the proper functioning of the College and its activities, or those who work and study in the College, or which has the potential to harm individuals, or damage the reputation of the College or the student body. Such behaviour could take place on College premises or elsewhere, and whilst engaged in College related activity or not.

Separate regulations are made for dealing with academic offences.

#### **2.2. Examples**

The following are examples of what might constitute misconduct:

- Disruption of, or improper interference with the academic, administrative, sporting, social or other activities of the College;
- obstruction of, or improper interference with the activities, functions or duties of any student, staff member, Governor, contractor or visitor to the College;
- violent, disorderly, threatening, indecent or offensive behaviour or language whilst on College premises or elsewhere;



- falsification or misuse of College records, including degree, diploma or other certificates, and of College equipment, systems and processes;
- false pretences or deception relating to academic assessments and examinations;
- fraud, deceit or dishonesty in relation to the College or its staff or in connection with registering as a student, being a student, holding any office at the College or gaining a pecuniary advantage through association with the College;
- actions which might cause injury or put at risk the health or safety of people on College premises or whilst on College activities;
- harassment or bullying in any form of any student, member of staff, Principal, Director, manager, contractor, or other visitor to the College on grounds of their perceived race, nationality, gender, transgender status, disability, sexual orientation, religion, belief, age, other personal characteristic or for any other reason;
- breach of the provisions of the College's policy on Freedom of Speech or other similar policy;
- theft, damage to or defacement of College property, or the property of other members and users of the College or third parties, whether caused intentionally or recklessly;
- attending classes or entering any other learning environment whilst under the influence of alcohol or drugs;
- misuse or unauthorised use of College premises or items of property, including computer misuse, or breaches of the College Information Security policy on acceptable network use;
- conduct which constitutes a criminal offence, including possession of offensive weapons, possession of implements that are intended for use as weapons and possession of illegal substances on College premises or at an event under the control of the College or Student Representatives, or an offence affecting other users of the College or the public;
- failure to disclose name, student number or other relevant details to a staff member of the College, when it is reasonable that such information be given;
- failure to comply with a previously imposed penalty under the disciplinary procedures.

NOTE: This list is not exhaustive.

### **2.3. Partner Institutions**

Students of the College are subject to the disciplinary procedures of partner institutions when studying on their courses. If an act of misconduct is committed by a group of College students and some are studying at the College and some at partner institution then the College and the partner institution concerned will determine which disciplinary procedures pertain.

## **3. Disciplinary procedure**

### **3.1. Complaints of misconduct**



Any student, staff member, Director, Principal, manager, contractor, and visitor to the College or member of the public may make a complaint of misconduct about a student. Complaints should be addressed to a manager within the area in which the action complained of took place. If the action took place outside the College, the complainant should be directed to the Registrar in the first instance. If the complainant cannot provide the name of the student about whom they have complained then the Registrar may take steps to identify the individual concerned if there is sufficient evidence available to enable identification.

The College will not normally take disciplinary action in minor disputes between students and members of the public, other than where it believes a student's behaviour constitutes a hazard to other people or to property or puts at risk the College's reputation.

The College encourages individuals to put their name to any complaint they make. Anonymous allegations are less powerful and may be less easy to investigate, but may be considered at the discretion of the College. In exercising this discretion, the factors taken into account will include:

- the seriousness of the issues raised: the credibility of the complaint; and
- the likelihood of confirming the allegation from attributable sources.

If a complainant does not wish their identity to be disclosed to the student about whom they are complaining, the College will endeavour to keep their identity confidential so long as it does not hinder or frustrate any investigation. However, the individual making the disclosure may need to provide a statement as part of the evidence gathering process, and their identity may be revealed or implied as part of the investigating process.

A manager or staff member receiving a complaint under this code should refer the matter to the Registrar. The Registrar will consider the complaint and will determine whether it is minor misconduct or if it is sufficiently serious to initiate action by the Principal.

Consideration will also be given to previous instances of misconduct and a student may be referred to the Registrar who will arrange for the Principal to review the student's disciplinary record and apply a penalty if it is deemed that the aggregation of previous minor misconduct justifies this action.



### 3.2. Framework

The Registrar should refer to the following framework for determining the level of seriousness of any complaint of student misconduct received:

| Stage                    | Level of seriousness   | Dealt with by | Examples of types of offences  | Action  | Recorded   |
|--------------------------|--|---------------|--|---|--|
| <b>Informal guidance</b> | Minor<br><br>Informal Disciplinary Measures  | Registrar     | Rudeness, disruption in the class, or attitude to staff, other students or neighbouring residents. | Pastoral guidance interview with personal tutor   | Brief note of the complaint and that guidance has taken place  |
| <b>Informal warning</b>  | Significant<br><br>Informal Disciplinary Measures  | Registrar     | Repeat offences or more serious offences   | Disciplinary interview and informal warning.<br>Restriction or Injunction to avoid certain behaviour. | Brief note of the complaint and that the warning interview has taken place.                              |
| <b>Formal</b>            | Serious<br><br>Formal Disciplinary Measures<br><br>(Offences may enter at this level or progress through from less serious measures or from other disciplinary codes.) | Registrar     | Student disciplinary offences as indicated in the student code of conduct.                         | Formal penalties as described in student code of conduct.   | Formally recorded disciplinary hearing, investigation and decision. Held locally and with the Principal. |

The College will investigate all complaints of misconduct in good faith. However, if it becomes apparent that a complaint is without substance and, on the balance of probabilities, has been made for malicious or vexatious reasons then the College may consider disciplinary action against the person who made the complaint.

### 3.3. Investigation

The Registrar will appoint an independent member of staff, with no connection to the action or incident complained of, to investigate it. The Registrar will refer the matter to the Principal



to oversee the case. Where the offence is sufficiently serious, the Registrar may make a recommendation to the Principal to suspend the student about whom the complaint has been made whilst the complaint is being investigated. Offences may enter at this level or progress through from less serious measures.

In many cases, especially where a minor offence is complained of, the investigation may be confined to establishing whether there is a case to answer. In more serious cases, it may be necessary to interview witnesses in addition to the person making the complaint. All such individuals should be provided with an opportunity to be accompanied by a fellow student or Student representative (as applicable) at such interviews.

In all cases, the investigating staff member will send a written invitation to the student complained of, inviting them to an interview, explaining the allegation which has been made, reminding them that they may be accompanied by a fellow student or Student representative (as applicable), and providing a copy of this procedure. The student will be given at least two clear working days' notice to attend. The investigating staff member may also supplement but not replace the written invitation by using other communication mechanisms such as e-mail and telephone to ensure that the student receives the invitation to attend the hearing. Any telephone conversation should be logged with time and date.

A student may admit the offence in full or in part in writing or in full or in part in person at the interview, or deny the offence. In all of these cases, the investigating staff member will submit a report to the Principal and copy to the Registrar.

Where the student fails to attend the interview, the investigation may continue in their absence. The report will be provided to the Principal and copy to the Registrar.

### **3.4. Adjudication**

On receipt of a report from an investigating staff member, the Principal may determine:

- that there is no case to answer;
- that the offence has been admitted or partially admitted and is minor;
- that the offence is admitted or partially admitted but is more serious, or is a second or further offence;
- that the offence is not admitted.

Where either the complainant, or the investigating staff member are members of the same academic department as the Principal, or there is any other reason why there could be a conflict of interest, the Principal will inform the Registrar who will refer the matter to another member of the Senior Management Team.

Where the Principal decides that there is no case to answer, they will write to the student normally within 5 working days indicating this outcome and that the matter is closed. They will copy this letter to the investigating staff member, to the Registrar, and to the person who made the original complaint. A copy will be forwarded to the Registrar.

Where the offence is admitted and is minor, the Principal will invite the student to an interview. The student will be given at least two clear working days' notice to attend, and will be informed that they may be accompanied by a fellow student or Student representative (as



applicable). At the interview, the Principal will ask the student to present any mitigating circumstances, before explaining the penalty for the offence which may include one or more of:

- a requirement for the student to apologise in writing to those affected by the actions which were complained of;
- a verbal warning to the student not to repeat the offence;
- a fine proportionate to the offence;
- a requirement to make good the cost (in full or in part) of any damage or loss caused to property, whether that of the College or a third party.

After the meeting, the Principal will confirm the outcome in writing to the student, normally within 5 working days, copying their letter to the investigating staff member, to the Registrar, and to the person who made the original complaint. The Registrar will keep a record of the offence and penalty which will remain on the student's file for the remainder of their period of study.

Where the offence is admitted but is more serious or is a second or further offence, the Principal will invite the student and the investigating staff member to a meeting. They may also invite the original complainant if he or she wishes to attend. The student will be given a minimum of two full working days' notice to attend, and will be informed that they may be accompanied by a fellow student or Student Union representative (as applicable). At the meeting, the investigating staff member will outline the conclusions of their investigation, and the impact of the action complained of upon others. The student will be given an opportunity to present any mitigating circumstances or other factors they wish to have taken into account. The Principal will then consider the facts presented before explaining the penalty for the offence. Penalties may include one or more of the following:

- a requirement for the student to apologise, in writing, to those affected by the actions which were complained of;
- a written warning to the student, to remain on their record for a period determined by the Principal;
- a fine proportionate to the offence;
- a requirement to make good the cost (in full or in part) of any damage or loss caused to property, whether that of the College or a third party;
- exclusion from a particular section of the College's premises or facilities for a fixed or indefinite period;
- a recommendation that the student be permanently dismissed from the College with immediate effect. Only the Principal can permanently dismiss a student, and he or she may commute the proposed penalty to a lesser one if it is felt appropriate. If a decision to permanently dismiss is enacted then the College may advise other appropriate bodies of the action that it has taken.

A record of the offence and penalty will remain on the student's file for the remainder of their period of study.

Where the offence is not admitted, the Principal will invite the student, the investigating staff member and any of their witnesses to a meeting. The student will be given at least two clear



working days' notice to attend, and will be informed that they may be accompanied by a fellow student or Student Union representative (as applicable), and may bring any witnesses they wish to call. At the meeting, the investigating staff member will outline their investigation, and the impact of the action complained of upon others, calling any witnesses as appropriate. The Principal may at any point in the proceedings decide not to hear further evidence from a witness or witnesses on either side. The student, or their representative, will be given an opportunity to cross examine both witnesses and the investigating staff member. The student (or their representative) will then be invited to put forward their case, calling any witnesses as appropriate. The investigating staff member will be given an opportunity to cross-examine witnesses and the student.

The Principal will then ask the investigating staff member, and then the student, to sum up their case. After deliberating upon the evidence, the Principal may:

- find, on the balance of probabilities, the student not guilty of the offence;
- adjourn the hearing pending the provision of further evidence for or against the student; or
- find that, on the balance of probabilities, the student was guilty of the offence.

Where the Principal decides that the student is not guilty, they will write to the student, normally within 5 working days, indicating this outcome and that the matter is closed. They will copy this letter to the investigating staff member, to the Registrar, and to the person who made the original complaint.

Where the Principal finds the student guilty, the student will be given an opportunity to present any mitigating circumstances or other factors they wish to have taken into account. The Principal will then determine the penalty to be applied, or may adjourn the meeting to consider the appropriate penalty further. The penalty will be one or more of those listed in paragraph 3.4.6 above. Having determined the penalty, the Principal will write to the student, normally within 5 working days, and copy this letter to the investigating staff member, and to the person who made the original complaint.

Where the student fails to attend the meeting with the Principal, the consideration of the investigation may continue in their absence. The outcomes of this consideration will be provided to the student with any penalties to be applied. They will copy this letter to the investigating staff member, to the Registrar, and to the person who made the original complaint.

### **3.5. Appealing the decision of the Principal**

A student may appeal the decision of the Principal by writing to the Registrar within 10 working days of receiving the written notification of the disciplinary decision, setting out the grounds for appeal.

The following alone shall constitute grounds for appeal

- that new and relevant material evidence or information has emerged, which could not have been made available for consideration at the time of the Principal's hearing;
- that the decision reached was perverse in the light of the evidence presented;



- that there was a procedural error at the Principal's hearing or in the process leading up to it which had a material effect upon the Principal's decision; or
- that the severity of the penalty imposed was unreasonable and disproportionate.

An independent Senior Management Team member, assisted by two Directors, will determine whether the grounds are sufficient for an appeal to be heard. If not, he or she will inform the student in writing in a Completion of Procedures letter of this decision normally within 5 working days. This decision is final, and there will be no further right of appeal in the College's procedures. In this communication the student will be informed of their right to take the matter to the Office of the Independent Adjudicator (OIA).

If there are sufficient grounds for appeal, then the Registrar will refer the matter to a member of the Senior Management Team (other than the member with responsibility for managing the area in which the offence was investigated, or the Principal) to act as an Adjudicating Officer.

### **3.6. Adjudicating appeals**

The Adjudicating Officer will convene a hearing as soon as conveniently possible, by inviting the student and their representative, the Principal and any witnesses the Adjudicating Officer wishes to interview to a meeting. The Adjudicating Officer may also invite other members of staff who have no involvement in the case, to attend the hearing and provide advice.

The format of the hearing will be as follows. The Adjudicating Officer will ask the Principal to present the case against the student and the reasons for the penalty imposed, where relevant. The student will then be asked to present their grounds for appeal. The Adjudicating Officer will then ask questions of both the Principal and the student and any witnesses, and will invite both the student and the Principal to cross examine. The Adjudicator will then ask the Principal and then the student to sum up, before coming to a decision.

The decision may be either to uphold the original decision as to guilt, partially uphold the original decision as to guilt, to overturn it, or to amend the penalty imposed. The Adjudicating Officer writes to all parties with their decision normally within 5 working days.

This adjudication is the final internal stage for the College, and students will be entitled to a Completion of Procedures letter to take the matter to the office of the Independent Adjudicator if they are dissatisfied with the outcome.

### **3.7. Suspension**

A student who is suspected of having committed a very serious disciplinary offence, or against whom a criminal charge is pending, or who is the subject of a police investigation may be suspended from attendance at the College at the Principal's discretion. Recommendations for suspension of a student should be made via the Registrar to the Principal directly.

Suspension is not a sanction or penalty, but is imposed to protect the College community or members of that community, or the College's reputation, pending a criminal trial or disciplinary hearing, or to allow an investigation to be carried out unimpeded. The Principal



may impose action short of suspension, such as a requirement that a student does not visit a particular campus or building, or that they do not contact a particular individual. Failure to comply with such a restriction or a suspension would, in itself, constitute a serious disciplinary offence.

After consulting with the Registrar or College Solicitor, if the Principal's decision is to suspend a student then this will be recorded and made available to the student concerned, in writing, who may, in turn, make written representations requesting that the suspension be rescinded.

In any event, a decision to suspend will be subject to review by the Principal every four weeks or a lesser time period if the Principal deems this appropriate, in the light of evidence available as to the progress of the case.

### **3.8. Criminal matters**

Where it is clear that a criminal offence has been committed, the College will refer the matter to the police. Where the police are investigating a particular matter, any internal investigation will normally be suspended but may recommence when the police investigation is completed.

Whether or not a matter results in a criminal prosecution or other forms of civil reprimand, the College may pursue disciplinary action in relation to any matter brought to its attention.

### **3.9. Students on professional courses**

Where a student on a course leading to a professional qualification is found guilty of certain types of disciplinary offence or fraud, the College may be under an obligation to disclose the matter to the professional body concerned. Where the offence is so serious that it might prevent the student registering with the professional body or completing professional placements, it may be necessary for the College to terminate the student's registration on the course or to counsel the student to consider another path of study.

### **3.10. Health matters**

If it appears to an investigating staff member that a student involved in a disciplinary matter is affected by signs of mental health difficulties, or psychological or emotional disorder, they may, after consulting with the Principal, suspend their investigation and refer the student to the College's Student Support Services.

If the student does not engage with the support offered, and particularly if the misconduct continues, the Principal and investigating staff member may decide to continue with the case.

If it appears that a student's health difficulty, disorder or disability has or is contributing to alleged misconduct, the Principal will consult with the appropriate professionals within the Student Support Services to determine whether and how the student's behaviour may be managed, rather than punished. Where appropriate, a recommendation may be made via the Registrar to the Principal for the student to be suspended.

### **3.11. Student attendance and representation at interviews and meetings**



Students are entitled to be accompanied by a fellow student or Student representative (as applicable) at all interviews and meetings where allegations against them are discussed. Legal representation is not considered appropriate for offences under these regulations. A fellow student or Student Union representative (as applicable) may speak on behalf of the student provided clear consent is given by the student at the meeting.

The College recognises that students have academic and external commitments and will seek to take account of the personal circumstances of students in arranging interviews and meetings. In the event of a student being unable to attend an interview or meeting, they must contact the Registrar before the proposed time in order to seek a deferral. The College will normally permit one such deferral at the request of a student. Where a student fails to attend an interview or meeting, or seeks to defer the meeting unreasonably, the College may proceed with the investigation, adjudication or appeal in their absence.

### **3.12. Recording hearings**

A record will be made of all interviews and hearings described in Section 3 above. Where the Principal interview or hearing takes place, the Registrar will provide a secretary to the meeting, who will conduct the correspondence. Where a member of the Senior Management Team is hearing an appeal, they will identify a staff member to act as secretary and conduct the correspondence.