



Student Code of Conduct and Disciplinary Procedure

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1. Introduction

- 1.1. 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

- 2.1.1. 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 other stakeholders.
- 2.1.2. 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.
- 2.1.3. Separate regulations exist for dealing with academic offences.
- 2.1.4. 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.
- 2.1.5. A non-exhaustive list of examples of what might constitute non-academic misconduct are:
- 2.1.1.1. Disruption of, or improper interference with the academic, administrative, sporting, social or other activities of the College;
 - 2.1.1.2. obstruction of, or improper interference with the activities, functions or duties of any student, staff member, Governor, contractor or visitor to the College;
 - 2.1.1.3. violent, disorderly, threatening, indecent or offensive behaviour or language whilst on College premises or elsewhere;
 - 2.1.1.4. falsification or misuse of College records, including degree, diploma or other certificates, and of College equipment, systems and processes;
 - 2.1.1.5. false pretences or deception relating to academic assessments and examinations;
 - 2.1.1.6. 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;



- 2.1.1.7. actions which might cause injury or put at risk the health or safety of people on College premises or whilst on College activities;
- 2.1.1.8. 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;
- 2.1.1.9. breach of the provisions of the College's policy on Freedom of Speech or other similar policy;
- 2.1.1.10. 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;
- 2.1.1.11. attending classes or entering any other learning environment whilst under the influence of alcohol or drugs;
- 2.1.1.12. 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;
- 2.1.1.13. 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;
- 2.1.1.14. 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;
- 2.1.1.15. failure to comply with a previously imposed penalty under the disciplinary procedures.

2.2. Students on professional courses

- 2.2.1. Where a student on a course leading to a professional qualification is found guilty of certain types of Misconduct, 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.

2.3. Health matters

- 2.3.1. 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.
- 2.3.2. 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.

3. Disciplinary procedure

3.1. Early Intervention

- 3.1.1. LCC members of staff are encouraged to address apparently petty incidents, for instance, low-level anti-social behaviour or unauthorised absences, through informal means in order to promote positive behaviour among students that adheres to policies and regulations, without an escalation to formal action. Where such discussions with students are considered to be ineffective, insufficient or inappropriate, the formal procedures below will apply.

3.2. Registrar's Preliminary Enquiry

- 3.2.1. Any staff member receiving an initial complaint under this code should refer the matter in writing to the Registrar. The Registrar will consider whether the complaint falls under this procedure.
- 3.2.2. If the complaint is deemed to be within the purview of this procedures, the Registrar will make arrangements for the gathering of any relevant evidence, including statements of witnesses. The Registrar will determine whether the incident is potentially minor in nature, or whether it is potentially serious or repeated misconduct.

3.3. Investigation

3.3.1. Principles

- 3.3.1. The 'burden of proof' (defined as determining whose responsibility it is to prove an issue) falls upon the College, whilst the 'standard of proof' to be employed during investigations shall be the 'balance of probabilities' (defined as it being more likely than not that a particular event happened).
- 3.3.2. The College retains the right in some cases where appropriate to temporarily suspend a student for a period of time until a determination has been arrived at under this procedure. Such suspensions will occur in instances where the alleged misconduct is of such a nature as to lead to safeguarding or related concerns of LCC's other stakeholders, to whom the College also owes a duty of care.
- 3.3.3. Suspension in this context 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 College 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.

- 3.3.4. Where it appears that a criminal offence has been committed, the College will refer the matter to the police. In instances where criminal proceedings against a student are ongoing, LCC will await the outcome of those proceedings before commencing its own investigation.
- 3.3.5. The College may take action against a student under this procedure irrespective of the student's acquittal or conviction in criminal proceedings. LCC is not bound by the outcome of any criminal prosecution when making its own determinations under this procedure. However, the College may elect to take into account at its discretion any penalty applied by a Court when deciding on a penalty under this procedure.
- 3.3.6. Students are entitled to be represented by one of their fellow LCC students in meetings or hearings. Neither the College nor the student will in normal circumstances be permitted representation in meetings or hearings by a legal practitioner.
- 3.3.7. In exceptional cases, the College reserves the right to vary the procedure it follows at any stage in the interests of fairness.

3.3.2. Minor Misconduct

- 3.3.8. An informal process will be used to deal with those incidents that are deemed to be minor in nature.
- 3.3.9. Minor Misconduct could constitute an incident which contains one of the following elements:
 - 3.3.2.1. Any material loss or damage is minor, and can be repaired quickly and inexpensively
 - 3.3.2.2. Informal guidance to the student is likely to resolve
 - 3.3.2.3. No one has suffered as a result of the incident
 - 3.3.2.4. The student has shown sincere regret/contrition about the incident
- 3.3.10. The Registrar shall inform the student in writing explaining the exact nature of the reported misconduct and invite them to a meeting to discuss the alleged incident. The meeting will include the Registrar, another senior member of staff and the student.
- 3.3.11. The meeting should normally occur within 10 working days of the incident have been reported.
- 3.3.12. The student will receive a minimum of 7 working days notice of the meeting, and be reminded that they may be accompanied by a fellow student/Student Representative.
- 3.3.13.
- 3.3.14. Where the student fails to attend the interview, the investigation may continue in their absence.



- 3.3.15. During the meeting, the Registrar and/or accompanying member of staff shall present the allegation to the student and give the student the opportunity to provide his or her account of the incident, together with any supporting evidence.
- 3.3.16. After the investigation, if the Registrar finds on the basis of the evidence that the minor misconduct has occurred, s/he shall:
- 3.3.2.5. Issue a verbal warning to the student expressing that his/her conduct is unacceptable, accompanied by a written summary of the verbal warning to be issued within 5 working days of the meeting
 - 3.3.2.6. If appropriate, offer or signpost to support, either internally or to external bodies
 - 3.3.2.7. Inform the student that any repetition of the misconduct incident will result in the Serious or Repeated Misconduct procedure below being invoked
 - 3.3.2.8. If appropriate, issue a formal written warning to the student within 5 working days of the meeting.

3.3.3. Serious or Repeated Misconduct

- 3.3.17. Serious or Repeated Misconduct can include the following situations:

- 3.3.3.1. Another person has been harmed, or could have been harmed due to the alleged conduct
- 3.3.3.2. Breach of Health and Safety regulations
- 3.3.3.3. Damage or loss of property is significant
- 3.3.3.4. The law has or may have been broken
- 3.3.3.5. Previous misconduct has been repeated in spite of warnings
- 3.3.3.6. Repeated, unauthorised absence from the student's programme
- 3.3.3.7. Persistent failure to comply with disciplinary penalties applied under this procedure
- 3.3.3.8. Possession of illegal drugs or substances
- 3.3.3.9. Sexual misconduct

- 3.3.18. Where the alleged Misconduct is Serious and/or Repeated, a Misconduct Panel will be convened, with the following procedure followed:
- 3.3.19. The student shall be informed in writing that an incident has been reported that is believed to constitute Serious (or Repeated) Misconduct, with the exact nature of the allegations stated and the relevant procedures referred to.
- 3.3.20. The Registrar will inform the student that s/he is investigating the matter and the student may produce a written reply to the allegation of misconduct and any supporting evidence or information, including witness statements. A



deadline of not less than 10 working days will normally be given to the student to supply a reply.

- 3.3.21. The letter will include information about the convening of a Misconduct Panel to investigate the alleged misconduct, which the student is required to attend, with information provided about the location and attendance of Panel members at least 7 working days before the Panel is held. The student shall be reminded of their right to a representative from within the current LCC student body.

3.3.4. Misconduct Panel Hearing

- 3.3.22. The Principal (or nominee) will normally chair the Misconduct Panel with two other independent members of staff, and a further Minute Taker to record notes of the proceedings.
- 3.3.23. The evidence from the Registrar's investigation will be presented to the Panel by one of the Panel members
- 3.3.24. The Principal shall then invite the student (or representative) to present any evidence or information in support of his/her case. Panel members may choose to ask questions of the student.
- 3.3.25. After consideration of all the evidence, the Panel will convene in private and make one of the following determinations:
- 3.3.4.1. To uphold, partly or in full, the alleged Misconduct
 - 3.3.4.2. To dismiss the alleged Misconduct, because either there is no case to answer or the allegation has not been proven on the balance of probabilities
 - 3.3.4.3. To refer the allegation to a more appropriate College procedure for consideration.
- 3.3.26. Where the allegation(s) has been partly or fully upheld, the Panel will further make a decision about the penalty to be applied.
- 3.3.27. In so doing, the Panel may take into consideration any circumstances presented by the student.

3.3.5. Penalties

a)

- 3.3.28. The range of penalties for Serious or Repeated Misconduct are:
- 3.3.5.1. a requirement for the student to apologise, in writing, to those affected by the actions which were complained of;
 - 3.3.5.2. a written warning to the student, to remain on their record for a period determined by the Principal;
 - 3.3.5.3. a fine proportionate to the Misconduct;
 - 3.3.5.4. 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;



- 3.3.5.5. exclusion from a particular section of the College's premises or facilities for a fixed or indefinite period;
- 3.3.5.6. a recommendation that the student be permanently dismissed from the College with immediate effect. If a decision to permanently dismiss is enacted then the College may advise other appropriate bodies of the action that it has taken.
- 3.3.5.7. A record of the offence and penalty will remain on the student's file for the remainder of their period of study.

3.3.6. Appeals

3.3.29. A student may lodge an appeal against the decision of the Misconduct Panel's findings by writing to the Head of Quality Assurance within 10 working days of receiving the written notification of the disciplinary decision, setting out the grounds for appeal.

3.3.30. The following alone shall constitute grounds for appeal:

- 3.3.6.1. that there was a procedural error at the Misconduct Panel or in the process leading up to it which had a material effect upon the decision
- 3.3.6.2. that the decision reached was unreasonable in the light of the evidence presented;
- 3.3.6.3. that the severity of the penalty imposed was unreasonable and disproportionate
- 3.3.6.4. that there was bias on the part of the Misconduct Panel
- 3.3.6.5. that new and relevant material evidence or information has emerged, which could not have been made available for consideration at the time of the Misconduct Panel

3.3.6.6. The Head of Quality Assurance shall then:

- 3.3.6.1.1. Determine that one or more of the grounds for appeal have been met
- 3.3.6.1.2. Decide that none of the grounds for appeal have been met. In this instance the appeal will be dismissed and a Completion of Procedures letter issued to the student.

3.3.31. In instances where the student has submitted his/her appeal outside of the 10 working days deadline above, the Head of Quality Assurance may determine that the appeal is out of time and issue a Completion of Procedures letter.

3.3.7. Consideration by Head of Quality Assurance

3.3.32. Where the appeal has valid grounds, the Head of Quality Assurance will consider the appeal, review the case file and may seek the advice of other members of staff who have not had prior involvement in the case.

3.3.33. Following the conclusion of the consideration of the case, the Head of Quality Assurance will decide upon one of the following outcomes:

- 3.3.7.1. Dismiss the appeal, either partly or in entirety



- 3.3.7.2. Uphold the appeal, either partly or in entirety
- 3.3.34. If upheld, the Head of Quality Assurance may take one or more of the following actions:
 - 3.3.7.3. Quash the decision of the Misconduct Panel and determine that no further action be taken. Any references to the Misconduct will be removed from the student's file
 - 3.3.7.4. Refer the case back to a freshly constituted Misconduct Panel for consideration
 - 3.3.7.5. Apply a different penalty or sanction from that of the Misconduct Panel
 - 3.3.7.6. Refer the case to another of the College's procedures.
- 3.3.35. Account may be taken by the Head of Quality Assurance of any mitigating circumstances which have been presented by the student if varying the penalty to be applied.
- 3.3.36. This appeal is the final internal stage for the College, and the student will be issued with Completion of Procedures letter within 5 working days of the decision, presenting the outcome with reasons.

3.3.8. The Office of the Independent Adjudicator (OIA)

- 3.3.37. Students may approach the independent review body for Higher Education cases that have exhausted a provider's internal procedures, the OIA if they remain dissatisfied with the decision. Further information about the OIA can be accessed at <https://www.oiahe.org.uk/> or on 0118 959 9813. The COP letter will contain details of the OIA scheme.