

Regent College Higher Education

Student Disciplinary Procedure

1 Introduction

- The purpose of this document is to provide guidance to students and staff on the procedure to be followed in the event of a breach of the conduct we expect of all students as stated in the Student Charter and the Student Handbook.
- For the purposes of this Student Disciplinary Procedure the conduct expected of students as stated in the Student Charter and Student Handbook documents are collectively referred to as the *Code of Conduct*.
- Regent College Higher Education (the College) has the right and authority to discipline students and to suspend or exclude any student
- Regent College Higher Education will not hesitate to contact the Police where required
- Where illness/disability may prevent a student from complying fully with the Code of Conduct, special consideration will be made
- In interpreting this Student Disciplinary Procedure the decision of Regent College Higher Education is final
- Regent College Higher Education may amend this Student Disciplinary Procedure at any time or depart from it, where clearly justified, depending on the circumstances of the case.

2 Examples of breaches of the Code of Conduct

Regent College Higher education views the following as examples of **misconduct**:

- Continued non-submission of coursework
- Cheating or plagiarism in academic coursework
- Threats to health and safety, such as misusing fire extinguishers and fire alarms
- Smoking on the College premises, except in permitted areas
- Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the College or the duties or activities of any student, visitor or member of staff of the College
- Breach of the provisions of any of Regent College Higher Education's policies including the Equality and Diversity Policy, the Prevent Policy and the Anti-Harassment and Anti-Bullying Policy
- Failure to disclose personal details to a member of staff of the College or keep details up to date in circumstances in which it is reasonable to request the information or where funding or fees may be affected
- Failure to respect the rights of others to freedom of belief and freedom of speech;

- Failing to respond to a reasonable instruction relating to discipline, issued with the authority Principal or nominee
- Use of mobile phones in any unauthorised way (including videos) in learning areas
- Use of e-cigarettes on the College premises, except in permitted areas

The following offences are examples of **Gross Misconduct**:

- Any conduct that constitutes a criminal offence
- Action likely to cause injury or impair safety on the College premises, including organised transport to and from the College, such as violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language
- Possession or use of weapons
- Antisocial behaviour including: sexual, racial or any other bullying or harassment of any learner or member of staff of the College, or any visitor to the College, including making malicious and unfounded accusations against another individual
- Fraud, deceit, deception or dishonesty in relation to Regent College Higher Education or its staff, students or visitors
- Damage, theft, misappropriation or misuse of the College property or College premises, or the property of College staff, students or visitors, including computer misuse caused intentionally or recklessly
- Possession of illegal or un-prescribed drugs, alcohol or solvent possession in the College premises, on College transport or whilst on College activities
- Attending the College under the influence of alcohol or drugs
- Driving without due care and attention on the College premises *and* to and from the College
- Offences in relation to computers, for example hacking or downloading pornography or games or abusive e-mails
- Bringing the institution into disrepute, for example, by being found guilty of committing a criminal offence or damaging property outside the College premises
- For the avoidance of doubt, any breaches of the Student Attendance Policy will be dealt with in accordance with the disciplinary procedure in the Student Attendance Policy.

3 Investigation

- Regent College Higher Education may nominate a member of staff to promptly and thoroughly investigate any matter that is reasonably suspected or believed to contravene any of the College's policies or the Code of Conduct or may otherwise be a disciplinary matter.
- Those accused will be informed as soon as possible as to the fact of an investigation and when it has been concluded. The duration of any investigation required will depend on the nature of the allegation and will vary from case to case.

- If a matter is being investigated by the Police, Regent College Higher Education will not be obliged to await the outcome of any police investigation before undertaking its own investigation.
- Depending on the circumstances of the case, a student may be invited to attend an investigatory interview prior to a disciplinary hearing. Regent College Higher Education reserves the right to dispense with an investigatory interview and to proceed directly to a formal disciplinary hearing.
- In the event of an investigation of an allegation of gross misconduct Regent College Higher Education may suspend you until the disciplinary hearing where the College believes that this is necessary. Suspension of this kind does not imply that a decision has already been made about the allegations.

4 Disciplinary Procedures Stages 1, 2 and 3 (Misconduct)

Where, upon completion of an investigation or if no investigation is appropriate, there are reasonable grounds to believe that a student has committed an act of misconduct, the student will be invited to attend a meeting.

Stage 1:

This stage is used to address minor breaches of the Code of Conduct. Regent College Higher Education shall be entitled to issue the student with either a verbal or written warning as appropriate. This stage is conducted by the Dean of Subject area or a nominated member of staff.

Stage 2:

This stage is used to address more serious breaches of the Code of Conduct or failure to improve after a verbal or written warning. Regent College Higher Education shall be entitled to issue a student with either a further verbal or written warning, or a final written warning as appropriate. This stage is conducted by the Dean of Subject area or a nominated member of staff.

For **Stage 1 and Stage 2** a member of the College's staff may apply one or multiple combinations of the following actions in an effort to address the misconduct:

- A verbal or written warning, a written final warning (Stage 2) or a written contract may be issued.
- The student may be put on report for a specified period with review dates.
- A list of conditions may be devised whereby the student may be allowed to remain at the College.
- The student may be referred to the Student Experience & Wellbeing Manager or Student Experience Officer for guidance and/or counselling.
- The actions agreed will be formally recorded and kept on the student's personal file. The student will be requested to sign the agreed action(s) to address the misconduct.

Stage 3:

This stage is used following a further breach of the Code of Conduct and will result in exclusion from Regent College Higher Education.

This stage is carried out by the Principal or a nominated member of staff.

5 Procedure for Gross Misconduct

Where, upon completion of an investigation or if no investigation is appropriate, there are reasonable grounds to believe that the student has committed an act of gross misconduct, the student will be invited to attend a disciplinary hearing.

In the event of a disciplinary hearing taking place Regent College Higher Education will:

- give you a minimum of two working term-time days advance notice of the hearing
- give you written details of the nature of the alleged misconduct
- inform you of the purpose of the hearing and that it will be held under the College's Disciplinary Procedure
- explain your right to be accompanied at the hearing by a companion (but not legal representation)
- where a student is unable to attend a disciplinary hearing for reasons beyond the student's control, the hearing will be adjourned to another day. The College will give notice of the rearranged hearing. Unless there are special circumstances mitigating against it, if the student is unable to attend the rearranged hearing, the rearranged hearing may take place in the student's absence.

6 Role of companion

Students have the right to bring a companion to the disciplinary hearing, but not legal representation. The choice of companion is a matter for the student and the student must notify the College of their choice prior to the hearing. If the College believes that the student's choice is unreasonable, the College will ask the student to choose someone else. This will come into effect if for example, in Regent College Higher Education's opinion, your companion:

- may have a conflict of interest or prejudice the meeting
- is a legal representative
- is unavailable at the time of the meeting, where the original meeting date has already been rearranged once due to the companion's non-availability.

At any disciplinary hearing, the student's companion may address the Panel and respond on the student's behalf to any views expressed. However, the meeting is essentially a meeting between the student and Regent College Higher Education and any questions put directly to the student should be answered by the student and not the student's companion, unless the student requests their companion to reply on their behalf.

7 The disciplinary hearing

- A disciplinary hearing will normally be arranged and conducted by the Dean of Subject area or a nominated member of staff;
- Any member of Regent College Higher Education's staff responsible for the investigation of the disciplinary offence(s) shall not be a member of the Panel, although such staff may present any information or material to the disciplinary hearing;
- The Disciplinary Panel will aim to meet within 10 working term-time days of the suspension/referral.

- The Disciplinary Panel will comprise senior staff, which may include the Head of Standards & Quality Enhancement, Directors of Studies, Programme Leaders and Unit Leaders. The Disciplinary Panel may be chaired by the Dean of Subject area or by a nominated member of senior staff.
- You will be invited to arrive 30 minutes prior to the start of the hearing for a briefing.
- The College will give the student advance notice if the student intends to call relevant witnesses to the disciplinary panel hearing.
- The student must also give the College advance notice if it is intended to call witnesses.
- The relevant senior member of staff will present the case to the Panel with a breakdown of the student's academic record at the College, including the attendance record, and any causes for concerns recorded.
- At the hearing the student will be given a reasonable opportunity to ask questions, present evidence and call any relevant witnesses.
- Regent College Higher Education may adjourn the disciplinary proceedings if it appears necessary or appropriate to do so (including for the purpose of gathering further information). In these circumstances the Panel should be reconvened with its original members and the student will be given notice of the date of the reconvened hearing.
- As soon as possible after the conclusion of the disciplinary proceedings and no longer than 10 working days, the College will write to the student, providing information concerning whether disciplinary action, if any, is to be taken. The student will be notified of their right of appeal under Regent College Higher Education's Disciplinary Appeals Procedure;
- The Chair will advise relevant members of staff of all exclusions in order that support services can be advised, where appropriate.
- The Disciplinary Panel may find that:
 - (i) There has not been a breach of Regent College Higher Education's Code of Conduct and the student will be allowed to return to their studies immediately.
 - (ii) The student has breached Regent College Higher Education's Code of Conduct and will be issued with a written final warning with conditions.
 - (iii) The student has breached Regent College Higher Education's Code of Conduct and will be issued with a final written warning with conditions, and is given an extended suspension with or without conditions.
 - (iv) The student has breached Regent College Higher Education's Code of Conduct and will be permanently excluded from the College.

8 Referral to the Fitness to Study Policy and Procedure

Where the student is known to suffer from a particular illness or condition which impacts on their health and safety, or that of their fellow students and/or staff, the College may deem it inappropriate for the student to continue to attend. In such circumstances a disciplinary hearing may not be the appropriate course of action to consider breaches of the College's Code of Conduct. When this is the case the student will be dealt with under Regent College Higher Education's Fitness to Study Policy and Procedure.

9. Appeal against the outcome of the Disciplinary Panel

You have the right to appeal against any decision made by the Disciplinary Panel. You may only make an appeal on one or more of the grounds given below and not because you do not like the outcome of the Disciplinary Panel hearing. The grounds for which Regent College Higher Education will consider an appeal are as follows:

- (i) The procedures outlined above for the Disciplinary Panel hearing have not been properly followed.
- (ii) The student has produced new evidence to submit which existed at the time of the Disciplinary Panel Hearing and has recently come to light
- (iii) There may be bias or a conflict of interest with one or more of the Disciplinary Panel members
- (iv) The student was ill at the Disciplinary Panel hearing and consequently not able to present their case properly (an appropriate medical certificate would be required)

Only an appeal made on one or more of the above four grounds will be considered. If the student submits an appeal on any other grounds the appeal will be dismissed. To make an appeal against the outcome of a Disciplinary Panel hearing the student must complete the *Appeal against the Outcome of a Disciplinary Panel Hearing* form (which is available on the VLE or from the Student Experience Officer and submit it to the Principal of Regent College Higher Education. In submitting the completed form the student must supply objective, independent evidence, for example a doctor's certificate for (d), to support their appeal. The Principal will assess the grounds for an appeal and determine the appropriate course of action should the appeal be upheld. This may, for example, include instruction for another Disciplinary Panel hearing, dismissing the case or modifying the outcome of the original Disciplinary Panel Hearing.

<i>Author</i>	<i>Head of Standards & Quality Enhancement</i>
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