

Regent College London

Student Disciplinary Procedure

Introduction

1. The Student Disciplinary Procedure informs and guides the College's response where a student breaches, or is alleged or suspected to have breached, the good conduct that the College expects of all students as described in the Student Charter.

2. The primary audiences for this document are:
 - College staff who are responsible for teaching and supporting students;
 - College staff who are responsible for dealing with alleged misconduct by students;
 - Students subject to the procedure;
 - Students who have raised concerns about other students.

Who does this procedure apply to?

If you are...	Then...
A HND student on a programme leading to an award from Pearson	All parts of this procedure apply to you.
On a programme leading to an award from the University of Bolton	This procedure does not apply to you. You should speak to your Customer Services Officer, who will refer to the University's Student Non Academic Conduct and Disciplinary Policy and Procedure on the Student Policy Zone . A member of College staff will normally carry out an initial investigation under the University's policy and procedure, before referring the case to the University.
On a programme leading to an award from Buckinghamshire New University	The first stage of this procedure (described in paragraphs 11 to 16) applies to you. All cases will be reported to the University. For any matters which are course related, likely to affect student progression or for more serious breaches of discipline, the University's procedures apply.
On a programme leading to an award from St Mary's University	This procedure does not apply to you. Please refer to the procedure at Annex A.
On a programme leading to an award from Regent College	All parts of this procedure apply to you.

3. If you are not sure about who gives the award at the end of your programme, please contact your Customer Services Officer.

When to use this procedure

4. Examples of misconduct that may cause the College to initiate this procedure include but are not limited to:

- Threats to health and safety, such as misusing fire extinguishers;
- Smoking or use of e-cigarettes 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;
- Breach of the provisions of any of the College'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 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;
- Use of mobile phones in any unauthorised way (including videos).

5. Examples of gross misconduct which may cause the College to accelerate the procedures described below include:

- 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;
- Harassment, bullying or victimisation of staff or students, including sexual harassment and misconduct;
- Making malicious and unfounded accusations against staff or students;
- Fraud, deceit, deception or dishonesty in relation to the College or its staff, students or visitors;
- Making dishonest, misleading or gratuitously exaggerated statements in an application for Mitigating Circumstances;
- Damage, theft, misappropriation or misuse of the College's property or premises, or the property of staff, students or visitors, including computer misuse caused intentionally or recklessly;
- Possession of illegal or un-prescribed drugs, alcohol or solvent possession on the College's premises, or whilst on College activities such as work placements;
- Attending the College or a work placement 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.

6. If a matter is being investigated by the Police, the College will not be obliged to await the outcome of any police investigation before initiating this procedure.

When not to use this procedure

7. This procedure should not be used to deal with:
- Non-attendance at timetabled teaching sessions or other kinds of non-engagement with studies. Students who are not engaging effectively with their studies should be referred to the Student Engagement procedure.
 - Concerns that a student on a course including or leading to a professional qualification or conferring practitioner status, may be unfit to practise for that qualification or status. Such concerns should be dealt with under the Fitness to Practise Procedure. However, where a student's conduct, or suspected conduct, is deemed both to breach the good conduct expected under this procedure and jeopardise his or her fitness of practise, that conduct should be investigated under this procedure first. Once this procedure has been completed, the case may then be referred to the Fitness to Practise Procedure.
 - Concerns about academic misconduct. These should be dealt with under the College's Academic Misconduct Procedure (unless these concerns are associated with the uploading of work to file sharing services).
 - Concerns that a student is not well enough physically or mentally to continue with their studies. These should be dealt with according to the College's Fitness to Study procedure.

How the procedure works

8. The procedure has two stages, based on the severity of the alleged or suspected breach. The procedure can be entered at either stage; however, in most cases, allegations of misconduct of the kinds described in paragraph four should be addressed at the first stage, whereas cases involving allegations of gross misconduct should proceed directly to a disciplinary hearing.

Student support

9. The College is committed to providing equitable support for students who raise concerns about misconduct by other students, and for students about whom concerns are raised. Students who wish to access support should contact their Customer Services Officer, who may refer them to specialist support services within the College.

Timescales

10. The College is committed to investigating alleged misconduct by students as quickly as possible, while ensuring that all parties have sufficient time to carry out their parts of the procedure properly as described below.

First stage: cause for concern

11. Any concerns about a student's conduct from staff, students or external persons should be reported to the Provost. The Provost, or his or her nominee, should then contact the student to arrange a cause for concern meeting. The Provost (or nominee) may contact others who may have witnessed, or have knowledge of, the incident which gave rise to the concerns before the cause for concern meeting to gather evidence.
12. The meeting will be organised and serviced by a member of the Student Services team and chaired by the Provost (or nominee). The student will have the right to be accompanied by a friend or representative (but not a legal representative).
13. The purposes of the cause for concern meeting are to:
 - provide an opportunity for the student to understand the cause for concern about their conduct;
 - identify steps the student will take to redress or improve their conduct, and what the College may do to support the student.
14. The outcomes available at this stage are:
 - no further action;
 - to monitor the student formally for a specific period of time (normally between 2-6 weeks). In this case, an action plan will be agreed with the student detailing any steps the student will need to take and the support to be provided to the student, and further meeting(s) that will be arranged to review progress, as agreed by the Provost (or nominee);
 - to refer the case to another procedure, such as the Fitness to Study procedure;
 - to progress to the second stage of the process.
15. A written record of the concerns raised by the Provost (or nominee), the actions agreed, the outcome and a review period should be determined as part of this meeting and shared with the student. If applicable the review period will normally be between 2 and 6 weeks but will be determined by the Provost (or nominee). The record will be kept on the student's file for the duration of their enrolment with the College.
16. The student will be invited to a follow-up meeting at the end of the review period if applicable. It is expected that in most cases, students will have responded positively and taken advantage of the support available, and no further action will be required. If, however, the Provost (or nominee) decides that further action is required, the second stage of the process may be initiated.

Second stage: disciplinary hearing

17. A Disciplinary panel may be initiated either where:
 - The first stage of the procedure has taken place but concerns about the student's conduct remain; or,
 - The case involves allegations of gross misconduct.

18. Suspected or alleged gross misconduct must be drawn to the attention of the Provost, who has authority to suspend a student from their studies or placement pending the outcome of a disciplinary hearing.

Investigation

19. Before a hearing takes place, the Provost (or nominee) should complete a thorough investigation of the case, which may involve interviewing people who may have witnessed, or have knowledge of, relevant events. The investigating officer should produce a report of their investigation using the template provided.

20. The investigating officer must obtain the consent of any interviewees to be named in the report. If they do not consent, the report must protect their anonymity as far as possible.

21. The completed investigation report must be provided to the panel for the hearing and the student at least five working days before the hearing.

The Disciplinary hearing

22. The Disciplinary hearing shall be organised and serviced by a member of the Student Services team. Its membership shall be:

- Chair (at Dean of School level);
- Two senior members of College staff who must have no prior involvement in the case.

23. The investigating officer will also attend the meeting to answer any questions from the Panel or the student about their report.

24. A student whose case is to be considered by a Disciplinary hearing will be notified in writing, a minimum of 10 days prior to the meeting, of the following:

- the nature of the alleged misconduct;
- the findings of the investigation into the alleged misconduct;
- the membership of the Panel and their right to object to a Panel member;
- their right to be accompanied/represented at the hearing by a friend or representative (but normally not a legal representative);
- the names of any witnesses called by the College;
- their right to call witnesses and the arrangements for doing that;
- their right to question any witnesses through the Chair;
- their right to submit documentary evidence prior to the hearing and the time limits for doing that;
- the content of any documentation intended to be used or referred to in the meeting or as part of the meeting.

25. It is imperative that the student is given enough information about the grounds for the hearing to be able to respond to them. This will normally necessitate disclosing the names of those who have

raised concerns. If they do not consent to the student knowing their identity it may not be appropriate for the panel to rely on their evidence.

26. The student will have the right to object to a Panel member, for example on the grounds of bias. If an objection is made, it must be done no later than five days prior to the Panel hearing, with supporting information as to why the Panel member is considered by the student to be unsuitable. The Panel Chair will consider whether the student's representation is valid, whether an alternative Panel member can be allocated in sufficient time for the hearing to continue as scheduled, or whether the hearing may need to be postponed pending further consideration.

27. If the objection is to the Panel Chair, the Director of Academic Quality will consider whether the student's representation is valid, whether an alternative Chair can be allocated in sufficient time for the hearing to continue as scheduled, or whether the hearing may need to be postponed pending further consideration.

28. The student will have the right to submit documentary evidence to the Panel. This must be done no later than five days prior to the Panel hearing.

29. The student will have the right to call witnesses to appear at the Panel hearing. The student must inform the Panel about any witnesses they are calling no later than five days prior to the Panel hearing. It is the student's responsibility to inform any witnesses they are calling about the time and venue of the Panel hearing. Should any witnesses called by the student not appear at the hearing, the panel may proceed to hear the case.

30. If further evidence comes to light, prior to or at the hearing, which the student or the College has not already had access to, the evidence will be provided to both parties and the Chair will consider how or whether to proceed with the hearing.

31. The Panel may choose to consider the student's disciplinary record and other information if it is relevant to the case being considered.

32. If the student does not appear at the hearing, the panel may proceed to hear the case if it is satisfied that proper notice of the hearing has been given to the student, and there are no grounds for believing that the student might have good and proper reasons for not attending. Otherwise, the hearing may be adjourned, usually on one occasion only, for the service of further notice to the student.

33. If it is decided to deal with the case in the absence of the student, no matter shall be introduced which is not contained or referred to in the particulars notified to the student.

34. If the student accepts the alleged misconduct, the proceedings of the hearing shall be halted, and the panel shall consider the appropriate outcome.

35. If the student does not accept the alleged misconduct, then the Panel will proceed to consider all the appropriate evidence. The student will be given every opportunity at the hearing to challenge the evidence presented and to put forward any mitigating circumstances or contributory factors before the Panel reaches its decision.

36. Witnesses may be called to give evidence either by the student or by the Panel. Witnesses may be questioned. All questions will be put through the Panel Chair. Witnesses shall have the right to be accompanied by a friend or representative.

37. A member of the Student Services team will attend the hearing to advise on regulatory and procedural matters and shall be responsible for the official record of the hearing, a copy of which shall be sent to the student and Chair of the Panel.

38. The standard of proof is the degree to which a party must prove its case to succeed. The burden of proof is the requirement to satisfy that standard. Under this procedure, the burden of proof is on the College to prove that misconduct occurred, and the standard is the balance of probabilities, which means that, on the evidence available, the Panel determines that the misconduct was more likely to have occurred than not to have occurred (sometimes known as the 51 per cent test).

39. The outcomes available to the Panel are:

- no further action; and/or,
- an oral or written warning, advising of the consequences of further misconduct and requiring the student to give a written undertaking as to their future good conduct; and/or,
- referral to a different procedure (such as Fitness to Practise); and/or,
- suspension of the student until such time as the student has demonstrated that they have addressed the issues raised to the hearing; and/or,
- immediate withdrawal of the student; and/or,
- any other sanction which is appropriate and which would enable the student to learn and avoid any future misconduct.

40. The outcome determined by the hearing must be sent to the student in a written report normally within seven days of the panel meeting. The report will set out the following:

- the facts that were found proven;
- why the facts proven were considered to amount to a breach of the good conduct expected of students;
- why the outcome was considered proportionate, demonstrating clearly why alternative sanctions and outcomes (including lesser and, where applicable, more severe outcomes) were considered and discounted;
- the student's right of appeal (see below).

41. If the student chooses not to appeal the outcome of the hearing, or once the appeal process has been completed, the College may then share information about the outcome with the person or people who originally raised concerns about the student's conduct.

Referral to the Fitness to Study Procedure

42. Where the hearing finds misconduct is due to underlying physical or mental health difficulties, it may refer the case to be dealt with under the Fitness to Study procedure.

Student's right of appeal

43. The student has a right of appeal against the outcome of a Disciplinary hearing using the College's Consolidated Appeal Procedure.

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Disciplinary procedure for students on programmes leading to an award from St Mary's University

The College will appoint members of the senior management team as Authorised Officers (AOs), who are able to carry out procedures related to student discipline.

Minor breaches of discipline (misdemeanours) will be investigated by the College, under the lead of an AO. If any sanctions are imposed on a student following this investigation, these should be communicated to the student by the AO in writing, and a copy sent to conduct@stmarys.ac.uk and the Link Tutor.

For more serious breaches of discipline, an AO should again be appointed to investigate the alleged misconduct and should obtain written reports of the incident from witnesses. On completion of the investigation, the AO will make a recommendation to the University's Student Conduct and Complaints Manager on whether to call the student to a Disciplinary Hearing. If a Hearing is recommended, a panel will be convened comprising a different AO from the College, and an AO from the University, and the student will also be entitled to bring a friend or representative. The University's [Student Disciplinary Procedure](#) provides more detail on the process of a Student Disciplinary Hearing.