



## **Conduct and Discipline of Students Procedure**

Spurgeon's College requires that every student shall maintain at all times and in all places an acceptable standard of conduct and shall comply with the College's Policies and Procedures. This Conduct and Discipline of Students' Procedure sets out how the College will deal with cases of non-academic misconduct. The College has the power to expel or to suspend or to exclude from programmes of study or to impose a fine or other lesser penalty upon any student found guilty of misconduct or breach of discipline.

### **1. Definition of misconduct**

Conduct which:

- (a) disrupts, or improperly interferes with, the academic, administrative, sporting, social or other activities of the College, whether on College premises or elsewhere;
- (b) obstructs, or improperly interferes with, the legitimate functions, duties or activities of any student, member of staff, contractor, or volunteer, or any authorised visitor to the College;
- (c) involves violent, indecent, disorderly, threatening or offensive behaviour or language (whether expressed orally or in writing, including electronically) whilst on College premises or engaged in any College activity;
- (d) involves distributing or publishing a poster, notice, sign or any publication which is offensive, intimidating, threatening, indecent or illegal, including the broadcasting and electronic distribution of such material;
- (e) involves fraud, deceit, deception or dishonesty in relation to the College or its staff or students or in connection with holding any office in the College or in relation to being a student of the College;
- (f) involves action likely to cause injury or impair safety on College premises;
- (g) damages the College's relationship or reputation with its local communities;
- (h) constitutes a breach of a College policy on harassment;
- (i) involves the possession of unauthorised material or the use or attempted use of unauthorised or unfair means in connection with any examination or assessment (other than cases of academic malpractice which will be dealt with under the College's Academic Malpractice Policy);
- (j) causes damage to, or defaces, or misappropriates College property or the property belonging to any student, member of staff, contractor, or volunteer, or any authorised visitor to the College;
- (k) constitutes the misuse or unauthorised use of College premises or items of property, including misuse of computers and the communications network or any other breach of the College's Information Communications Technology policy;
- (l) constitutes a criminal offence;
- (m) involves failure to disclose name(s) and other relevant information to a governor, member of Council or member of staff in circumstances when it is reasonable to require that such information be given;

- (n) constitutes a failure to comply with a previously-imposed penalty or reasonable instruction under this procedure or any other College procedure;
- (o) renders a student who is enrolled on a programme of study leading directly to a professional qualification or eligibility for registration to practise, or to the right to practise a particular profession or calling not fit to be admitted to and practise that profession or calling in accordance with the five criteria set out in appendix A of the admissions policy

## **2. Penalties**

The Director of Operations or Director of Operations' Nominee will deal with cases of misconduct and breach of discipline. An appeal against a decision taken by the Director of Operations is made to the Principal or the Principal's Nominee.

Serious cases of misconduct and breach of discipline will be dealt with by the Principal or the Principal's Nominee. Where the Principal or Principal's Nominee has made the initial decision, an appeal against that decision is made to the Board of Governors which will appoint a panel of 3 governors to hear the appeal.

The Director of Operations or Director of Operations' Nominee may impose the following summary penalties:

- (a) a reprimand and warning about future behaviour;
- (b) a requirement upon the student to give an undertaking as to his or her future good conduct within the College;
- (c) a requirement upon the student to pay for any damage to property he or she may have caused or to recompense the College for any loss it may have suffered arising from the student's misconduct;
- (d) a requirement upon the student to pay compensation;
- (e) a fine of not more than £500;
- (f) a requirement upon the student to undertake specified tasks or services for the benefit of the College up to a maximum of forty hours;
- (g) any other penalty which may be imposed under any applicable College policy or procedure other than the serious penalties set out below.

In addition to the penalties set out above, the Principal or Principal's Nominee may impose the following penalties:

- (h) a fine of not more than £1,000;
- (i) restriction of access to the College or a specified part thereof for a fixed period ('exclusion'). A student who receives such a penalty will have restricted rights to enter College premises and/or to participate in College activities or access to College services, the terms of the restriction being notified to the student. An order of restricted access may include a requirement that the student shall have no contact with a named person or persons;
- (j) suspension from the College for a fixed period. A student who is so suspended will be prohibited from entering College premises and from participating in College activities although the suspension may be subject to qualification, such as permission to take an examination. An order of suspension may include a requirement that the student shall have no contact with a named person or persons;
- (k) expulsion from the College

### **3. Disciplinary Procedures**

#### Summary Procedures

Minor incidents of misconduct will be dealt with summarily by the Director of Operations or Director of Operations' Nominee.

When a serious incident of misconduct occurs, the Principal or Principal's Nominee will ask the student whether or not the charge is admitted. If the charge is admitted, the Principal or Principal's Nominee will deal with the charge summarily. If the charge is not admitted, the Principal or Principal's Nominee will fix a date of a hearing.

#### Hearings

Any student who is the subject of disciplinary proceedings in respect of a serious incident of misconduct which is not admitted shall receive a fair hearing and shall have the opportunity to present his or her case at the hearing. The student may call witnesses and question witnesses upon whose evidence the case against him or her is based. The student may, and is encouraged to, be accompanied or represented at the hearing by a fellow student or a member of staff of the College of his or her own choice, who may speak on his or her behalf.

If the student, having been given the opportunity to attend the hearing or being required to do so, fails to attend without good cause shown, the hearing may be conducted in his or her absence. Failure to attend when required to do so without good cause itself shall constitute a disciplinary offence.

The written notification to the student about the hearing shall include details of the allegations against him or her and the names of the person hearing the case, together with any documentary evidence to be made available to the person hearing the case in advance of the hearing.

The case shall be heard without undue delay and the student concerned shall normally be given at least five working days notice in writing to prepare for the hearing. The student may submit a written statement about the allegation for consideration by the person hearing the case; any such statement must be received by the Secretary no later than two working days before the meeting.

The person hearing the case shall have power to require the attendance as a witness of any student, member of staff, or volunteer of the College who it has reason to believe is able to assist in its inquiry, and it shall be the duty of any such person to attend and give evidence accordingly. The person hearing the case may also request the attendance of any other person if such attendance is material to the case. The person hearing the case may accept a witness's written statement in evidence where the student agrees that the witness need not attend, or where it is impractical for the witness to attend, or where in the opinion of the person hearing the case it is for some other reason in the interests of natural justice to do so.

Hearings will be conducted in accordance with the rules of natural justice. The person hearing the case should be satisfied on the evidence before them; findings

shall normally be made on the balance of probabilities (the standard of proof “beyond all reasonable doubt” need not be observed). The penalty or penalties imposed may be any of those specified in section 2. The student shall have the opportunity prior to the penalty being decided to present evidence in mitigation.

The decision shall normally be announced to the student at the conclusion of the hearing. A written statement giving the findings of fact, decisions, reasons for the decisions and any recommendations shall be sent to the student against whom the allegations have been brought within five working days of the decision being reached. Decisions may be published although the identity of the student(s) involved shall normally be withheld.

#### Adjournments

Disciplinary procedures may be adjourned at any time if it is known or suspected that the student concerned is not fit to participate in them. In such circumstances, the proceedings may be suspended or terminated subject to specified conditions.

If the student requests an adjournment and is able to show good cause for the adjournment, the hearing may be delayed for not more than five working days.

Hearings may be adjourned on other grounds by the person hearing the case.

#### **4. Appeals**

Following a finding of guilt, the student shall have the right of appeal against both the finding of guilt and any penalty imposed as a consequence on one or more of the following grounds:

- (a) procedural irregularity;
- (b) availability of new evidence which could not reasonably have been expected to be presented to the original hearing;
- (c) the disproportionate nature of the penalty.

An appeal, including a statement of the grounds on which the appeal is being made, shall be submitted by the student concerned in writing within fourteen calendar days of the date on which written notification of the decision is received by the student. A request for an appeal received after this time with good cause shown for its late submission shall only be granted at the discretion of the person(s) designated to hear the appeal. Any student who has failed to participate in the original disciplinary hearing when invited or required to do so shall be entitled to appeal only by special permission of the person(s) hearing the appeal.

The person(s) hearing an appeal shall not re-hear the case afresh, but shall consider whether the initial hearing and outcome were fair by:

- (a) reviewing the procedures followed;
- (b) establishing whether the appellant has presented any new evidence that could not reasonably have been expected to be presented to the original hearing and that this evidence is material and substantial to the findings;
- (c) reviewing the penalty imposed.

The person(s) hearing an appeal shall seek to deal with the case on the basis of documentary evidence and may, at their discretion, call a meeting to which the

student is invited to present his or her appeal in person. In such an event, the student may be accompanied by a fellow student or a member of staff of the College of his or her own choice, who may speak on his or her behalf.

Appeals will be conducted in accordance with the rules of natural justice. Findings shall be made on the balance of probabilities. If the appeal is heard by 3 governors, decisions may be by a majority.

The person(s) hearing an appeal shall have the authority to confirm, set aside, reduce or increase the penalty previously imposed or, if new evidence that is material and substantial has been established, to refer the case back for re-consideration. The decision of the person(s) hearing the appeal shall be final and there shall be no further opportunity for appeal against that decision within the College.

## **6. Suspension or exclusion pending a hearing**

A student who is the subject of a complaint of misconduct, or against whom a criminal charge is pending, or who is the subject of police investigation may be suspended or excluded by the Principal or the Principal's Nominee pending the disciplinary hearing or the trial.

(a) Suspension involves a total prohibition on attendance at or access to the College and on any participation in College activities; but it may be subject to qualification, such as permission to attend for the purpose of an examination.

(b) Exclusion involves either total or selective restriction on attendance at or access to the College or prohibition on exercising the functions or duties of any office or committee membership in the College, the exact details to be specified in writing by the Principal or Principal's Nominee.

(c) An order of suspension or exclusion may include a requirement that the student should have no contact of any kind with a named person or persons.

(d) The powers of temporary suspension or exclusion granted to the Principal or Principal's Nominee shall be exercised only where the student's continued presence might be a source of disruption to the College or to any persons lawfully on the College premises or to their property. Written reasons for the decision shall be recorded and made available to the student.

(e) Unless the matter is deemed to be urgent by the Principal or Principal's Nominee, no student shall be suspended or excluded unless he or she has been given an opportunity to make representations to the Principal or Principal's Nominee. The representations may be made in person or in writing, as the student chooses, and may be put forward by the student or through his or her adviser, or representative. In cases deemed by the Principal or Principal's Nominee to be urgent, a student may be suspended or excluded with immediate effect. In such circumstances, an opportunity will be given to the student to make representations as soon as reasonably practicable.

(f) The Principal or Principal's Nominee who took the original decision shall review the suspension or exclusion every four weeks in the light of any developments and of any written representations made by the student either personally or through his or her representative.

(g) A student may appeal to the Chair of Governors against an order of suspension or exclusion pending a hearing.

## 7. Annual Report

Each year, the Director of Operations shall prepare a report for the Governors on the number and nature of cases referred to a disciplinary hearing, identifying any general issues that may have arisen.

## 8. Office of the Independent Adjudicator for Higher Education (OIA)

Students who believe that their case has not been dealt with properly by the College or that the outcome is unreasonable may be able to complain to the Office of the Independent Adjudicator for Higher Education (OIA) if the complaint is eligible under its rules and once all internal procedures have been concluded. Information about the role of the OIA and the procedure for submitting complaints can be obtained from the OIA website: [www.oiahe.org.uk](http://www.oiahe.org.uk).]

<b>Document control box</b>			
Title	<b>Conduct and Discipline of Students</b>		
Date approved	January 2016	Implementation date	January 2016
Next review date			
Version	2	Supersedes version	1
Approving body	Governors		
Quality Code consulted			
Member of staff responsible	Principal		