



Student Code of Conduct and Disciplinary Policy

Document Control Box	
Document title (include version number if amended within same year as approved)	Student Code of Conduct and Disciplinary Policy
Reference Number	026/22
Approval category (Please indicate)	
Governance/Governor	X
MPRIG Executive/Other Committee (insert name)	
Senior Staff (insert name)	
Date document approved	23/6/22
Supersedes (insert previous title and/or version date)	May 2021
Date document last reviewed and/or updated	
Date next due for review	March 2026
Related statutes or regulations	
Related policies/procedures/guidance/forms	Student Disciplinary Incident Report Form (Appendix B) Anti-Bullying and Harassment Policy and Procedure (Students)
Staff member responsible for update	Chief Operating Officer

Amendment History

Version	Revision Summary	Date Approved	Author
023/21	Added legal definitions of Harassment and Sexual Misconduct (Appdx A). Added Paras 8G & H. Clarified when the College has a duty to contact the police (para 28).	20/5/21	JB

Version	Revision Summary	Date Approved	Author
026/22	Minor amends to Appendix A: 6a 'volunteer', 6n use of unlicensed material, 6r access to the dark web.	23/6/22	



Student Code of Conduct and Disciplinary Policy

Introduction

1. Spurgeon's College is a diverse community where we treat each other with respect, honesty, fairness and consideration so that all our stakeholders have a positive and enriching experience in our community.
2. All College students, staff, volunteers, contractors and visitors have a right to learn, study and work in a safe environment and any conduct by students which unreasonably interferes with the safe and orderly operation of the College community will be investigated and addressed in accordance with this policy.
3. The College requires that every student will at all times and in all places adhere to the expected standard of conduct and will comply with the College's policies and procedures.

Purpose

4. The College has a duty to protect its students, staff, visitors, property, standards and reputation.
5. The Student Code of Conduct and Disciplinary Policy provides a framework for the regulation of students' behaviour and applies to all students of the College, whether full-time or part-time, on-site or distance learning.
6. The purpose of this policy is to set out the standards of conduct and behaviour required to maintain and protect an environment conducive to learning and which is in keeping with the standards and values of the College.
7. It sets out how the College will deal with cases of misconduct and the penalties it may impose upon any student found guilty of misconduct or breach of discipline. Please note that this policy does not cover academic misconduct (cheating, plagiarism, collusion etc.).

Principles

8. The following principles apply:
 - a) Any allegation of misconduct made in good faith will be taken seriously and dealt with in accordance with this policy;

- b) The College will act fairly and reasonably in all circumstances;
- c) The College will follow its own procedures in all circumstances;
- d) Decisions which determine the guilt or otherwise of a student (or students) will be taken on the balance of probabilities;
- e) College disciplinary procedures are entirely distinct from the criminal justice system;
- f) Any penalty or punishment imposed as an outcome of a disciplinary procedure will be proportionate to the offence and, where appropriate, restorative or educative penalties will be considered;
- g) Any individuals nominated as an Investigating Officer or Disciplinary Panel Member should not have been involved in the allegations, or in previous stages of the procedure;
- h) If allegations relate to issues of a specialist nature, the College may consider using a suitably trained and experienced third party who is external to the College, to assist with investigations or sit on Disciplinary Panels.

Scope

9. This policy applies to all students from the point that the College confirms their acceptance of an offer of a place on a programme at the College. The policy applies at all times and is not restricted to conduct during term time, on College premises, or in respect of College or College-related activities.
10. This policy applies to students who have enrolled at the College at any time during the previous 12 months or have interrupted their studies. Students with an outstanding disciplinary matter against them may not be permitted to graduate, including those students who have registered an intention to appeal against a disciplinary decision taken against them. The College reserves the right to carry out and/or complete the disciplinary process if a student withdraws from the College whilst the process is ongoing.
11. Where more than one student is involved in a case of suspected misconduct, the College may choose whether to take joint or separate action against them under this policy.
12. Where appropriate, the College reserves the right to refer a concern raised under this policy for consideration either separately or simultaneously under any other relevant College regulation or procedure at any time.
13. This policy does not apply to academic misconduct. Concerns relating to academic misconduct, including cheating, plagiarism and collusion should be referred to the College Academic Malpractice Policy and Procedure.

Responsibilities

14. The Chief Operating Officer, as Disciplinary Officer, has responsibility for this policy.
15. Any role within this policy may be delegated to an appropriate nominee who will be considered duly authorised to act on their behalf and discharge their functions under this code. This may include the appointment of an Investigating Officer to conduct the initial investigation into the alleged misconduct.
16. A Disciplinary Panel, chaired by the Principal or their nominee has responsibility for hearing cases of gross misconduct and applying any relevant penalties.
17. All members of the College have a responsibility to support the maintenance of good order and a safe environment which is conducive to study, research, living and working. Members of staff are encouraged to address minor cases, such as general or low level anti-social behaviour, through early intervention, positively supporting students to develop their understanding of what constitutes acceptable behaviour before circumstances escalate towards disciplinary action.

Student Code of Conduct and definition of misconduct

18. The student code of conduct, definitions of what constitutes misconduct, and examples of behaviour deemed to constitute misconduct are listed in Appendix A.

Reporting misconduct

19. All College students and staff are responsible for reporting misconduct by a student which they witness or of which they have evidence.
20. Any person who becomes aware of misconduct by a student should report the matter to the Disciplinary Officer in writing using the form in Appendix B and including any relevant documentary evidence.
21. The person making the allegation must be prepared to be interviewed by an Investigating Officer, give a signed dated statement and give evidence at a disciplinary hearing, if required. The statement will be made available to the subject of the allegation.
22. College staff who become aware of misconduct by a student through some other means (for instance if the conduct is reported to them in person or by email) will ensure that the matter is reported through the correct channel either by advising the individual who witnessed the conduct, or if necessary by reporting the matter themselves and attaching any email or other evidence to their report.
23. Anonymous reports of misconduct will not usually be accepted by the College, in line with the advice from the Office of the Independent Adjudicator (OIA).

Reporting matters to the Police

24. Students who witness or who have evidence of misconduct by a student which may also amount to a criminal offence have a number of options available to them once they have brought the alleged incident to the attention of the College. The main options are:
 - (a) Reporting the matter to the Police;
 - (b) seeking support from internal and external services;
 - (c) not reporting the matter to the Police but requesting that the College deals with the matter under this policy.
25. The College encourages students to take appropriate action.
26. Where a suspected criminal offence is committed against the College, the College may report the incident to the Police.
27. Where the alleged victim is not the College, the College will normally allow the victim to decide whether or not to report the matter to the Police. However, the College may start disciplinary action against the accused student and investigate the incident on its own volition.
28. The College will not usually report an alleged incident to the Police and only in exceptional circumstances will they report the alleged incident to the Police against the wishes of the alleged victim/reporting student. This may be to protect the alleged victim/reporting student or others from harm, to prevent a further harm taking place, or because the College is under a legal obligation to do so. The College will explain its decision and the reasons to the victim/reporting student either in advance or as soon as possible after the report was made.

Criminal activity

29. The College encourages all students to disclose information about criminal convictions or Police proceedings which may affect their ability to complete key aspects of their programme or placement. This includes personal restrictions or other conditions arising from court orders or parole conditions e.g., travel, contact with others, use of equipment.
30. Some courses at the College (e.g., Ministerial Courses) require full disclosure of all convictions, investigations, cautions or reprimands, as they are exempt from the Rehabilitation of Offenders Act 1974. These programmes require students to undertake an Enhanced DBS check.
31. If the College becomes aware that the student has acquired a criminal record during their studies, this may lead to formal disciplinary action being taken by the College under this policy.
32. The College will cooperate with Police and other law enforcement agency investigations and ensure that its actions do not prejudice the criminal investigation. These will normally take precedence over internal College

disciplinary investigations, which would not be initiated until the Police investigation is concluded, unless the status of the Police investigation is not clear, or the disciplinary case is based on different facts and matters to those under investigation by the Police. This will be decided on a case-by-case basis having taken legal advice and, where appropriate, in dialogue with the Police. This will not preclude the College from taking precautionary action, including making an interim suspension.

33. Where there are criminal proceedings, the Disciplinary Officer will make regular contact with the student under investigation to review any progress or change in status regarding the case. Where there are updates to the progress or change in status regarding the case the student must update the Disciplinary Officer immediately in writing.
34. Where the student is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, the College reserves the right to take a decision based on the available evidence.
35. Whilst a Police investigation is under way the College's normal policy is to provide any reasonable support to students in order for them to continue their studies safely whilst abiding by any bail conditions that may have been placed on them, if practicable to do so. In some circumstances where a suspension is continuing, pending criminal proceedings, the College may consider temporarily withdrawing the student in accordance with paragraph 39.
36. Where criminal proceedings are concluded against a student with no charges being brought, or the student being acquitted by the court, the College will take this into account in the application of its own disciplinary process, but reserves the right to proceed with the disciplinary process.
37. Where a conviction (including any caution, bind-over, reprimand or other criminal penalty) has been given to a student which constitutes Gross Misconduct under this policy, the Disciplinary Officer will proceed to consider the case under this policy. The fact that the matter has resulted in a conviction in a criminal court will be taken as conclusive evidence that the alleged offence has occurred, and no investigation will be required by the College unless the College's allegation of Gross Misconduct differs for any reason from the specific conviction given.
38. The focus of the College disciplinary process may include an assessment of the risk posed to students or staff. If disciplinary action is taken, the penalty imposed by the court will be taken into account when determining any further penalty.
39. Where criminal proceedings result in a student being absent from his/her study for a period of less than 12 calendar months it will normally be the case that the College will deem the student to be temporarily withdrawn for this period, unless the outcome of the disciplinary process is a decision to exclude the student permanently from the College. In the case of such a temporary

withdrawal, it will be the responsibility of the student to notify the Disciplinary Officer regarding the date of release from custody.

40. In the case of a criminal conviction where criminal proceedings result in a student being absent from his/her study for a period in excess of 12 calendar months, the student will be deemed withdrawn from the College.

Precautionary action

41. 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 pending the disciplinary hearing or the trial.
42. This is most likely, but not exclusively, to happen in one or more of the following situations, namely that:
 - (a) the student's continued presence might be a source of disruption to the College;
 - (b) there may be a recurrence of unacceptable conduct by any one or more students;
 - (c) other students, staff, visitors or property may be harmed; and/or
 - (d) due process under this policy may be inhibited or impeded.
43. Written reasons for the decision shall be recorded and made available to the student.
44. A student who is 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.
45. 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.
46. 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.
47. Unless the matter is deemed to be urgent by the Principal, no student shall be suspended or excluded unless he or she has been given an opportunity to make representations to the Principal. 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.
48. In cases deemed by the Principal 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.

49. The Principal will 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.
50. A student may appeal to the Chair of Governors against an order of suspension or exclusion pending a hearing.

Penalties

51. The Disciplinary Officer may impose the following summary penalties for misconduct:
 - (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.
52. In addition to the penalties set out above, the Principal may impose the following penalties in the case of gross misconduct:
 - (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);
 - (j) Suspension from the College for a fixed period;
 - (k) Expulsion from the College.

Informal Resolution

53. Minor conduct issues, e.g., minor damage to property, conduct causing minor disruption or anti-social behaviour that is not directed at other individuals can sometimes be dealt with informally without the need to initiate the disciplinary process. Those who observe conduct that may give cause for concern if repeated may inform the Disciplinary Officer, who may discuss the concerns with the student. In some cases, an informal verbal warning may be given, which will not form part of the student's formal disciplinary record. A note of any such informal discussions and oral warnings will be held on the Disciplinary Officer's file for the duration of one full academic year following the date of the incident. Formal steps may be taken under this policy if the Disciplinary Officer reasonably believes that the conduct is likely to be repeated or if the conduct is repeated.

Stage 1: Investigation

54. The Disciplinary Officer will review the reporting form and determine whether the misconduct, if proven, could be considered a disciplinary offence. If so, they or their nominee (the Investigating Officer) will conduct an investigation. If not, the matter may be dealt with informally or no further action may be taken.
55. The investigation will be started as promptly as possible, and normally within 10 working days of the report being made. The College reserves the right to extend this period during holidays and exam times.
56. As part of the investigation the Investigating Officer will:
 - Interview the student as necessary;
 - identify and interview any other relevant witnesses and obtain objective written witness statements from them (signed and dated); and
 - seek documentary evidence where appropriate (e.g. emails, logs from relevant College systems or other relevant evidence).
57. The Investigating Officer will first write to the student(s) involved to notify them of the investigation and will normally:
 - Inform the student of the nature of the concern that has been raised, the purpose of the investigation and will provide a copy of this policy; and
 - inform the student that if they do not engage with the investigation, including attending any meetings when requested, the investigation may continue in the student's absence.
58. Students should be given at least 5 working days' notice of any investigatory meetings and informed of their entitlement to be accompanied to and/or represented at any such meetings.
59. Notes will normally be kept of any meetings held with the student during the course of the investigation. A copy of such notes will be made available to the student.
60. Where appropriate, the Investigating Officer may invite the student to provide a written response to the concerns and to present any supporting information. This will normally be required within 10 working days.
61. If a student fails to attend the investigatory interview without good reason, or is unable to do so on more than two occasions, the Investigating Officer may continue with the investigation without interviewing them, provided they are satisfied the student was given due notice of the date and time of the meeting. The Investigating Officer will have discretion over what constitutes 'good reason'.
62. All witnesses should be prepared to be interviewed by the Investigating Officer, give a signed dated statement and give evidence at a disciplinary hearing, if required. The statement will be made available to the subject of the allegation.

63. If a witness is not prepared to give a signed statement or is not prepared for the statement to be shared with the subject of the allegation, they cannot be forced to do so. However, in those circumstances, that witness testimony cannot subsequently be used in the investigation.
64. The Investigating Officer should aim to complete their investigation within 30 days, and at the conclusion of the investigation will produce a written report. The report should be copied to the student and the Disciplinary Officer.
65. The Disciplinary Officer may then:
 - Take no further action;
 - deal with the matter informally; or
 - refer the case to Stage 2 of this policy.
66. The student will be informed of the decision of the Disciplinary Officer within 5 working days of the conclusion of the investigation.

Stage 2 - Hearings

67. If the Disciplinary Officer decides that there is a case to answer, they will either invite the student to a disciplinary meeting or will refer the matter to the Disciplinary Panel.
68. The Disciplinary Officer will deal with cases of misconduct and breach of discipline. Cases which the Disciplinary Officer considers may constitute gross misconduct or are complex will usually be referred to and heard by the Disciplinary Panel, chaired by the Principal.
69. The Disciplinary Panel will consist of the Principal and two senior members of professional or academic staff who have had no previous involvement in the case. Note takers will be present at both disciplinary meetings and panel hearings.
70. The Disciplinary Officer or Principal will give the student notice to attend a disciplinary meeting/hearing, providing the date, time and place of the meeting. The meeting will be held as soon as reasonably possible (usually within 10 working days) but students will be given at least 7 working days' notice to prepare their case based on the information provided by the College.
71. The notice will set out the allegations against the student, the basis of those allegations and the likely range of penalties if it is decided after the disciplinary meeting/hearing that the allegations are true. Students will also be provided with copies of all the relevant documents related to their case. In limited circumstances (e.g., a risk of harm to a witness) a witness's identity may be kept confidential unless to do so would prejudice the fairness of the proceedings.
72. A student has a right to be accompanied or represented at the meeting/hearing by a companion, who may speak on their behalf. There is no automatic right for a student to have legal representation at meetings.

73. The audio recording of meetings and hearings held under this Policy is prohibited, subject to such reasonable adjustment as may be agreed by the College where required to comply with the Equality Act 2010.
74. The student may submit a written statement about the allegation for consideration by the person hearing the case and naming any witnesses to be called; any such statement must be received by the Disciplinary Officer or Principal no later than two working days before the meeting/hearing.
75. The purpose of the disciplinary meeting/hearing is to discuss the evidence gathered and to provide the student with an opportunity to make representations.
76. The person hearing the case will 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 will 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. Witnesses should be notified in writing at least 5 working days before a hearing. 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.
77. The Disciplinary Officer or Panel will then decide on the basis of the evidence and the student representations whether the allegation is proven. If the allegation is considered to be proven, depending on the nature of the disciplinary offence, the Disciplinary Officer or Panel will ask the student to submit any evidence in mitigation in order to decide on the appropriate penalty.
78. If the student or their companion cannot attend the disciplinary meeting, they must inform the Disciplinary Officer or Principal so an alternative time can be arranged. Failure to attend a meeting without good reason may be treated as a disciplinary offence in itself. If a student fails to attend without good reason, or is unable to do so on more than two occasions, the Disciplinary Officer or Panel may take a decision based on the available evidence provided they are satisfied that the student was given due notice of the date and time of the meeting. The Disciplinary Officer or Panel will decide what constitutes 'good reason'.
79. Meetings and 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 paragraphs 51 and 52.

80. Students will be notified in writing of the outcome of the disciplinary meeting, the reasons for the decision, any penalty imposed, and their right to appeal within 5 working days of the meeting.

Adjournments

81. 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.
82. 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.
83. Hearings may be adjourned on other grounds by the person hearing the case e.g. in the interests of fairness to hear new evidence which could not have reasonably been disclosed in accordance with the prescribed time scales set under this policy.

Adjustments

84. Where a student has a disability, the College Disability Officer will be asked to give advice as to any reasonable adjustments required. The student is asked to inform the College as soon as possible of these requirements so that suitable facilities can be made available.

Appeals

85. An appeal against a decision taken by the Disciplinary Officer is made to the Principal. Where the Principal (as part of an appeal panel) has made the initial decision, an appeal against that decision is made to the Chair of Governors who will appoint a panel of 3 governors to hear the appeal.
86. Following a finding of guilt, the student will 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. There was a procedural irregularity at the formal stage (e.g., there was a material failure by the College to follow this policy, clear reasons were not provided for the decision, or there is evidence of bias);
 - b. new material evidence is available which the student was unable, for valid reasons, to provide earlier in the process;
 - c. the disproportionate nature of the penalty.
87. An appeal, including a statement of the grounds on which the appeal is being made, should be submitted by the student concerned in writing within 14 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 will 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

will be entitled to appeal only by special permission of the person(s) hearing the appeal.

88. The person(s) hearing an appeal will not re-hear the case afresh, but will 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; and
 - (c) reviewing the penalty imposed.
89. The person(s) hearing an appeal will 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 companion, who may speak on his or her behalf.
90. Appeals will be conducted in accordance with the rules of natural justice. Findings will be made on the balance of probabilities. If the appeal is heard by 3 governors, decisions may be made by a majority.
91. The person(s) hearing an appeal will 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 will be final and there will be no further opportunity for appeal against that decision within the College.
92. The final decision of the appeal will be communicated to the student in writing, with reasons, usually within 28 working days from the appeal request being accepted.
93. If the outcome of the appeal is favourable to the student, they can request the College to provide them with a Completion of Procedures letter ("COP"), such request to be made 30 days of the date of the outcome letter. Where such request is made, a COP will be provided within 14 days of the request.
94. If the outcome of the appeal is unfavourable to the student, a COP will be sent to them automatically within 28 days of the decision letter being issued.

Recording and reporting of disciplinary matters

95. All disciplinary action should be recorded. Records will be held in accordance with the College's Data Protection Policies.
96. Where an allegation relates to possible criminal activity the College may share information with the Police or other agencies where there is a legal requirement to be informed, e.g. under fitness to practise requirements.
97. The College may disclose the existence of an investigation or the outcome of a case considered under this policy to other relevant external bodies. This may

include, but is not limited to, disclosure to employers, placement providers, grant providers, or professional bodies.

98. Where appropriate, findings and sanctions imposed may be referred to in references which are requested for students, normally this would only be the most severe of cases or when specifically requested by an organisation requesting a reference.
99. Where a third party, who is a member of the College (student, staff, or volunteer), has been involved in a case as a victim of the alleged incident, the College may, on request, provide information on whether the case is being considered, and the outcome of any disciplinary hearing. Where the third party is external to the College, the College would not normally provide information with regards to specific cases, but may exceptionally do so where the information could potentially impact on the wellbeing of the third party. A written record of all such instances, with grounds for disclosure, should be kept.
100. All records of student's disciplinary cases will be retained for a period of six years beyond the date the student graduates or leaves the College.
101. Each year, the Disciplinary Officer shall prepare an anonymised report for the Governors on the number and nature of cases referred to a disciplinary hearing, identifying any general issues that may have arisen.

Office of the Independent Adjudicator for Higher Education (OIA)

102. 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.



Appendix A:

Student Code of Conduct

Principles of Student Conduct

1. Students are expected to respect and observe the regulations, policies and procedures of the College.
2. Students are expected to conduct themselves in an orderly manner in their academic and non-academic activities while they are registered with the College. This is **not restricted** to conduct during term time, on College premises, or in respect of College or College-related activities.
3. Students are expected to behave in a considerate manner towards fellow students, staff, visitors and members of the public in the wider community.
4. Students undertaking programmes with a professional fitness to practise requirement are also required to conduct themselves in a manner appropriate to that profession.

Definition of Misconduct

5. Under the terms of this Code, 'misconduct' is defined as:
 - improper interference, in the broadest sense, with the proper functioning or activities of the College or with those who work or study at the College; and/or
 - any action which otherwise damages the College, its interests, property or its reputation.
6. The following provides a substantive but not exhaustive list of examples of misconduct which, if proven, may amount to a disciplinary offence leading to formal disciplinary action under the Student Conduct and Disciplinary Procedure.
 - a. Conduct which prevents, obstructs or disrupts or otherwise interferes with:
 - teaching, learning, work experience or research carried on within the College or elsewhere
 - the administration of the College
 - the discharge of the duties of any student, member of staff, volunteer, contractor or any visitor to the College
 - the holding of, or the orderly conduct of, any meeting or activity of, or connected with, the College.
 - b. Breach of any of the conditions set out in the enrolment contract, or accommodation or tenancy agreements;
 - c. Any breach of College Regulations, Codes of Practice or Policies;

- d. Engaging in, or assisting, enticing or encouraging others to engage in conduct which is dangerous, violent, aggressive, indecent, disorderly, abusive, threatening, intimidating, dishonest, corrupt or offensive behaviour or language (whether expressed orally, in writing or electronically including blogs, social networking websites and other electronic means);

- e. Actions or behaviours that constitute Harassment (as defined by Section 26 of the Equality Act 2010). This includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics:
 - age
 - disability
 - gender reassignment
 - race
 - religion or belief
 - sex
 - sexual orientation

It includes domestic violence and abuse (which can also involve control, coercion, threats), stalking, incidents of physical violence towards another person(s) on the basis of a protected characteristic, and hate crimes, such as those criminal offences which are perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.

- f. Actions or behaviours that the College defines as sexual misconduct. Sexual misconduct is a broad term encompassing all unwanted conduct of a sexual nature. Sexual misconduct can be committed by a person of any gender, and it can occur between people of the same or different gender. Sexual misconduct may vary in its severity and consists of a range of behaviours or attempted behaviours. It can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can occur through any medium, including online. Sexual Misconduct includes, but is not limited to:
 - Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)
 - Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)
 - Assault (as defined by the Sexual Offences Act 2003)
 - Rape (as defined by the Sexual Offences Act 2003)
 - Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)

- Intimidation, or promising resources or benefits in return for sexual favours (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)³
 - Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015).
- g. Possession, use, distribution, production, being under the influence of during College-related activities, supply of and/or trade in illegal substances and drugs, and any conduct relating to psychoactive substances which is unlawful under the Psychoactive Substances Act 2016;
 - h. Misuse of alcohol on College premises or during College related activity;
 - i. Unauthorised possession, use or threat of use on College premises or whilst engaged in College business of any dangerous weapon or imitation weapon;
 - j. Distribution or publication of a poster, notice, sign or any electronic publication including audio-visual material, social media post, blog or webpage, which is offensive, intimidating, threatening, indecent or illegal;
 - k. Fraud, deceit, deception or dishonesty in relation to the College, its students, staff, contractors or visitors (including deliberate falsification of records);
 - l. Bribery or attempted bribery including but not limited to offering or giving money, gifts or any other advantage to any student or employee of the College, honorary staff, recognised teacher or any visitor to the College with the intention of inducing that person to perform his/her role improperly or of rewarding that person for performing his/her role improperly;
 - m. Misrepresentation or falsification of pre-entry qualifications, previous study, work experience, or personal statement which emerges post-admission to a programme of study;
 - n. The possession of unauthorised material (including material that is used without license or permission of the author) 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);
 - o. Misuse or unauthorised use of College intellectual property or confidential information;
 - p. Failure to declare a criminal conviction, Police caution or charge, including during the admissions process, which may affect a student's ability to

complete key aspects of their course or placement. This includes personal restrictions or other conditions arising from court orders or parole conditions e.g. travel, contact with others, use of equipment. Some courses leading to professional qualifications require full disclosure of all convictions, investigations, cautions or reprimands, as they are exempt from the Rehabilitation of Offenders Act 1974.

- q. Theft, misappropriation, unauthorised use or misuse, intentional or reckless damage or defacement of College property, or the property of its students, staff or visitors whilst on College premises or engaged in College business;
- r. Misuse of computers or the communications network, the unauthorised use of the College logo or name, or any breach of the College policies on the use of its information systems or social media (including access to the dark web);
- s. Action which may cause injury or jeopardise the safety of others whilst on College premises or engaged in College business;
- t. Failure to provide proof of identity when requested to do so and without reasonable excuse;
- u. Failure to comply with any penalties, sanctions or reasonable instructions imposed as a result of any College procedure or contempt of those procedures (including failure to attend a disciplinary meeting without good reason);
- v. Failure to disclose a name(s) and other relevant information to a governor, or member of staff in circumstances when it is reasonable to require that such information be given;
- w. Any conduct which may damage the College's relationship or reputation with the community and/or any professional bodies;
- x. Conduct which 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 the admissions policy.



Appendix B:
Student Disciplinary Incident Report Form

Please use this form to report any unacceptable conduct. Please attach any evidence you may have. The form should be returned to Helen Stokley, the College Disciplinary Officer h.stokley@spurgeons.ac.uk

By completing this form you must be prepared to be interviewed by an Investigating Officer, give a signed dated statement and to give evidence at a disciplinary hearing, if required. The statement will be made available to the subject of the allegation.

Please read our privacy policy which can be found on our website www.spurgeons.ac.uk

Name of person completing the form: (please use block capitals if completing by hand)		
What is your role within the College: (Student, staff, volunteer etc.)		
Contact number:	Email:	
Name/role of witness if not you:		
Name/s of person(s) who caused the incident:		
Date of incident:	Time of incident:	Location of incident:
Please describe the incident in your own words:		
Date form completed:		