



UCP- DIS001 Higher Education Student Disciplinary Policy

1. INTRODUCTION

- 3.1 All enrolled students are required to observe and act in accordance with the Code of Conduct for Higher Education Students and all associated codes and regulations. In addition, students on programmes validated by partner universities may also be subject to those universities' regulations and codes.
- 3.2 Conduct in relation to this code means conduct on University Centre Peterborough (UCP) premises or during UCP activities, together with conduct that takes place elsewhere where the reputation of UCP may be brought into disrepute.
- 3.3 Failure to observe these Codes may be regarded as a breach of discipline. Students found in breach of discipline will be subject to the procedures set out below.
- 3.4 This policy has been designed to meet the requirement of the QAA UK Quality Code for Higher Education and particularly Advice and Guidance on:
 - i. Assessment
 - ii. Concerns, Complaints and Appeals
- 3.5 It also has due regard for the Office of the Independent Adjudicator for HE (OIA) Good Practice Framework in relation to Disciplinary procedures.

2. PURPOSE

- 2.1. The purpose of this policy is to outline the responsibilities and procedures involved in dealing with a student when a non-academic disciplinary concern that has been raised, together with possible outcomes that can be applied. The exception to this is when the serious offences of unacceptable behaviour, harassment, hate crimes or sexual misconduct occur, these are covered by the HE Dealing with Unacceptable Behaviour, Harassment or Sexual Misconduct Policy. Any disciplinary action under this policy will reflect how serious the offence is with incidents of harassment and sexual misconduct treated as gross misconduct. Academic disciplinary concerns are covered by the Academic Integrity Policy.

3. SCOPE

- 3.6 This policy applies to all Higher Education provision offered by UCP. This also applies to sub contractual provision
- 3.7 This policy and procedure are intended to allow UCP to deal with allegations relating to student discipline or behaviour. It cannot, and does not, seek to replace other civil or criminal process which should be used where more appropriate. The disciplinary procedure can look at a broad range of activities, including (this is not an exhaustive list):
 - misuse of social media
 - fraud, deception or dishonesty
 - disruption of, or improper interference with the academic, administrative, social or other activities of UCP
 - obstruction, frustration or disruption of the functions, duties or activities of any student or member of staff of UCP or any visitor to UCP

- misappropriation, misuse or unauthorised use of UCP property
 - action likely to cause injury or impair safety, including misuse of safety equipment and infringement of safety requirements
 - failure to respect the rights of others to freedom of belief and freedom of speech
 - using or knowingly possessing controlled drugs or drinking alcohol within UCP
 - making frivolous vexatious and/or malicious allegations or complaints
- 3.8 This can include situations where a student appears unaware of the consequences of their behaviour on others e.g., causing disruption or distress, and/or where concerns exist about the safety of the student or of others.
- 3.9 Our response will aim to protect the interests of the student and balance these with the needs of other students and staff, ensuring that we continue to provide an appropriate environment for the purposes of higher education.
- 3.10 In accordance with the Equality Act 2010, reasonable adjustments to the process may be made to accommodate students defined as having disabilities.
- 3.11 Wherever possible the usual support services available to students will be used before any response is made in line with this policy.
- 3.12 Where it is believed that a student's behaviour presents an immediate risk to themselves or others the Emergency Services should be contacted by dialling 999. A log of this action should be taken and reported immediately to the Safeguarding Team . UCP will also inform the student's next of kin.
- Safeguarding at Peterborough: 07740-456720 safeguarding@peterborough.ac.uk
 - Safeguarding at Stamford: 07810-161010 safeguarding@stamford.ac.uk

4. RELATED DOCUMENTS

- 4.1 UCP Terms and Conditions of Admissions and Enrolment
 UCP-FIT001 Higher Education Fitness to Practise Policy
 UCP-FIT002 Higher Education Fitness to Study Policy
 UCP-ASS004 Higher Education Academic Integrity Policy
 UCP-DIS002 Higher Education Dealing with Unacceptable Behaviour, Harassment or Sexual Misconduct
 UCP-FREE001 Higher Education Academic Freedom of Speech and External Speaker Policy
 UCP Higher Education Student Charter

5. RESPONSIBILITIES

- 5.1 Under UCP's Policies and Procedures, the Academic Director is ultimately responsible for the maintenance of student discipline and for the suspension or expulsion of students on disciplinary grounds. The Academic Director may delegate his or her authority to HE Managers with a level of seniority and experience appropriate to the circumstances of each particular situation.

6. RISK ANALYSIS

- 6.1 This policy is required to ensure that any impact of a student's conduct on others and the institution is fairly evaluated and dealt with by the institution as bound by UK legislation. This policy is dependent on the issue identified and the evidence provided.

Analyse risks of non-adherence to this policy

- 6.2 Failure to adhere to this policy could lead to academic failure of students, complaints and in extreme cases, legal action with regard to the Equality Act 2010.

Staff training needed

- 6.3 All staff involved in teaching, enrolling, supporting students and offering Information Advice and Guidance (IAG) are required to undertake annual training delivered by the HE Student Support Team to outline the support that is available and the process by which students can be referred for support.

7. DATA PROTECTION

- 7.1 UCP complies with the provisions of the General Data Protection Regulation Data Protection Act, 2018. As such, applicant and student data are treated as confidential by all staff involved in this process and are not divulged unnecessarily or inappropriately. However, the aforementioned Act requires UCP to release certain information to UK authorities upon request in order to assist those authorities with the prevention and detection of fraud or other crimes. We will release the requested information on receipt of an appropriate request from UK authorities such as (but not limited to) the Police, Home Office (for immigration and related matters), local authorities, and the Department for Work and Pensions. We may use anonymised data collected as part of an individual's application and enrolment for the purpose of fulfilling statistical and reporting requirements.

8. PROCEDURE

- 8.1 We will deal with any complaint about students' behaviour in the following way.
- a. Any complaint made by a student or a member of our staff or by a member of staff of an agency providing a placement will, in the first instance, be referred to the appropriate HE Manager of the student concerned. If this is not appropriate for any reason, it will be referred to another HE Manager or nominated Manager. Any complaint must normally be made within 20 working days of the incident it is about.
 - b. A complaint made by a member of the public will, in the first instance, be referred to the Academic Director.
 - c. A complaint made by one student about another will be dealt with using this procedure.
 - d. Unless there are exceptional circumstances, a member of staff can only make a complaint if they have previously given the student a warning, either face-to-face or in writing, about the behaviour to which the complaint relates.
 - e. Any complaint about a student must be made to us in writing. We will give, or send by recorded delivery to both addresses on record, a copy of the complaint to the student. If the student is under 18 years of age, we will give, or send by recorded delivery, a copy to the parents or guardian of the student and explain the action taken.

9. Role of the Investigating Officer

- a. The Investigating Officer is either the HE manager of the student concerned or another HE manager or nominated manager who will impartially investigate the alleged offence. This investigation will normally be carried out within 15 working days.
- b. The Investigating Officer must ensure the students have the opportunity to present any mitigating circumstances or factors they believe should be considered during the investigation. Those factors are not normally relevant to deciding whether or not the offence has been committed but they should be considered when deciding the penalty if the student is found to have committed an offence. Mitigating factors might include:
 - i. The offence is a minor example of a serious offence, such as minor damage to property;
 - ii. It is a first offence;
 - iii. The student admitted the offence at the earliest opportunity;
 - iv. The student has expressed remorse;
 - v. The student has compelling personal circumstances that affected their judgment.
- c. Any penalty must have an effect on the student that is proportional to the offence and be consistent with penalties imposed in genuinely similar cases. In determining the appropriate penalty or whether to refer to UCP Council, the Investigating Officer may take previous breach(es) by the student into account, provided that the student is being penalised for failure to alter their conduct and is not being penalised again for the same breach(es).
- d. The Investigating Officer has the power to impose one of the following penalties.
 - i. A formal verbal warning in which the student will be told the reason for the caution and that it is a stage of the disciplinary procedure.
 - ii. A written warning which will give details of the complaint, the improvement needed and, if appropriate, the timescale. The student must sign and return a copy of the written warning as a record that they have received and understood it. UCP will keep records of all warnings for 12 months after which time if there is no further breach or warnings this will be removed from the student's record.
 - iii. A fine set by the UCP Council. In addition to the fine any costs arising from the misconduct may be recovered from the student.
 - iv. A student may have to write a formal letter of apology to a specified person or persons, pay an amount toward any damage, loss or harm UCP has suffered or suffered by an agency providing a placement. The amount will not be more than a maximum set by the UCP Council. If this amount has to be paid to another person or organisation, this will not affect the student's rights in law.
 - v. UCP will keep records of this for 12 months unless a further complaint is under investigation.

If the student does not accept the Investigating Officer's decision, the case will go to the Student Discipline Committee.

- e. If the Investigating Officer believes the complaint is serious enough, they may do the following
 - i. They may decide that the complaint should be passed to the Secretary for the Student Discipline Committee to consider. The Investigating Officer must identify which parts of the code of conduct the student has broken. The Investigating Officer will provide:
 - a written record of the complaint which is signed by the person making the complaint;
 - a report of the investigation;
 - any evidence the report is based on;
 - any statements that go with the report will normally be prepared by the individuals concerned and signed and dated by them.

- ii. The Investigating Officer may recommend to the Academic Director that the student is suspended. If the complaint is deemed serious enough the Academic Director may recommend that the student is excluded. If the complaint warrants expulsion the complaint will be passed to the Student Discipline Committee for resolution. The student can appeal against a suspension of three weeks or more. When suspension is considered a risk assessment will be undertaken to determine the impact on all parties.

10. Procedure when a complaint is referred to the Student Discipline Committee

- 10.1 The committee secretary will refer the complaint to the Student Discipline Committee as long as they are satisfied that the complaint is not of a trivial nature and relates to student discipline or professional conduct.
- 10.2 At least five working days before the hearing, the committee secretary will give the student, the Investigating Officer and the person making the complaint, a copy of any documents which will be placed before the committee.
- 10.3 The committee secretary will do the following:
 - i. Call a meeting of the committee normally 25 working days from the day on which they have received the written report in section 9c above (except in trivial cases or those relation to academic matters which may not be referred to the committee.)
 - ii. Ask the student if they object to the Student Officer, or their nominee being at the committee meeting.
 - iii. At least 15 working days before the meeting, the committee secretary will give notice to the Student Officer of the date, time and place of the meeting.
 - iv. 15 working days before the meeting, the committee secretary will give notice, in writing and by hand, to the person making the complaint or, if this is not possible, by recorded or special delivery to their last known term-time and home address. The notice will explain that a sitting of the committee is being held to consider their complaint. It will give the date, and the time and the place of the sitting. It will also explain that they need to attend, and they may bring a friend.
 - v. At least 15 working days before the meeting, the committee secretary will give notice, in writing and by hand, or, if this is not possible, by recorded or special postal delivery to the last known local and home address of the student the complaint is about. The notice will give details of:
 - i. the names or names of the person or people making the complaint
 - ii. the name or names of the witnesses to be called
 - iii. the date, time and place of the committee meeting
 - iv. the student's right to be heard at the hearing
 - v. the student's right to bring a friend, who may be legally qualified (but not also a witness) or a representative of the Student Council
 - vi. the student's right to send in a written statement or written evidence for the committee to consider and that we must receive this at a least seven working days before the hearing.
 - vii. the student's responsibility to give any witnesses they are planning to call details of the hearing, and to make sure they come to the hearing; and
 - viii. the student's responsibility to tell the committee secretary as soon as possible (and in any case no less than two working days before the hearing) the names of the witnesses they are planning to call and, whether they wish to be accompanied by a friend. The student will need to provide the name of the friend or the name of the representative of the Student Council.

11. The Hearing

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Originator: Academic Director

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- 12.1 The committee will choose a Chair from among its members. The Chair will decide who can be at the hearing for the purpose of maintaining security or safety.
- 12.2 The committee secretary will keep a record of the proceedings and may appoint someone to take minutes.
- 12.3 If two or more students are being complained about, the committee will decide whether the interests of any one of them would be answered by hearing the complaint against them jointly. If the committee believes that the person's interests might be affected or that the proceedings could not be easily or fairly heard against two or more students together, they will hear the matter individually.
- 12.4 In deciding whether a witness will be called in alone or with others, the committee will decide.
- 12.5 Evidence will be taken in the following order.
 - i. the Investigating Officer.
 - ii. the person making the complaint.
 - iii. witnesses for the person making the complaint.
 - iv. the student the complaint is made about or their friend or representative of the Student Council.
 - v. witnesses on behalf of the student the complaint is made about. We will then accept a final statement from.
- 12.6 The committee will have the right to ask questions of any person at the hearing.
- 12.7 All the above can be present while the evidence is taken and ask questions at this stage (but not after final statements).
- 12.8 The Student Officer or a member of the Student Council or someone they have chosen, who must be another elected member of the student representative body, will have the right to be present while evidence is taken but not during the committee's decisions.
- 12.9 If the student the complaint is about does not go to the hearing, the committee may still deal with the complaint. This can only happen if the committee are satisfied that the committee secretary has given proper notice about the hearing.
- 12.10 The committee will sit in private to make decisions and the committee secretary will be present.
- 12.11 At the end of the hearing, the committee will give their decision. Normally within five working days, the committee secretary will send the written decision to the student the complaint is made about, and let them know they have a right to appeal against the decision. If they decide to appeal, they must give notice to the UCP Council within 10 working days of the date of the committee's decision.
- 12.12 Normally, within 10 working days of the hearing, the secretary will send a formal set of minutes taken at the hearing.

12. Powers

- 13.1 The committee will have the power to;
 - a. recommend to the Academic Director that the student is suspended for a certain period or that they should award some other penalty (for example, a reprimand or fine);
 - b. recommend to the Academic Director that the student is expelled;
 - c. decide that there is no case to answer; or
 - d. recommend that the outcome of the procedure should or should not be published. If they give this recommendation, they will suggest what form the publicity should take.

13. Appeal

- 14.1 A student has the right of appeal to the UCP Council as shown in the Appeals Committee Procedure (appendix A) for appeals by students. UCP will only consider appeals if the student claims alleged maladministration or if new information is presented.

14. Footnote

- a. UCP has informal links with the local police and often ask their advice about whether an offence has been committed.
- b. If we learn that a student has committed a criminal offence, we can report the matter to the police.
- c. If the offence committed is against UCP and there is no other victim, UCP will normally report the crime to the police, whether or not it is known who is responsible.

15. Student Discipline Committee Constitution

- a. The committee is made up of:
 - three members of staff of UCP, chosen by the Academic Director, who are not Governors; and
 - two students.
 - The secretary to the Student Discipline Committee.
 - An elected Student Representative has the right to be at sittings of the committee while taking evidence but not while the committee make decisions, unless the student disciplinary proceedings relate to objects.
 - The Chair will be elected from among the members of the committee.

16. Quorum

- a. The quorum is the minimum number of committee members needed to make decisions. For this committee the quorum is three.
- b. If fewer than three committee members are present and notice has been properly given, the secretary will call another meeting, normally within 20 working days. At any further meeting, the quorum will be those members of the committee (not necessarily those who attended the earlier meeting) who attend. However, at least one elected Student Representative chosen by the Student Officer / Student Council and one chosen by the Academic Director must be present.



Appendix A Procedure for appeals by students to the UCP Council

Procedure

- 1 If you want to appeal against a decision of the Student Discipline Committee or those of the Fitness to Practise Committee for reasons of maladministration (other than in cases where you have failed to make a payment where the appeal will be to the Academic Director), you must make your appeal in writing within 10 working days of the decision and send it to the clerk / secretary to the UCP Council.
- 2 Your request should clearly give the reasons for the appeal.
- 3 When they receive your request, the clerk / secretary to the UCP Council will:
 - a. call a meeting of the committee as soon as possible.
 - b. make available to the members of the committee copies of all papers to do with the case.
 - c. ask you if you object to an elected Student Representative being at the committee hearing.
 - d. at least five working days before the meeting give notice to the Member of the Student Council of the date, time, and place of the meeting.
 - e. invite you and our representative, at least seven working days before the hearing, to give a statement of your and our case and reveal any relevant documents you want to rely on at the hearing (if you or we miss the deadline or do not limit the size of documents you provide, it may lead to an adjournment or other delays); and
 - f. at least 15 working days before the meeting, give you notice in writing and by hand or if this is not possible by recorded or special delivery to your last known address. The notice will give details of:
 - i. the date, time and place of the committee hearing.
 - ii. the names of the witnesses to be called by our representative.
 - iii. your right to be accompanied by a friend or elected Student Representative (but they may not also be a witness).
 - iv. your right to decide whether or not to attend the hearing.
 - v. your responsibility to give witnesses, that you plan to call, details of the hearing, and to make sure they attend.
 - vi. your responsibility to let the committee secretary know, as soon as possible and in any case not less than two working days before the hearing, the names of the witnesses you plan to call: and
 - vii. your responsibility if you want to be accompanied by a friend, to give the name of the friend or elected Student Representative to the committee secretary.
- 4 The sides may agree to change the time limits to suit the circumstances of the case.

The Hearing

- 5 The committee will choose a Chair from among its members.
- 6 The committee secretary will keep a record of the proceedings and may appoint a record clerk for this purpose.
- 7 The committee will consider any written evidence.
- 8 Your and our witnesses will receive equal treatment throughout the proceedings.
- 9 The committee will hear representations and evidence in the following order.
 - i From you or your friend or elected Student Representative
 - ii From your witnesses
 - iii From our representative

iv From our witnesses

- 10 You or your friend or your elected Student Representative can give a final statement. We will give a final statement.
- 11 Members of the committee will have the right to put questions to any person at the hearing.
- 12 You and our representative will have the right to be present when taking evidence. You and our representative will have the right to put questions to the other and to witnesses. However, you and our representative cannot ask questions relating to final statements.
- 13 A member of the Student Council or their representative will have the right to be present, as an observer, when evidence is taken but not during the committee's decision.
- 14 The committee may call for other documents, explanations, or evidence they decide they need. The committee may seek any other advice in the hearing and in any subsequent consideration from UCP's solicitors and/or any such other source as the committee may determine.
- 15 If you or our representative do not appear at the hearing, the committee may go ahead, as long as they are satisfied that the committee secretary has given you notice properly.
- 16 In considering its decision, the committee will sit in private. The committee secretary will be present.
- 17 The committee secretary will tell you the committee's decision at the end of the hearing. Normally within five working days of the end of the hearing, the committee secretary will confirm in writing the committee's decision and send you a letter of 'completion of procedures.
- 18 Following this notice, normally within 10 working days, the committee secretary will send you a formal set of minutes taken at the hearing.

Powers

- 19 The committee will, by majority, have the power to:
 - a confirm the decision of the Academic Director;
 - b withdraw the decision of the Academic Director; or
 - c change the decision of the Academic Director.

The Decision

- 20 The decision of the appeals committee of the UCP Council will be final. However, you may have a right of complaint to the Office of the Independent Adjudicator (OIA) and your rights as an individual in law.

Appendix B Appeals Committee

The Appeals Committee will be made up of the following.

- A member of the UCP Council.
 - Two other members who are either members of the UCP Council or members of the IEG Board of Governors.
 - Staff Governors, student Governors and the IEG CEO cannot serve as members of this committee.
- 1 The aims of the committee are to:
 - a consider, hear, and decide on appeals in line with procedures approved by the UCP Council.
 - b confirm, cancel, or amend decisions which are referred to the committee in line with appeals procedures approved by the UCP Council.
 - c consider, hear, and decide on appeals to do with maladministration when applying university rules, regulations, or procedures; and
 - d use all powers shown above, for complaints or appeals made to the committee by students at university member institutions in line with the rules of those institutions.
 - 2 The committee will not deal with appeals which dispute the academic or professional judgement of a member of our staff or an External Examiner. It will also not deal with judgements pertaining to the Fitness to Study Committee.

Quorum

The quorum will be three members of the committee.

Rules for the committee

The committee will be governed by the rules for the committees of the UCP Council.

Chair

The Chair will be elected from among the members of the committee.