

## British Institute of Technology

### Student Discipline Policy

Reviewed and approved by the Council (governing body) on: 17.04.25

Version:25.1

#### Scope

1. The purpose of this Policy is to enable British Institute of Technology to fulfil its obligations relating to the care of, and responsibility for, staff and students, and the public, and to protect its reputation. All staff and students are expected to act at all times in accordance with the Institute's stated core values of inclusivity, pride, ambition, collegiality, and ethical behaviour.
2. The Student Discipline Policy applies to any person defined as a student or associate student of the Institute in accordance with the Institute Charter. This includes students who are interrupting study or resitting out of attendance but remain registered with the Institute.
3. The Student Discipline Policy may apply to any action of misconduct whether it takes place on or off the Institute premises. The Policy also applies to actions that are electronic and occur via electronic means such as (but not limited to) the internet, email, social media sites, chat rooms or text messages.

#### Definitions

4. In this Policy:
  - a. **Misconduct** means the improper interference in any way with the proper functioning or activities of the Institute, or those who study or work at the Institute, or members of the public, or action which otherwise damages the Institute.
    - a. References to **the Institute**, to **the Institute activities, premises and facilities** and to any **office** or **committee membership** includes the Students' Union and any premises of the Institute, or any educational department or facility at which the student is properly present in connection with their programme of study or by virtue of their status at the Institute.
    - b. **Responding student** refers to the student against whom an allegation has been made.
    - c. **Reporting student** refers to the student who has made the allegation against the responding student. If the allegation of misconduct has been made by a complainant who wishes to make a Formal Complaint via the Student Complaints Policy, then for the purposes of this Policy, that complainant will be considered to be the reporting student. In all cases, a reporting student will receive a Formal Complaint outcome letter, in accordance with the Student Complaints Policy, at the conclusion of the disciplinary process.
    - d. **Witness** refers to a person contacted within the course of a disciplinary investigation.

- e. **Foundation Year 0**
- f. **Institutional level** refers to processes handled by the Appeals, Complaints & Conduct Office; normally these are more serious cases of misconduct.
- g. **Department/Institute/Directorate level** refers to processes operated by a student's academic Department/Institute or a Professional Service department such as the Library or the Institute Residential Services.
- h. **Instruction restricting activity** means a requirement that a student refrain from contact with a specified individual or undertaking a specific form of action. The precise nature of the instruction restricting activity will be made to the student in writing.
- i. **Exclusion** means selective restriction on attendance at, or access to, the Institute or prohibition on exercising the functions or duties of any office or committee membership at the Institute or the Students' Union. The precise nature of an exclusion order will be made to the student in writing.
- j. **Suspension** means the total prohibition on attendance at, or access to, the Institute and to any participation in the Institute activities, but at the Institute's absolute discretion it may be qualified for example to permit a student to attend an examination.
- k. **Expulsion** means the immediate termination of a student's registration.

#### **General principles underlying this Policy**

5. Anyone who is accused of misconduct under the Student Discipline Policy is presumed innocent until misconduct is found to have occurred.
6. It is the responsibility of the Institute to establish that misconduct has occurred. The standard of proof required is the balance of probabilities: that is, it is more likely than not that the alleged misconduct occurred.
7. Allegations of misconduct and other formal notifications will be provided in writing, normally by email.
8. Responding students will be afforded an opportunity to respond to an allegation of misconduct before a decision is made, except where suspension pending investigation is required.
9. At all stages of the process any student may be represented or accompanied by one person of their choosing.
10. If the President and Principal (or nominee) believes that a criminal offence has been committed they may refer the case to the Police.

11. No person who has had any significant prior involvement in a case will consider an allegation of misconduct under this Policy.
12. Any investigation into potential student misconduct will be dealt with confidentially. Only such information as is necessary will be shared, which normally includes limiting information sharing to staff members with professional responsibilities related to the matter, and parties to the investigation (such as witnesses or reporting students).
13. All students shall receive a fair and impartial hearing of their case, including reporting and responding students.
14. When determining the penalty to be applied consideration will be given to:
  - a. the seriousness of the misconduct.
  - b. the student's previous disciplinary record.
  - c. the conduct of the student following the misconduct.
  - d. if the misconduct has been admitted.
  - e. any mitigating factors as applicable.
  - f. the safety of the Institute community.
15. If a responding student, having been given proper notice, fails to attend a meeting or hearing or respond to communications without a reasonable explanation, the process may proceed as planned and will not be invalidated by their absence. In the event that the responding student is not able to attend a meeting or hearing, for good reason, it may be rearranged.
16. A responding student against whom an allegation of misconduct is made may be subject to this Policy even if it can be shown that the alleged misconduct is due to reasons of incapacity such as a serious emotional or psychiatric condition. In such cases the Institute will be mindful of its duty to make reasonable adjustments in order to mitigate the effects of any impairment.
17. An annual report on Disciplinary cases, which does not identify individual students, will be submitted to the Council for consideration. All Departments/Institutes/Directorates are responsible for maintaining accurate records of cases considered by them, and reporting these to the Appeals, Complaints & Conduct Office for inclusion in the annual report.

## Examples of misconduct

18. Examples of actions and behaviours that will usually be considered misconduct include, but are not limited to, the following:

- a. any breach of the Institute rule, regulation, policy, or code of practice approved by Council or its delegated authority.
- b. disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the Institute, whether on the Institute premises or elsewhere.
- c. obstruction of, or improper interference with, the functions, duties or activities of any student, member of the Institute staff or any visitor to the Institute.
- d. unwanted conduct directed at a member of the Institute community or visitor to the Institute that has the purpose or effect of creating an intimidating, hostile, degrading or humiliating environment for the individual. This includes oral, physical, written, or online forms of communication including posts on social media sites, chat rooms, email, texts or instant messaging.
- e. unwanted conduct related to a relevant protected characteristic that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment or violating the person's dignity. This includes conduct whilst on the Institute premises or engaged in any the Institute activity (including field trips, placements or sporting activities), or directed at any member of the Institute community, or visitor to the Institute including oral, physical, written, or online forms of communication including posts on social media sites, chat rooms, email, texts or instant messaging. Relevant protected characteristics refer to a person's gender, sexual orientation, race, religion or belief, disability, marriage and civil partnership, pregnancy and maternity/paternity, or age.
- f. physical misconduct which includes any form of physical violence or unwanted physical contact, such as (but not limited to) punching, kicking, slapping, pulling hair, biting, pushing, shoving, and using or threatening to use an offensive weapon.
- g. sexual misconduct which includes (but is not limited to) the following, within or outside a sexual or romantic relationship, including where consent to sexual activity has been given then withdrawn, or if consent has been given on previous occasions: sexual intercourse or engaging in a sexual act without consent; attempt to engage in sexual intercourse or a sexual act without consent; sharing private sexual materials of another person without consent; kissing or touching inappropriately without consent; inappropriately showing sexual organs to another person; repeatedly contacting or following another person without good reason; making unwanted remarks of a sexual nature. For the avoidance of doubt, in this paragraph, 'without consent' includes purported consent obtained by force, intimidation, manipulation or coercion.
- h. fraud, deceit, deception or dishonesty in relation to the Institute, members of its staff, or in connection with holding any office of the Institute or being a student of the Institute.
- i. action causing, or likely to cause, injury, or action impairing, or likely to impair, health and safety.
- j. any breach of the provisions of the Institute's Code of Practice on Free Speech, or any other action or activity which fails to respect the lawful rights of others to freedom of belief or freedom of speech.

- k. providing, arranging or advertising cheating services, or research misconduct, including advertising on essay production websites or any other unauthorised activity that undermines the values of academic integrity, notwithstanding that the conduct in question is covered by, or has been dealt with under, other regulations.
- l. theft of, damage to, or defacement of, the Institute property or the property of staff or other students of the Institute, caused intentionally or recklessly.
- m. vexatious or malicious complaints, or unsupported allegations made about a member of staff, student or other member of the Institute.
- n. misuse, or unauthorised use, of the Institute premises or items of property.
- o. misuse of computers, including but not limited to: downloading, or publishing material that encourages violence or extreme behaviour towards people or property and malicious communications
- p. behaviour which brings, or is likely to bring, the Institute into disrepute.
- q. failure to disclose name and personal details to a member of the Institute staff where it is reasonable and lawful to require that such information be given.
- r. failure to comply with a previously imposed penalty under this Policy or requirements put in place pending investigation.
- s. conduct which constitutes a criminal offence in the United Kingdom, or which would, if committed in the United Kingdom, constitute such an offence, where that conduct:
  - i. took place on the Institute premises; or
  - ii. affected or concerned staff or other students of the Institute; or
  - iii. damages the good name of the Institute; or
  - iv. itself constitutes misconduct under the terms of the Policy; or
  - v. is an offence of dishonesty, where the student holds an office of responsibility at the Institute; or
  - vi. is such as to render the student unfit to remain a member of the Institute community or to practice a profession to which their course is designed to lead, or if the Institute repeated would pose a threat to staff or other students, or threaten the discipline and good order of the Institute.
- t. conviction of an offence within the United Kingdom, or elsewhere if the conduct in question would have constituted an offence in the United Kingdom, where the conduct in question falls within any of the six provisions in paragraph [r] above.

### **Relationship of this Policy to other regulations, policies and procedures**

#### Professional Capability and Fitness to Practise Regulations

19. the Institute has a responsibility to ensure that those students who graduate from a primary medical or dental qualification are fit to practise. This responsibility extends to Foundation Year One (F1) Doctors. Students registered on programmes leading to a primary medical or dental

qualification are subject both to the Student Discipline Policy and any other codes and policies that inform their professional conduct. Allegations of misconduct about students registered on such programmes may also give rise to concerns about a student's fitness to practise and are reported to the Professional Capability Committee in all cases.

20. In applying the Student Discipline Policy, account is not taken of fitness to practise. The outcome is reported to the Professional Capability Committee which may wish to take appropriate action in its own right, including referral to the Fitness to Practise Committee. Where the misconduct has been proven through the Student Discipline Policy, the Professional Capability Committee and/or Fitness to Practise Committee do not rehear the case but consider capability and fitness to practise in the light of the misconduct and outcome of the disciplinary procedures.

#### Enhancing Support for Students' Fitness to Study Policy

21. the Institute is an adult learning environment in which students are treated as mature individuals and expected to have the capability to study and live independently alongside people of all ages and from a variety of backgrounds. Fitness to Study refers to the impact of an individual student's health and wellbeing on his/her capability to participate fully and appropriately.
22. Where a student exhibits unacceptable conduct that is considered to be the result of an underlying health or wellbeing issue, they may be referred to the Fitness to Study procedure to consider the needs of the student and the support that is being provided. Similarly, where a student fails to engage with the Fitness to Study process and there may be a risk to the Institute and/or members of its community, or the conduct has an adverse effect on the learning or working environment, or the health and wellbeing of other students or staff, the matter may be referred for consideration under this Policy.

#### Other the Institute regulations

23. Minor breaches of other the Institute regulations, for example, Residence Handbook, Library Regulations, and ITS Policies, are normally dealt with in accordance with those regulations. Repeated or more serious misconduct or breaches of these regulations may be dealt with under this Policy.

#### Students' Union Disciplinary Procedures

24. Allegations of misconduct in relation to Students' Union affairs that fall within the remit of the Students' Union Disciplinary Procedures are normally dealt with by the Students' Union. The Students' Union may also refer allegations for consideration under this Policy where the misconduct is more serious, subject to the mutual agreement of the Students' Union and the Appeals, Complaints and Conduct Office.

## Misconduct that is also a criminal offence

25. The following procedures apply where the alleged misconduct may constitute a criminal offence and is subject to investigation by police and/or criminal proceedings:
- a. where any the Institute student is subject to a police investigation or criminal proceedings, or receives a criminal conviction during the course of their studies, this should be reported to the Head of the Appeals, Complaints & Conduct Office. A risk assessment will be completed to determine whether the matter should be considered under this Policy, and the reasons for the decision documented.
  - b. in cases where alleged misconduct could constitute a criminal offence the Institute will usually consider the case under this Policy with a view to determining whether or not the University's policies and regulations have been breached, and will not consider or reach any decision regarding whether or not a criminal offence has occurred. Any decision of the alleged victim not to report to the Police or to press charges, any decision of the Police not to investigate or prosecute, or any eventual not-guilty verdict, will not prohibit the Institute from following this Policy and taking action as it sees fit. the Institute can make no determination with regard to offences under the criminal law, and decides misconduct issues on the balance of probabilities as set out in general principle 6 above.
  - c. if the alleged misconduct has been reported to the Police, usually no further action (other than suspension, exclusion or instruction restricting activity) will take place under this Policy until either the outcome of the Police investigation or criminal proceeding is known and/or the relevant authority has confirmed that internal the Institute misconduct proceedings may proceed simultaneously. However, the Institute reserves its rights to take further action under this Policy in all circumstances where it considers this to be appropriate.
  - d. a student under investigation must keep the Institute informed of any developments in the Police investigation or criminal proceedings. Once the outcome is known, the Head of the Appeals, Complaints & Conduct Office (or nominee) will review the case and determine whether further action under the Student Discipline Policy should be taken.
  - e. if a student has been sentenced by a court in relation to the same matter, the penalty imposed by the court will be taken into consideration in determining a penalty under this Policy.
  - f. staff dealing with the incident should clearly document their involvement and any decisions made, and bear in mind that any notes made or documents created could be requested by the Police as a part of a criminal investigation.
  - g. where one student has made allegations against another student, both must be treated fairly and the Institute will take into account the interests and welfare of both, particularly when considering suspension, exclusion or instruction restricting activity. the Institute will also consider any support arrangements that need to be put in place for the students involved, such as counselling sessions or academic adjustments.

26. When action is taken for misconduct, following conviction, the conviction will be taken as evidence that the misconduct has occurred, and will be open to challenge only to the extent that the student disputes that they were the person convicted.
27. The registration of a student who is remanded in custody or subject to a custodial sentence for a period of one year or more will be terminated, and the student may be re-admitted only with the permission of the President and Principal.

### **Student disciplinary procedure**

28. If a student or staff member is concerned about the conduct of a the Institute student, they are encouraged to consider informal options for early resolution. Informal approaches can have the advantage of resolving the situation quickly and with minimal disruption to relationships, or social and academic activities. Effective informal approaches are often sufficient to resolve the matter without the need for more formal means. There are a number of informal approaches that can be adopted, as outlined in sections below.
29. Individual Action. This is where the person concerned about the conduct of the student speaks to the person directly, or may put their concerns to them in writing. It is always up to the individual to decide if this approach is appropriate to their situation. It is helpful to carefully consider the best approach for any individual action, such as finding a time and place to speak privately or without interruption, being clear on the behaviour causing concern, stating that the conduct is unwanted, and being clear on any request for the future – such as not to be contacted, or for a certain type of behaviour to not be repeated.
30. Third party Intervention. Where individual action is unsuccessful or inappropriate, an appropriate staff member may be able to assist with informal resolution. Staff or students may use Report + Support to request assistance from an appropriate staff member, such as a member of the Appeals, Complaints & Conduct Office or Advice & Counselling Service. Alternatively, students may approach another appropriate professional such as an Advisor, Student Support Officer, Residential Welfare Manager or other professional, and staff may contact their Head of Department/Director of Institute or Professional Service.
31. The third party will advise on options for informal resolution, which may include: facilitating a meeting or mediation, contacting the student on the person's behalf to explain the concerns, requesting that certain unwanted behaviours or contact not be repeated, or facilitating supportive measures for the person concerned to reduce future contact.
32. Informal resolution is always undertaken in good faith, to foster good community relations, and is not based on any assumption about whether or not misconduct has occurred. Any third party intervention does not represent a decision by the third party about any potential misconduct, nor apportion blame. No attempt for informal resolution will constitute a penalty, nor will a student

suffer detriment for informal resolution. It is reasonable for a person to request that unwanted contact not be repeated, without the need for a formal finding of misconduct.

### **Suspension, exclusion and instruction restricting activity pending investigation**

33. the Institute may suspend, exclude or instruct restriction of activity for any student who is the subject of an allegation of misconduct or against whom a criminal charge is pending or who is the subject of a police investigation.
34. In such circumstances, suspension, exclusion or instruction restricting activity pending investigation are not penalties and will not be used as such. The purpose is to enable the Institute to exercise its duty of care to staff and students while an investigation takes place. The risk assessment supporting reasons for any decision to suspend, exclude or restrict activity will normally be undertaken by the Head of the Appeals, Complaints & Conduct Office and the Lead Safeguarding Officer be securely recorded. The student will be provided with information about the reasons for the decision along with details about the length of the suspension/exclusion/restriction of activity.
35. Where immediate suspension, exclusion or instruction restricting activity is a proportionate step to take to preserve good order or to protect staff or students from harm, it may be imposed with immediate effect. The decision will be reviewed when new information material to the circumstances comes to light, and/or on the conclusion of the investigation.
36. Suspension will generally only be used where exclusion from specified activities or facilities would be inappropriate. Exclusion will generally only be used where an instruction restricting activity would be inappropriate.
37. A student who has been suspended, excluded or received an instruction restricting activity may make representations against the decision to the President and Principal in writing within five days of notification, or decision of any review as specified in paragraph 27. The President and Principal will consider such representations and respond in writing.
38. **Suspension:** a Vice-Principal may authorise the suspension of a student pending investigation.
39. **Exclusion & restriction on activity:** an exclusion or restriction may be authorised by a Vice-Principal, Head of Department/Director of Institute, Director of Professional Services (where the restriction applies to the relevant service), or the President of the Students' Union (where the restriction applies to BITSU facilities or activities)

## **Misconduct investigation**

40. Allegations of misconduct should be made in writing, normally via the Appeals, Complaints and Conduct Office.
  
41. On those occasions where support is also required, reporting students are strongly encouraged to use the Institute Report & Support portal as this will allow them to request for a matter to be investigated and request to be referred to support services available to all the Institute students. Upon receipt of a report made through the Report & Support portal, the Appeals, Complaints and Conduct Office will contact the reporting student with further information on how the matter will be taken forward.
  
42. The Head of the Appeals Complaints and Conduct Office, Head of Department, Director of Institute, or Director of Professional Service will nominate an independent person to undertake the investigation, who has no involvement with the allegation of misconduct; in some cases an appropriately qualified external investigator may be appointed. In all cases, the responding student is notified of the name of the person investigating the misconduct.
  
43. A student will normally receive a decision regarding an investigation within 25 working days, except in complex matters and/or where multiple students may be involved Every attempt will be made to ensure that an investigation is concluded as soon as possible.
  
44. An investigation will normally involve the following stages:
  - a. Notification to the responding student of the allegation/s made against them and provision of a copy of this Policy.
  - b. Request for written statements from the reporting student and all relevant witnesses, and collection of any other factual evidence.
  - c. Interview with the reporting student, and where appropriate, interviews may be conducted with any relevant witnesses, subject to their consent.
  - d. Interview with the responding student to provide them with an opportunity to state their account. Where an interview is not possible in person, or where the responding student does not wish to submit to an interview, a written statement may be provided. In all cases, the responding student will be provided with sufficient information to allow them to respond to the allegation/s.
  - e. A written report of the investigation and the details of evidence gathered.
  
45. The Investigating Officer keeps notes of meetings held with all parties, namely, the responding student, the reporting student, and any witnesses. These notes must be included in the casefile alongside the written report and all other evidence collected.

46. At the conclusion of the investigation the casefile is normally made available to the responding student. Any document included in the casefile may be redacted when it contains personal or sensitive information, or for other good reason, where the information is not part of the evidence relied upon for decision making.

#### Misconduct handled at Department/institute/service level

47. At any time during the investigation, or hearing, the Head of Department/Director of Institute/Director of Professional Service may decide to refer the matter for consideration at institutional level.

48. Once the investigation is completed, the Head of Department/Director of Institute/Director of Professional Service reviews the casefile and either:

- a. **Dismisses the allegation** of misconduct, in which case the matter is closed and no record of the allegation is retained on the student's record.
- b. **Decides that the misconduct should be upheld**, in which case they may decide either that no further action is necessary, or apply one or more of the outcomes in paragraph 72 (a)-(j).
- c. **Refers the matter to the Head of the Appeals Complaints and Conduct Office** for consideration at institutional level.
- d. **Refers the matter to the Professional Capability Committee** for consideration under the Professional Capability and Fitness to Practise Regulations. The decision maker will specify whether the basis for this referral is that the misconduct has been upheld, or that the matter does not constitute misconduct but does give rise to professionalism concerns.

49. Where the Head of Department/Director of Institute decides on outcome 46 (b), the responding student will have the right to contest this outcome and request that the matter be referred to a Student Disciplinary Committee. The request should normally be made within 7 calendar days. The student does not need to provide any reason, nor meet any specific grounds.

50. Irrespective of the outcome, the Head of Department/Director of Institute/Director of Professional Service may require that the responding student complete training or awareness activities. Unless specifically defined as such this is not a penalty and does not imply anything in relation to the responding student's guilt or innocence.

51. The responding student shall be notified of the outcome in writing including the reason(s) for the decision and the responding student's right of appeal (where misconduct has been upheld).

#### Misconduct handled at institutional level

52. Once the investigation is completed, the Head of the Appeals Complaints and Conduct Office or nominated decision-maker reviews the casefile and either:

- a. **Dismisses the allegation** of misconduct, in which case the matter is closed and no record of the allegation is retained on the responding student's record.

- b. **Decides that the misconduct should be upheld**, in which case they may apply one or more of the outcomes in paragraph 72 (a)-(d), or take informal action by way of caution and/or restorative and Informal will not be intended as a penalty, but students are expected to comply any request.
- c. **Refers the matter to the Professional Capability Committee** for consideration under the Professional Capability and Fitness to Practise Regulations. The decision maker will specify whether the basis for this referral is that the misconduct has been upheld, or that the matter does not constitute misconduct but does give rise to professionalism concerns.
- d. Refers the matter to a Student Disciplinary Committee.

53. Where the Head of the Appeals, Complaints & Conduct Office decides on outcome 49 (b), the responding student will have the right to contest this outcome and request that the matter be referred to a Student Disciplinary Committee. The request should normally be made within 7 calendar days. The student does not need to provide any reason, nor meet any specific grounds.

### **Student Disciplinary Committee**

54. The constitution of the Student Disciplinary Committee is as follows:

- a. a Vice-Principal (or Deputy), Chief Officer or Director of a Professional Service, who chairs the Committee.
- b. a senior member of staff.
- c. A student representative, nominated by BITSU
- d. an independent legal adviser may support the Committee when required.

55. A non-voting secretary shall be appointed to the Committee. The secretary's role is to take notes of the meeting and advise on the implementation of the Policy and/or the relevant Academic Regulations. The secretary remains present throughout the hearing and deliberations but has no role in the decision-making of the committee.

56. A the Institute representative shall present the case to the Committee on behalf of the Institute. This will normally be the named Investigating Officer.

57. No person who has any close personal connections with any student due to appear before the Committee, or with the alleged misconduct, is eligible for appointment to the Committee.

58. The absence of one member of the Committee does not prevent the hearing taking place, or invalidate its outcome. The Chair of the Committee may, at any time between the initial appointments and the date of the hearing, appoint a replacement member, should any of the initial members be unable to attend the hearing.

## Student Disciplinary Committee hearing procedure

59. The Student Disciplinary Committee meets as soon as reasonably practical to consider an allegation referred to it and normally within 2 months of an allegation of misconduct. This meeting is called a hearing.
60. At least 7 calendar days before the date of the hearing the secretary to the Committee sends the responding student a copy of these regulations, together with copies of all relevant documents to be presented at the hearing.
61. The hearing will take place in the absence of the responding student should they not attend, not respond, or provide good reason for not attending.
62. The responding student is required to inform the secretary of any documents that they intend to present or refer to at the hearing and to provide copies of them at least five calendar days before the date of the hearing. The Chair of the Committee may, at their discretion, allow the responding student additional time in which to produce documents for a hearing; there is no appeal against any refusal to allow such additional time.
63. The hearing is held in private. Only those persons party to the case and the Committee attend the hearing.
64. The Chair of the Committee is responsible for the conduct of the hearing and does so in accordance with the process set out below and the provisions of this Policy. Their rulings on matters of procedure are final. The Chair of the Committee may take whatever action they feel is appropriate in order to ensure the availability of all relevant facts and to facilitate a fair hearing and outcome. Any matter relating to the hearing not covered by this Policy will be decided by the Committee, whose decision will be final.
65. If a person is asked to attend a hearing as either a reporting student or a witness, but is unwilling or unable to for good reason, a written statement may be provided. Copies of any such statements are provided to the responding student. A reporting student or a witness may be accompanied by any one other person.

The responding student may be represented, or assisted by a person of their choosing. A maximum of two individuals are permitted to accompany a responding student at any meeting, interview or hearing.

66. The Institute representative will be asked to present the concerns and call any witnesses, and the responding student (or representative) will have the opportunity to respond. The responding student and the Institute representative may raise points for clarification of any witness testimony via the Chair, who will determine questions to be put to a reporting student or witnesses.

67. The the Institute representative together with the responding student and their representative will be asked to leave the room while the Committee deliberate on the outcome.
68. The Committee may either:
- a. **dismiss the allegation of misconduct**, in which case the matter is closed and no record of the allegation is retained on the responding student's record.
  - b. **decide that the allegation should not be subject to further action** under the Student Discipline Policy and, where considered appropriate, take informal action by way of caution or otherwise. In applicable cases, the outcome is reported to the Professional Capability Committee.
  - c. **decide that the misconduct is proven and impose one or more penalties** from those available. In applicable cases, the outcome is reported to the Professional Capability Committee.
69. Irrespective of the outcome, the Committee may require that the responding student complete training or awareness activities. Unless specifically defined as such this is not a penalty and does not imply anything in relation to the student's guilt or innocence.
70. The responding student is notified of the outcome and decision, either in person by the Committee, or within three working days of the date of the hearing. The decision will be formally put in writing within five working days. The letter will record the decision of the Committee, the reasons for the decision, any penalty that is applied, and the responding student's right of appeal. The outcome of a hearing, together with the rationale, may be provided to a reporting student where appropriate. This information is particularly relevant where a reporting student has reported an issue relating to behaviour or sexual misconduct; the outcome may be required to ensure the implementation of any undertakings, or for health and safety more generally.

### **Penalties that may be imposed by a Student Disciplinary Committee**

71. When allegations of misconduct are upheld, the following penalties may be imposed by a Student Disciplinary Committee:
- a. a written warning, which is formal advice to the student that if the misconduct is repeated a more severe penalty will result.
  - b. the requirement to apologise in specified terms to one or more named persons by a specified date.
  - c. a formal instruction restricting activity for a specified period.
  - d. a requirement that the student undertake a specified educational activity of formative task, within a specified timeframe.
  - e. a fine not exceeding £1000.
  - f. compensation in respect of damage to property at the value of the damage with no upper limit.

- g. compensation in respect of injury to a person not exceeding £2,000.
- h. a requirement to undertake some service to the community, the nature and timing of the service to be determined by the President and Principal or Committee as appropriate.
- i. prohibition from holding any office, or any particular office, including committee membership of any body or society of the Institute.
- j. exclusion from prescribed departmental, Students' Union and/or the Institute facilities, including Student Services and IT Services, for a period of no more than one year, but not including attendance at lectures, classes, tutorials or other timetabled teaching and learning activities student's programme of study.
- k. suspension from the Institute for a period of up to one year. Suspension may be ordered to take effect subject to such terms and conditions as the Committee may prescribe, but otherwise will prevent the student from entering the Institute or making use of any the Institute facilities or participating in any the Institute activities.
- l. recommendation to the President and Principal that the student's registration be terminated and the student expelled from the Institute. The President and Principal considers the recommendation and either supports the recommendation or imposes an alternative penalty.

72. In addition to imposing one of the above penalties, an informal caution or other informal cautionary advice may be imposed.

73. Any fine imposed will take account of the responding student's means. Compensation where damage has occurred will take account of the cost of repair/replacement. The responding student may be permitted to make the payment in prescribed instalments. Any fine or penalty imposed may take account of penalties imposed by a Court following a criminal conviction.

### **Appeal Process**

74. Where misconduct has been found to occur, a student may appeal this decision and/or any penalty imposed. A reporting student cannot appeal a decision arising from this Policy but will have recourse via Student Complaints Policy following receipt of the Formal Complaint outcome letter noted in paragraph 4[d] above.

75. The appeal will be considered by a nominated member of the Appeals, Complaints & Conduct Office who has had no prior involvement in the case.

76. A Disciplinary Appeal should be submitted within 14 calendar days of the outcome, and should include reasons and evidence that the appeal meets one of the applicable grounds. The Head of the Appeals, Complaints & Conduct Office has the discretion to allow and consider later requests where a student demonstrates good reason for the delay.

77. New evidence or issues will not be considered unless the student can demonstrate good reason why that information was not previously made available.
78. The appeal process will involve a review of the existing casefile by the Appeal Chair to determine whether:
- a. the procedures were followed appropriately, *and/or*,
  - b. the outcome was reasonable in light of the available evidence.
79. If it is determined that the case was not handled in accordance with the procedures and/or that the outcome was not reasonable in light of the available evidence, the decision maker may take corrective action where appropriate, refer the case back to the original decision-making body for reconsideration, or refer the case back to the Appeals, Complaints and Conduct Office for reconsideration under the Student Discipline Policy.
80. The student will be informed of the outcome of an appeal in a Completion of Procedures letter. This is the final stage in the Institute's internal Student Discipline Policy.
81. A Disciplinary Appeal will normally be concluded within 28 calendar days of receipt. The student will normally be notified if consideration of their appeal is likely to take longer than this.

#### **Office of the Independent Adjudicator for Higher Education**

82. The Office of the Independent Adjudicator for Higher Education (the OIA) is an independent body set up to review student complaints about higher education in England and Wales.
83. A student not satisfied with the outcome of the Institute's internal procedures may submit a complaint to the OIA. The OIA will not normally consider a submission until a student has completed all of the Institute's internal procedures and is in possession of a Completion of Procedures letter.
84. The OIA will consider whether the Institute followed its policy correctly and whether the outcome was reasonable in light of the facts of the case.
85. Information on submitting a complaint to the OIA will be included in the Completion of Procedures letter issued to the student. Information is also available on the OIA website.

## **Appendix 1 - Responsibility and authority**

1. The President and Principal is responsible to the Council for the management of the Institute, which includes student conduct and discipline.
2. The President and Principal normally delegates authority for student discipline and the operation of this Policy to other members of the Institute.
3. The President and Principal's delegations are detailed below. In all cases, the Principal may assume responsibility to undertake any of the actions delegated to another.
4. Where a delegated office holder is unable to act, their deputy, or the person acting in the office or the office holder's nominee will act in their place.
5. At institutional level the President and Principal delegates responsibility to a Vice-Principal (including Deputy Vice-Principals) for all actions that may be undertaken under the Student Discipline Policy, except approving expulsion of a student on the recommendation of a Student Disciplinary Committee.
6. At institutional level the President and Principal delegates responsibility for organising an investigation into the alleged misconduct to the Head of the Appeals Complaints and Conduct Office, or their nominee.
7. At Department/institute/directorate level the President and Principal delegates responsibility to the Head of Department, or Director of Institute for all authorised actions under the Student Discipline Policy for students in their department.
8. At professional services directorate level the responsibilities and authorities of the Director of a professional services department are those which are approved by the appropriate authority and detailed in the relevant regulations, e.g. Halls of Residence Regulations, Library Regulations etc.