

# Code of Discipline and Student Disciplinary Procedure



**Christ the Redeemer College**

## **1. Introduction**

- 1.1 Christ the Redeemer College is committed to being a community of learning, in which all members of the community are able to thrive and are protected from harm. This Code of Discipline and Student Disciplinary Procedure should be read alongside other College policies such as the Prevent Policy, the Bullying and Harassment Policy and the Fitness to Study Policy.
- 1.2 The Rector is responsible for student discipline and for the suspension or withdrawal of students on disciplinary grounds under delegation from the College's Governing Body. The Rector may delegate powers of investigation, resolution of informal disciplinary matters, review of the decision to withdraw a student or suspend a student pending a disciplinary hearing to other appropriate members of staff.

## **2. Code of Discipline**

- 2.1 This code does not attempt to replace the law. The College therefore reserves the right to refer matters to the police or other statutory agency where appropriate (see section 5).
- 2.2 The College abides by the principles of natural justice. This means that where a disciplinary allegation is made against a student, the College will ensure that the student:
- is made fully aware of the nature of the allegation(s) made against them;
  - is given an opportunity to reply to any allegation(s);
  - is given a fair and unbiased hearing at which all relevant circumstances are taken into account;
  - has the right to appeal against a disciplinary finding or penalty.
- 2.3 If a student is found to have falsely accused another student or staff member of a disciplinary offence, the student making the accusation is considered to have committed a disciplinary offence.
- 2.4 Students are expected to conduct themselves with regard to their responsibilities as a member of the College community and with regard to the College's good name and reputation.
- 2.5 At enrolment, students agree to abide by all current College regulations and relevant student policies, including this Code of Discipline.
- 2.6 From time to time the College adopts new or amended policies, codes and regulations, which students shall be made available to students via the College's virtual learning environment (VLE).

## **3. Scope of Code and Disciplinary Procedures**

- 3.1 The Code is applicable to any student registered on any College module/unit, programme or course.
- 3.2 Complaints by students against members of staff should be dealt with under the College Complaints Procedure.

3.3 The College has a separate policy on Bullying and Harassment, Prevent and Fitness to Study. If a matter would more appropriately be dealt with under a different policy, the College may decide to follow the other policy instead of or as well as the Student Disciplinary Procedure.

#### **4. Student Conduct and the Disciplinary Code**

4.1 The College has an expectation that students will conduct themselves at all times in an orderly manner, respecting the rights, privacy and property of others.

4.2 The essence of misconduct under this Code is interference, in the broadest sense, with the proper functioning or activities of the College, or those who work or study in the College, or action which damages the College or its reputation. The following are some examples of student misconduct:

4.2.1 Disruption of the academic, administrative, recreational, social, or other activities of the College;

4.2.2 Obstruction of or improper interference with the functions, duties or activities of any student, member of staff or other employee of the College, or visitor to the College;

4.2.3 Behaviour which restricts the legitimate freedom of speech, ideas, actions or inquiry of any other student, member of staff or other employee of the College, or visitor to the College;

4.2.4 Behaviour which is in breach of College regulations on health and safety, smoking, or eating and drinking on College premises;

4.2.5 Any anti-social behaviour that brings the College or any of its staff or students into disrepute;

4.2.6 Violent, indecent, disorderly, threatening, coercive or discriminatory behaviour or language whilst on College premises or engaged in any College activity;

4.2.7 Publishing of any matter (including orally or in writing, sign or visible representation, including electronically) which is threatening, abusive or insulting or constitutes harassment or makes others fear violence. This includes the misuse of social networking sites;

4.2.8 Damage to College property which includes College-managed property, library and learning resources;

4.2.9 Conduct, including the possession of or use of drugs, which constitutes a criminal offence, where that conduct:

- takes place on College or College-managed property;
- affects or concerns other members of the College community, individuals or groups in related College organisations or partner institutions and organisations;
- damages the good name of the College; and/or poses a danger to other members, or to the good order, of the College community;

4.2.10 A breach of any Equality, Diversity and Human Rights legislation or harassment or discrimination against any student, member of staff or visitor to the College on the grounds of gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, disability, religion or belief, or age;

4.2.11 Action likely to cause injury or impair safety on College or College-managed premises;

4.2.12 Behaviour which is likely to cause fear, distress or harm to others;

4.2.13 A breach of other College regulations, or failure to comply with other College policies, including financial policies, where further action under this Code is deemed to be appropriate;

- 4.2.14 Theft, misappropriation, misuse, fraud, deceit, deception, or dishonesty in relation to the property or working of the College or its staff, students or visitors or in connection with holding any office in the College;
- 4.2.15 Failure to disclose the name and other relevant details to an officer or employee of the College in circumstances when it is reasonable to require that such information be given;
- 4.2.16 Failure to comply with a previously imposed penalty under this Code or other College regulation, code or rule;
- 4.2.17 Failure to follow a reasonable instruction from a member of staff;
- 4.3 Action taken under this Code of Discipline will take precedence over any action taken under all other College Codes and Regulations.
- 4.4 The College's jurisdiction under this Code is not limited to misconduct that occurs on its own premises. The Code covers misconduct occurring on fieldtrips and work-based learning, and in the virtual environment of social networking or other websites, including via email.
- 4.5 The Rector shall be responsible for determining any issues of interpretation and for providing any clarification of this code.

## **5. Procedure for Student Discipline**

- 5.1 Anyone with a concern about a potential breach of discipline may find it useful to raise the matter informally with a member of staff in the first instance. Formal allegations regarding misconduct should be sent to [administrative.office@christredeemer.ac.uk](mailto:administrative.office@christredeemer.ac.uk). An allegation shall not normally be pursued unless it is received in writing with sufficient detail provided.
- 5.2 Anonymous allegations are unlikely to be considered. Where there is compelling evidence that the disciplinary offence did take place, the Rector may decide to consider the matter.
- 5.3 Having considered the allegation(s) of misconduct the Rector will decide whether to:
- Dismiss the allegation(s) as false, vexatious, trivial, or lacking in evidence;
  - Refer the allegation(s) for resolution under the Informal Disciplinary Procedure (section 8 below). This will normally apply where the allegation(s) of misconduct are of a less serious nature and where it is not considered necessary to invoke the formal processes.
  - Refer the allegation(s) for resolution under the Formal Disciplinary Procedure (section 9 below). This will normally apply where the allegation(s) of misconduct are of a more serious nature, where inappropriate conduct has been repeated, and/or where informal procedures do not apply or are not possible;
  - Refer the matter to the police, other statutory body, or external agency.
- 5.4 The decision of the Rector on how to proceed shall be final.
- 5.5 If more than one student has been accused of the same or substantially similar conduct, then the Rector shall also decide whether the cases of all or any of the students shall be investigated and/or heard together.

## **6. Involvement of Police, Statutory Bodies and/or Criminal Courts**

- 6.1 Where a crime is alleged to have been committed, the matter shall normally be reported to the police. In certain circumstances, it is a legal requirement for the College to report incidents to the police, e.g. under legislation relating to the prevention of terrorism and the protection of children.
- 6.2 Where the victim of an alleged crime does not wish the matter to be reported to the police, but the matter has come to the College's attention:
- the Rector shall decide whether to inform the police on behalf of the College;
  - at the discretion of the Rector, the College may report a matter to the police against the wishes of the victim; this will only occur in exceptional circumstances and after careful consideration;
  - exceptional circumstances may arise when failure to report a matter to the police may be against the public interest or the interest of the College community. For example, when significant violence has been used in an alleged crime, which may subsequently put other College members or the public at risk.
- 6.3 The College shall seek and maintain informal liaison with the police. Advice may be sought on whether a matter is considered by the police to be serious or not serious and whether there are compelling grounds for reporting a matter formally where the victim is opposed to such action.
- 6.4 A serious offence is one that is likely to attract an immediate custodial sentence if proved in a criminal court or one that can be tried as a criminal offence only at the Crown Court.
- 6.5 Where the Rector does not regard the alleged misconduct as constituting a serious offence, the internal disciplinary procedure may proceed. If the offence is referred to the police, the Rector may decide to defer action until the police and courts have dealt with the matter and/or to suspend the alleged perpetrator pending the outcome of the police investigation and/or court process.
- 6.6 If the Rector regards the alleged misconduct as constituting a serious offence, no action under this Code other than suspension or exclusion from the College will normally be taken until the matter has been reported to the police, and either a prosecution has been completed or a decision not to prosecute has been taken.
- 6.7 Where a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining the penalty under this Code.

## **7. Suspension or Exclusion Prior to Disciplinary Action**

- 7.1 If a student is subject to a criminal charge or to a police investigation, or if the College believes that the student's behaviour is considered likely to cause injury or harm to students, staff or property, the College may suspend or exclude the student in order to limit their interaction with the College community.
- 7.2 If a student is suspended, it means they are prohibited from entering all College premises and from participating in all College activities. The College may make a specific exception, for example, allowing the student to return library books or for some other specific purpose. An order of suspension may include specific conditions, for example, that they are not allowed to have contact with a named person or persons.

- 7.3 If a student is excluded, their right to enter College premises is restricted. They may be excluded from specific College activities. An order of exclusion may include specific conditions, for example, that they are not allowed to have contact with a named person or persons.
- 7.4 The Rector, in consultation with the relevant Programme Leader(s), may suspend or exclude a student. The student will be given details of the decision in writing. The decision to suspend or exclude a student will have immediate effect, but the student will be informed about the procedure for challenging the decision if they believe it is unfair. The College will make all reasonable attempts to minimise the harm to the student's studies and to their ability to access student services.
- 7.5 Suspension or exclusion prior to disciplinary action is not a penalty and does not imply any suggestion of guilt. Rather its aim is to protect members of the College community, or the property of the College, or the property of a member or members of the College community. It also protects the student from allegations about further disciplinary concerns while the matter is being investigated.
- 7.6 Students may appeal any decision taken under this procedure through the appeals procedure set out below.
- 7.7 Even if the student does not appeal, the College will automatically review any period of suspension / exclusion after four weeks. The review will be conducted by the Rector or their nominee. The decision may then remain in force until the outcome of any criminal proceedings or investigations, at which point a decision will be made by the Rector about any further action under this Code.

## **8. Informal Disciplinary Procedure**

- 8.1 The Informal Disciplinary Procedure will normally be appropriate in relation to allegation(s) of misconduct which are of a less serious nature and in circumstances where it is considered desirable to address these, where appropriate, as close as possible to the source of the alleged offence.
- 8.2 For the purposes of the Informal Disciplinary Procedure, the Rector may delegate powers of investigation and resolution to:
- the Programme Leader;
  - another appropriate individual.
- 8.3 When an allegation of minor misconduct is made, the Rector shall arrange for the matter to be investigated. The investigation shall be proportionate to the nature of the event and the evidence available. The investigation may involve interviewing witnesses, gathering evidence and writing a report. The Rector or nominee shall consider the evidence and may:
- Dismiss the allegation;
  - Issue a penalty appropriate to the informal procedure;
  - Refer the case for a hearing under the formal disciplinary procedure (section 9 below).
- 8.4 Depending on the nature of the allegation, the incident may be investigated by one individual. However, the decision regarding which penalty to apply will always be made by at least two members of College staff. The Rector shall determine who will undertake the investigation and who will make the decision regarding the penalty, if any.
- 8.5 The following penalties apply under the informal procedure:

- Verbal warning;
- Written warning / reprimand – with a copy of the warning to be retained on file for the duration of the student’s period of study;
- Restitution of any damage caused by way of payment;
- Fines up to a maximum of £100;
- Other such action appropriate to the circumstances.

8.6 More than one penalty may be applied. The student shall be informed of the outcome within one week of the decision. Students may appeal any decision taken under this procedure through the appeals procedure set out below.

8.7 Notes of any investigation including interviews and actions taken under the Informal Disciplinary Procedure, and copies of correspondence relating to the informal disciplinary procedure shall be retained by the College.

## 9. Formal Disciplinary Procedure

9.1 The Formal Disciplinary Procedure will normally be applied in relation to:

- Repetition of minor acts of misconduct;
- Instances in which informal action has failed or is considered inappropriate;
- Serious allegations of misconduct;
- Referrals on appeal from the informal procedure.

9.2 The complainant(s) shall prepare a written statement of the allegation(s) with any supporting evidence or corroboration available. It may also be appropriate for a member of staff at the College to prepare this statement, particularly where an act of misconduct had been directed at College staff, College property or the College more widely (e.g. the College reputation, health and safety of students and staff generally). The student whom the allegation has been made against shall receive information about the allegations made against them, how long the College expects the investigation to take, and the procedure the College will follow in dealing with the allegation(s).

9.3 The Rector shall arrange for an investigation into the allegation(s) of misconduct to take place and a report to be written. This report shall be shared with the student. On the basis of this report, the Rector and at least one other member of senior staff will jointly decide whether to:

- Dismiss the case;
- Apply a penalty appropriate to the informal disciplinary procedure;
- Refer the case for a full hearing by a Student Appeals and Conduct Panel.

## 10. Hearing of a Student Appeals and Conduct Panel

- 10.1 The membership of a Student Appeals and Conduct Panel shall include the Rector or their nominee and at least two other senior members of staff and a student representative. It is the College's intention that the Panel should be made up of people who have not been involved previously. Therefore, it may be necessary for the College to appoint one or more external / independent panel members. The Rector shall appoint one member of the Panel to act as the chairperson. The Rector shall also determine which student representative should be invited to join the Panel.
- 10.2 If the decision is made to call the student to a hearing, they will be informed in writing of the case against them and provided with details of all evidence being used in support of the case, at least one week before the hearing. They shall be invited to provide any written material which they may want to be considered by the Student Appeals and Conduct Panel.
- 10.3 The student has the right to be accompanied at the hearing by a supporter. The student shall inform the College of the name of the supporter, at least three days before the hearing, by email to the Rector.
- 10.4 The student may also call one or more witnesses. The student needs to inform the College of the names of any witnesses, at least three days before the hearing, by email to the Rector.
- 10.5 If the student is required to attend the hearing and they fail to do so, the Panel may still make a finding and agree on a penalty in their absence.
- 10.6 At the hearing, the student shall be invited to respond to the allegations made against them. They may be asked questions by Panel members. They shall have the opportunity to make any points they believe relevant to the decision of the Panel.
- 10.7 A formal record of the hearing will be kept by the Panel and shall be shared with the student.
- 10.8 At the conclusion of the hearing, the Panel shall reach a decision based on the available evidence and shall either uphold the case or dismiss the allegation. If the Panel agrees that a disciplinary offence was committed, a penalty shall be imposed as identified from the list below. The student shall receive the decision in writing within one week of the hearing.
- 10.9 Penalties available to the Student Appeals and Conduct Panel are:
- Verbal warning;
  - Written warning / reprimand – with a copy of the warning to be retained on file for the duration of the student's period of study;
  - Restitution of any damage caused by way of payment;
  - Suspension where this is defined as a temporary prohibition on attendance;
  - Enforced suspension from study;
  - Exclusion from specified College facilities or activities;
  - Fines up to a maximum of £250;
  - Withdrawal from their programme of study;
  - Permanent exclusion from College premises and/or from communication with College staff;
  - Other such actions as may be appropriate to the case. More than one penalty may be applied.

- 10.10 The student has the right of appeal against the decision of the Student Appeals and Conduct Panel if they believe:
- The decision of the Panel was unreasonable in the light of the evidence supplied;
  - The procedure for the hearing was deficient in a way which materially prejudiced their case;
  - That further evidence has become available since the hearing which would materially affect the decision.
- 10.11 Appeals against decisions of the Panel will be heard by a second Panel made up of people who have not been involved previously.

## **11. Appeal Stage**

- 11.1 To appeal against the decision of the Student Appeals and Conduct Panel, the student must do so within ten working days from the date on the hearing outcome letter. The student must email the Rector to set out their reasons for the appeal.
- 11.2 The Rector shall establish a new panel made up of people who have not been involved previously. Normally, the Panel shall review the case based on the existing case documentation, unless new evidence has become available and there is a good reason why it was not available previously.
- 11.3 The new Panel may:
- Uphold the original panel decision;
  - Set aside the penalty and/or substitute an alternative penalty;
  - Refer the matter back for further consideration by the original panel.
- 11.4 The student shall receive the outcome, in writing, normally within one week of the appeal stage decision.

## **12. Report to Governing Board**

- 12.1 Any decision of the Student Appeals and Conduct Panel that results in suspension, a requirement for a student to suspend studies or expulsion shall be reported to the next meeting of the Governing Board.

### **13. Completion of Procedures Letter / Further Action**

- 13.1 If the student's appeal is rejected, they shall be issued with a 'Completion of Procedures Letter'. If they remain dissatisfied, they then have the opportunity to apply for a review by the Office of the Independent Adjudicator for Higher Education (OIA). The OIA is an independent body which was established by the Higher Education Act 2004 to consider student complaints that had not been resolved through an institution's internal procedures. The deadline for an appeal to the OIA is 12 months from the Completion of Procedures letter. This service is free to students. For further details, see the OIA website: [www.oiahe.org.uk](http://www.oiahe.org.uk).

### **14. Procedure to be Followed in Respect of a Student Subject to Legal Process**

- 14.1 Where a disciplinary case has been suspended pending the outcome of police investigation or judicial process, a Panel hearing shall normally be held immediately after a criminal case has been concluded. The judicial outcome will be taken into account by the College, although it is open to the College to reach a different conclusion to that of the court as it is operating on a different standard of proof (the balance of probabilities rather than beyond reasonable doubt). If the situation changes as a result of an appeal against conviction or sentence, the College reserves the right to re-consider its action once any formal appeal process has been completed.
- 14.2 If, as a result of due judicial process, the student is unable to attend a Panel hearing, the hearing shall be conducted in their absence. The student shall be informed of the hearing and they are entitled to send a representative, if they wish.
- 14.3 Where any outcome is clearly established and verified, e.g. a judicial verdict, then the Student Appeals and Conduct Panel's further deliberation may be guided by this. The Chair of the Panel may, however, request further information/evidence, including additional written statements from those involved, and shall follow the process set out in section 10 above.

### **15. Approval and Review**

**Title:** Code of Discipline and Student Disciplinary Procedure

**Approved with reference to:** QAA Quality Code, Office of the Independent Adjudicator for Students in Higher Education – The Good Practice Framework: Handling Student Complaints and Academic Appeals.

**Version:** 2020.1. **Approved:** January 2021. **Implementation from:** January 2021. **Next review:** August 2021.

**Approving body:** Academic Board. **Member of staff responsible:** Rector.