

CAT Student Disciplinary Regulations and Procedures

1. Students' rights and responsibilities and the *Student Charter*

1.1 In joining CAT, students acquire the right to study and enjoy a social life unhindered by the misconduct of others. CAT makes pledges to students in the *Student Charter* about the quality and level of service that students may expect. In return, by enrolling, students have also given certain undertakings about their own behaviour. The *Student Charter* thus forms part of the contract that the student has made with the Centre.

2. Student code of conduct

2.1 Context

2.1.1 We are proud of our learning community and value the rich experiences gained through working and learning with colleagues and students from many different backgrounds. We are here to learn with, and from each other, to collaborate and to share ideas and perspectives. We value difference, respect the views of others, and uphold the right of expression of those views, even when they differ from our own.

2.1.2 Our Equality and Diversity Policy commits us to “to provide equality and fairness for all and not to discriminate on grounds of gender, marital status, civil partnership, race, pregnancy and maternity, ethnic origin, colour, nationality, national origin, disability, sexual orientation, religion, belief or age”

2.1.3 We recognise that equality and freedom are precious, and will not tolerate any behaviour or activity that is disrespectful, or may intimidate, provoke or harass others, or impede their learning and participation.

2.1.4 In addition to the policies quoted above, we have adopted a range of policies and procedures to help promote good behaviour, and to identify the standards of behaviour that we are required to observe. These include these regulations and procedures, and descriptors of the responsibilities of students. We also have an academic integrity policy and a Prevent policy.

2.2 Code of conduct

2.2.1 Codes of conduct apply:

- to all students;

- at all sites throughout our estate, and;
- when we represent the Centre on business beyond our campus, both in real (face-to-face) and virtual environments.

2.2.2 This code is more than a list of things that we should and should not do: it reminds us that we should *always* consider how our behaviour affects others.

2.2.3 Where these standards are breached, disciplinary action can be taken.

2.3 Behaviour in all learning and social areas

2.3.1 Verbal and physical behaviour should always be polite and respectful.

2.3.2 Behaviour should not impair the engagement, learning or participation of others.

2.3.3 Antisocial behaviour by individuals and groups will not be tolerated. This includes, for example:

- discriminatory, demeaning, abusive, indecent or offensive language or comments;
- threatening, aggressive behaviour or inappropriate gestures;
- verbal or physical harassment or bullying;
- possession of firearms, or other offensive weapons and illegal substances (ceremonial knives, which are a recognised part of religious observance, are not considered to be offensive weapons and may be worn discreetly);
- the misuse and abuse of drugs, alcohol and illegal substances, trading in drugs and illegal substances, and encouraging, or assisting, others to engage in such activities;
- wilful damage to the Centre's premises or property, and;
- wilful disregard for our health and safety policies.

2.3.4 Action will be taken against those who violate the Code of Conduct.

2.3.5 Students will be:

- required to identify themselves, so their name may be recorded;
- informed that their behaviour is unacceptable and that it is required to stop;

2.3.6 Disruptive individuals will be required to leave an area or session and/or the campus and referred under the student disciplinary regulations for investigation (penalties include suspension and expulsion). Action may also include civil or criminal proceedings.

2.4 Responsibilities of students bringing children onto our estate

2.4.1 Children should not normally be brought onto campus by students attending their course. If it is essential to do so, they must never be left unsupervised and their behaviour is the responsibility of the carer.

2.4.2 Children may not be taken into learning areas such as classrooms, without the prior agreement of the staff responsible for those areas.

2.5 Litter and waste

All members of our community are expected to:

- recycle waste materials wherever possible, and;
- dispose of litter and chewing gum in designated bins.

2.6 Behaviour in learning areas, classrooms and lecture theatres

2.6.1 The learning areas, classrooms and lecture theatres are intended as quiet spaces for learning and working, not as social spaces for meeting friends and chatting. Please respect other users at all times.

2.6.2 Food and drink should not be consumed in any of these areas except where expressly permitted.

2.6.3 While using the learning areas, mobile telephones must be either switched to silent mode, or be switched off.

2.6.4 Headphones must be used in the learning areas for study that involves listening to music, or for viewing audio-visual material, such as video clips or DVDs. Personal stereos and other personal audio-visual equipment that is not used for study purposes should not be used in the learning areas.

2.6.5 Log out if leaving a CAT computer unattended for more than a few minutes, so others may use them

2.6.6 Children must not be left unsupervised at any time

2.6.7 Individuals whose behaviour prevents others from studying quietly, or from using IT facilities will be required to leave the premises, and action will be taken using these regulations and procedures.

2.7 Behaviour in lectures, seminars, laboratories and workshops

2.7.1 Preparation

- prepare work in advance, and;
- arrive early and sit away from entrances /exits

2.7.2 Punctuality

- late arrivals disrupt the experience of others;
 - If permitted entry, enter quietly without disruption
 - If refused entry, leave immediately and without argument, and;
- It is not usually permissible to leave before the end of the session; if it is necessary to do so you must tell the lecturer/teaching staff member before the session begins, and leave quietly.

2.7.3 Participation:

- do nothing to impair others' engagement or learning;
- observe specialist guidance (e.g. in laboratory/studio sessions), and;
- disruptive individuals will be required to leave immediately and without argument.

2.7.4 Mobile telephones:

- these must be switched off during lectures and seminars and may not be used for any purpose during teaching.

3. Introduction to the student disciplinary regulations and procedures

3.1 These student disciplinary regulations and procedures are for the guidance of students and employees of our Centre. Their prime purpose is to identify, confirm and, if appropriate, penalise student misconduct, so as to ensure that the Centre remains a safe place conducive to the educational, professional and social activities that students and employees expect to enjoy.

3.2 The regulations and procedures are intended to be operated fairly, consistently and sensitively, using principles of natural justice.

3.3 It is the responsibility of the Head of School to monitor and review these regulations and procedures to ensure that they are fully effective and consistently applied across the Centre.

4 Scope and definitions (see also section 5: *Jurisdiction*)

4.1 Who is involved?

4.1.1 These regulations and procedures apply to all students on our Centre's programmes (including distance and e-learning programmes). If a student withdraws from the Centre with an outstanding allegation against them, should they subsequently apply for re-admission the allegation may be investigated prior to their return to study.

4.2 Are these the right regulations and procedures to use?

4.2.1 These regulations and procedures concern **student misconduct**, which is defined in section 5 below. Where students have a complaint about our Centre's educational provision, facilities or services, the complaints procedure should be used.

4.2.2 Where students consider that any student's or staff member's behaviour may constitute bullying, harassment or other forms of discrimination, this should be referred to HR.

4.2.3 Where the alleged misconduct concerns cheating, collusion or plagiarism the academic integrity policy should be used.

4.2.4 Where students who are alleged to be guilty of misconduct have a physical or mental health problem, or disturbed state of mind, which affects their behaviour and is evident in the incident of alleged misconduct, consideration should be given to whether the relevant sections of Part 11 of the *Manual of General Regulations*, responsibilities of students, should be used in the first instance (see section 19 below).

4.2.5 Where students who are alleged to be guilty of misconduct are studying on a programme leading to professional registration these regulations and procedures should be used if the misconduct fits the definitions in section 6.1 or 6.2 below.

4.3 Expressions used in these regulations and procedures (please see also section 6 below)

'Allegation' means a written statement about an instance of misconduct made to a disciplinary manager normally on an incident report form.

'Days,' for the purpose of computing timescales and deadlines, means working days, which, for the purposes of these regulations and procedures are Monday to Friday other than bank holidays and days when the Centre is closed to all students and employees.

‘Disciplinary hearing’ means the meeting held to establish whether the allegation is substantially true, on the balance of probabilities, and to give the student a fair hearing. It takes place after the investigation.

‘Disciplinary manager’ means the person who appoints the investigating officer and who chairs the disciplinary hearing. This is normally the senior manager, who manages the area in which the alleged misconduct took place.

‘Evidence’ means the allegation/s, reports, written witness statements and information collected during the investigation and provided to a disciplinary meeting, or appeal hearing, which form the basis on which decisions are reached.

‘Exclusion’ (also sometimes referred to as ‘expulsion’) means the termination of a student’s enrolment at the Centre. It should not be confused with ‘suspension (see the definition of ‘suspension’ below). ‘Exclusion,’ unlike ‘suspension, ‘is a penalty and is administered after a disciplinary hearing.

‘Finding’ means the decision of a disciplinary meeting as to whether an allegation is substantially true on the balance of probabilities.

‘Investigating officer/s’ means the person/s appointed by the disciplinary manager to carry out the investigation.

‘Investigation’ means an enquiry carried out by the investigating officer/s to establish the facts and to gather witness statements.

‘Member of Senior Management Team’ means any Grade 5 employee

‘Person making the allegation’ means the individual who reports the alleged misconduct. They may either be affected by it or merely witness it but they are the person who draws the matter to the Centre’s attention.

‘Penalty’ means the punishment for misconduct substantiated on the balance of probabilities.

‘Personal file’ means the individual, confidential student file maintained for each student and held by the Centre.

‘Representative’ means a person accompanying the student, or advising, or representing them, who is normally another student, a friend, or an officer or employee of the Students’ Union, and who may not be a practising member of the legal profession acting on behalf of the alleged offender in a professional legal capacity.

'Suspension' means the temporary prohibition of a student from our premises, or part of them, other than for the purpose of attending meetings in connection with these regulations and procedures. 'Suspension' unlike 'exclusion' (see above), can be imposed as a precautionary measure while a disciplinary investigation is being conducted. In such circumstances 'suspension' is not a penalty, but is a precautionary measure taken pending investigation and a disciplinary hearing.

4.4 Principles

- 4.4.1 No disciplinary penalty may be applied to a student unless the allegation has been fully investigated and the action is reasonable in the circumstances.
- 4.4.2 No disciplinary hearing may take place unless there is a written allegation which is signed by the person making the allegation. If there is a good reason for the absence of a written allegation this clause may be waived by the Head of School.
- 4.4.3 The student has the right to be advised in writing of the allegation against them and is given the opportunity to respond in writing to the allegation and state their case at a disciplinary hearing before any decision is made. No prior assumptions or judgements are made about the outcome of the hearing.
- 4.4.4 No student may be excluded for a first disciplinary offence except in the case of gross misconduct. Repeated instances of misconduct will lead to increasingly severe penalties.
- 4.4.5 The student has the right to be accompanied at a disciplinary hearing by a friend, or representative, but who may not be a person acting in a legal capacity.
- 4.4.6 The student may also be accompanied by an appropriate person to provide disability or language support and has a right to reasonable adjustments under the Equality Act 2010.
- 4.4.7 The student has the right of appeal against suspension, the finding of a disciplinary hearing and the level of penalty administered.
- 4.4.8 If the student fails to attend a disciplinary hearing without notifying the officer responsible for the administration of the hearing, or without a good reason, the hearing will be held *in absentia* and a decision may be taken in the student's absence.

- 4.4.9 The Centre provides training to investigating officers and disciplinary managers in the appropriate handling of disciplinary issues under these regulations and procedures.
- 4.4.10 These regulations and procedures operate within the context of our Centre's equality and diversity policies and schemes.
- 4.4.11 All aspects of disciplinary proceedings are confidential to the participants and those to whom correspondence is copied. Correspondence is handled confidentially and in accordance with the Data Protection Act and the Centre's records retention policy.
- 4.4.12 It is the student's responsibility to ensure that the Centre holds a valid, accurate and up to date address for correspondence and to collect any correspondence sent to that address.
- 4.4.13 Timescales in this document will be adhered to, so far as is reasonably possible, other than in exceptional circumstances, in which case an explanation will be given to those involved.

5 Definitions of misconduct and jurisdiction

5.1 Offences

- 5.1.1 Misconduct means any behaviour that contravenes the student charter, our code of conduct (see section 3 above), or which is dangerous, or is against the law. The following are examples only:
- a) irresponsibly causing disruption to the education of others;
 - b) irresponsible, denigrating, threatening or dangerous behaviour towards any other student or Centre employee, in person, by telephone, electronic (for example e-mail), or other indirect means, including via public internet sites and social networking sites;
 - c) irresponsible behaviour towards the Centre's property, including independently managed property, such as damage and/or theft;
 - d) behaving anywhere in public in such a way as to bring the Centre, or its employees, into disrepute, in person, by telephone, electronic (for example e-mail) or other indirect means, including via public internet sites and social networking sites;
 - e) failing to obey any of the Centre's policies, regulations and procedures;
 - f) failing to obey a reasonable instruction from a Centre employee;
 - g) acts or words of discrimination against others;

- h) dishonesty and fraud, relating to false identity, qualifications, financial transactions or the like supplied at initial enrolment or at a later stage;
- i) unauthorised entry into any part of CAT's premises including student accommodation;
- j) possession and/or abuse of drugs and/or abuse of alcohol;
- k) dangerous or unsafe behaviour in relation to health and safety, including compliance with fire regulations, driving a vehicle and cycling;
- l) making a false or malicious allegation under these regulations and procedures (see regulation 9.4 below), and;
- m) carrying a firearm or other offensive weapon on our premises (ceremonial knives, which are a recognised part of religious observance, are not considered to be offensive weapons and may be worn discreetly).

5.1.2 **Gross misconduct** means any behaviour from the list above, or similar behaviour, which:

- a) could have serious physical or mental consequences for another person;
- b) could have serious effects on the Centre's property, reputation or ability to run its services;
- c) could be classed as a criminal offence potentially attracting a prison sentence (see section 18 below);
- d) could be interpreted as a fundamental breach of the student's contract with the Centre;
- e) may lead to expulsion from the Centre.

6 Jurisdiction – when does the Centre take action?

6.1 These regulations and procedures normally apply to misconduct which takes place on the Centre's premises, including student residences owned by the Centre, including any independently managed residences, or residences operated under head tenancy agreements. They also apply to misconduct which may take place on sites temporarily used by the Centre for teaching, examinations, or recreational purposes, and to any misconduct on CAT sponsored or arranged placements, visits, recreational activities such as sporting events, or study trips.

6.2 The Centre normally takes no disciplinary action towards students acting in their personal capacity in their own homes, or in public places away from the Centre's premises. However, where students are accessing the Centre's computer network from home, or elsewhere, or representing the Centre in any way, or are otherwise identifiable and potentially able to bring the Centre into disrepute, the Centre may take action if it receives an allegation.

- 6.3 The Centre's policies, regulations and procedures, including health and safety and emergency regulations and procedures, are published on the Centre's website and are issued to students at the time of their admission and during the programme of their studies. Taken together these documents provide a guide to what constitutes good conduct under the contract that students have formed with the Centre.

7 Allegations

7.1 How do you make an allegation?

- 7.1.1 In a teaching setting, or any other environment covered under section 6 above, any person who experiences or witnesses misconduct by a student is asked to record briefly in writing, normally on an incident report form (see appendix 1), exactly what has happened, noting the time of day and date. This will form the 'allegation'. They should ask other witnesses to do the same on a witness statement form (see appendix 2). This task should be completed as soon as possible after the event and in any case within ten days of it. This is in order to establish the facts and to be fair to the student in question.
- 7.1.2 If the student is causing danger to anyone, the witness is asked to call the Centre's Head of Estates (via Switchboard or Reception) who will, after brief investigation, telephone the emergency services and ask for the police, fire brigade or ambulance. If necessary, the witness should contact the emergency services directly by dialling '(9)999' (if the emergency services are involved, see section 18 below). The witness is asked not to approach the student in a case of violent, dangerous or very disturbed behaviour. A formal disciplinary allegation or complaint may then follow.
- 7.1.3 If the student is not causing any danger to anyone, but appears to have a mental health problem, or a disturbed state of mind, which is affecting their behaviour, the person who experiences or witnesses this conduct should act in accordance with paragraph 7.1.1 above, but normally the relevant sections of regulations relating to the responsibilities of students, will then be followed (see section 19 below).

7.2 Where do you send an allegation?

- 7.2.1 Taking advice from a Centre employee as appropriate, the person making the allegation should add the name(s) of any other witness(es), sign their allegation (the incident report form) and send it and the witness statement form(s) to one of the following disciplinary managers:

- The Head of School in the case of misconduct during teaching sessions, or if the incident took place in an area directly under the jurisdiction of the Graduate School of Education (GSE), or;
- Senior managers relevant to the area in which the misconduct took place (including student residential accommodation).

Disciplinary managers may delegate their responsibilities to a senior colleague.

- 7.2.2 In the case of an off-campus incident, the person making their allegation should send their allegation to the Chief Executive at CAT.
- 7.2.3 Anonymous allegations will normally be ignored and will only exceptionally be actioned if sent through an intermediary. Unsigned allegations will be returned to the sender with a request for resubmission.
- 7.2.4 The person making the allegation will normally be an important witness at the disciplinary hearing and is able to gain support from CAT in the case of any intimidation.
- 7.2.5 The disciplinary manager should copy the allegation to the Chief Executive and, where relevant, to the relevant Programme Leader.

8 Suspension

- 8.1 Suspension is not a penalty (see section 4.3 above).
- 8.2 On the basis of an allegation, if the disciplinary manager or their nominee considers that there is a risk of immediate, or continuing, danger to others, or a threat of disruption of the Centre's normal operations because of the nature of the student's alleged behaviour, they may suspend the student from all or part of the Centre's premises, including residential accommodation, for one week in the first instance, and then notify the Chief Executive.
- 8.3 The procedure as outlined in paragraph 8.2 above also applies to practice placements and other off-campus learning locations, in which case the student may be suspended from the placement setting and all, or part, of the Centre's premises, including residential accommodation.
- 8.4 The disciplinary manager, or nominee, should take into account any examination attendance, or assignment deadline that may apply to the student before taking the decision to suspend.

- 8.5 The Chief Executive may, at the request of the disciplinary manager, extend this suspension to the conclusion of the disciplinary hearing and any appeal hearing.
- 8.6 The student may appeal in writing to the Chief Executive against the extension of their suspension. The Chief Executive, or another member of senior management not involved in the earlier decision to suspend, will review the grounds for the suspension and the statement made by the student. Their decision is final and will be conveyed in writing to the student.

9 Investigation

- 9.1 The Centre considers it to be of great importance that a thorough and unbiased investigation is carried out to establish the facts of the matter before a disciplinary hearing takes place.
- 9.2 Normally within five days of receiving the initial allegation, the disciplinary manager shall send the allegation, and any accompanying witness statements, to the student. The student will be informed in writing that an investigation will be carried out and that they may be interviewed. A copy of these regulations and procedures will be sent to the student at the same time. The student will be invited to prepare a written response to the allegation and also to identify any appropriate support or adjustments in the case of a disability.
- 9.3 Normally within five days of receiving the allegation, the disciplinary manager will appoint an investigating officer, who must not have been previously involved in the case. The investigating officer will call in any further witness statements in writing, and may interview the student and any witnesses and, if appropriate, will compile any other documentary evidence.
- 9.4 As soon as possible, and in any case within ten days of being appointed, the investigating officer will make a report to the disciplinary manager, which may recommend:
- that the allegation does not appear true on the balance of probabilities, or does not constitute misconduct under section 5 above. Thus, there is no case to answer and the matter will not be pursued; or
 - that the allegation is malicious, or frivolous, or vexatious, in which case it will not be pursued and the person making the allegation may be subject to disciplinary action under these regulations and procedures; or

- that the allegation appears to be true, but is a minor offence which, if admitted by the student, may be dealt with by an oral, or first written warning, or written apology; or
- that the allegation appears to be true and, in the view of the investigating officer, is serious enough to be the subject of a disciplinary hearing; or
- that the allegation appears to be true and constitutes gross misconduct under section 5, thus exclusion from the Centre may be an outcome of the hearing.

10 Correspondence

- 10.1 If the disciplinary manager accepts the recommendation that the matter should not be pursued, within five days of receiving the report they will write to the student to notify them of the outcome and copy the letter to the Chief Executive and the person who made the allegation.
- 10.2 If the disciplinary manager accepts the recommendation that the matter may be dealt with by an oral, or first written warning, or written apology (see section 13 below), within five days of receiving the report they will decide on the appropriate penalty and write to the student to ask them if they admit the misconduct and accept the penalty.
- 10.3 The student will be invited to reply to the disciplinary manager within ten days. The student may admit the misconduct and accept the penalty. In the case of a written penalty this will be placed on the student's personal file.
- 10.4 Alternatively the student may deny the misconduct. In this case, or if the student fails to reply, a disciplinary hearing must take place. The disciplinary manager will notify the student of this.
- 10.5 If the disciplinary manager accepts the recommendation that the matter is too serious to be dealt with under paragraph 10.2, or constitutes gross misconduct, a disciplinary hearing must take place. The disciplinary manager will notify the student of this and of the disciplinary charge against them.
- 10.6 In the event of the disciplinary manager declining to accept the investigating officer's recommendation, the view of the disciplinary manager takes precedence.

11 Disciplinary hearing

- 11.1 The disciplinary manager will be the Chair of the disciplinary hearing and will appoint a secretary, who will establish the time and date of the hearing,

arrange an appropriate venue, and any necessary adjustments or support in the case of disability. The hearing will normally take place within fifteen days of the investigating officer's report having been received by the disciplinary manager (which means that provisional arrangements should be put in place for a hearing even if following the route described in paragraphs 10.1 and 10.2 above).

- 11.2 In the case of misconduct short of gross misconduct, the disciplinary manager (Chair) may conduct the case alone. The investigating officer and Chair may, however, consider the allegation to be a case of gross misconduct (see regulation 5.1.2 above and section 13 below). In this case, at the request of the Chair, the secretary shall invite a member of the senior management team, and a student member, not previously involved in the case, to hear the evidence with the Chair and to form a disciplinary panel.
- 11.3 The secretary will ask the investigating officer to submit their report and supporting evidence and to call any witnesses to attend the hearing in person on behalf of the Centre. The role of the investigating officer at this stage is to put the facts to the disciplinary hearing.
- 11.4 Ten days before the hearing, the secretary will write to the student, notifying them of the time, date and venue of the hearing, and the fact that they may be accompanied by a representative, and will send them the investigating officer's report and supporting evidence. They will also notify the student of the name of the disciplinary manager and, in the case of gross misconduct, other members of the panel. They will invite the student and investigating officer to make a further written statement and to call witnesses in support of their case to attend the hearing. The student may seek support or adjustments in the case of a disability but otherwise must reply within five days of receipt of this request. If the student fails to reply the hearing may still proceed.
- 11.5 Five days before the hearing, the secretary will send any further statement received from the student and/or the investigating officer, and any additional supporting evidence to the Chair and, in the case of gross misconduct, other members of the panel, and to the student and investigating officer.
- 11.6 The student, the investigating officer, the secretary, the Chair and, in the case of gross misconduct, the other members of the panel, will see written material associated with the case. Normally witnesses will see only their own statement, subject to paragraph 17.1 below.
- 11.7 If the student is unable to attend at the time notified, they must advise the secretary following which one further opportunity will be provided for the hearing. If without good reason the student is unable to attend a second

time the hearing will take place in the absence of the student and a decision will be made.

12 Proceedings of the disciplinary hearing

- 12.1 The Chair will conduct the proceedings in an efficient way, while safeguarding the fairness of them. Subject to allowing a full airing of views, the Chair may guide the participants in minimising repetitious, irrelevant or frivolous evidence.
- 12.2 The proceedings of the hearing will not be invalidated by the absence of the student, their representative, or any witnesses if they have been given a reasonable opportunity to attend.
- 12.3 The normal order for the disciplinary hearing, which may be varied by agreement of all the parties, or at the discretion of the Chair, is set out at the end of these regulations and procedures in appendix 3.
- 12.4 At the reasonable request of the student, their representative, or the investigating officer, or by decision of the Chair, the hearing may be adjourned by the Chair for a limited period of time agreed by all parties. If no agreement is reached the Chair shall decide on the length of adjournment.
- 12.5 Whether, or not, the Chair has relayed the decision of the hearing to the student in person, they must send a decision letter (see appendix 4) to the student in writing within five days of the hearing, notifying the student of the finding, the reasons for it, the penalty and of the student's right of appeal. The decision letter shall be copied to the Chief Executive.
- 12.6 The secretary shall make a formal record of the proceedings, to be confirmed by the Chair, taking into account comments on factual accuracy by the student and their representative. Within ten days of the hearing, a copy of the record will be sent to all participants other than witnesses (subject to section 17.1 below). In the case of actions to be taken the secretary shall issue the confirmed decision before completing the full record of the proceedings.

13 Penalties

- 13.1 The penalties shall be decided by the Chair and, in the case of gross misconduct, other members of the panel. The following is a guide only. One of these penalties or a combination may be used:

- Oral warning)
- Apology in writing)
- First written warning) for first/minor offences

- Withdrawal of privileges, such as use of a facility after certain hours))
- Second/final written warning for a first serious offence or second offences
- Financial compensation for damage to property or theft
- Community service or reparation for damage to property or theft
- Exclusion for serious offences which caused others to feel threatened or frightened or which risked or caused danger to others
- Exclusion for a first act of gross misconduct or, if there is repeated misconduct of a serious nature, a third offence after two written warnings

13.2 A student on a professional programme may also be subject to further proceedings under our suitability procedure after a report has been made to the Dean of the relevant School.

13.3 Suspended penalties may be administered, to take effect at a later date. Penalties which have unintended consequences, such as exclusion from examinations, shall be avoided.

13.4 The decision letter shall be kept on the student's personal file and treated in accordance with the Data Protection Act and for a duration that is in accordance with the Centre's records retention policy.

13.5 If an appeal (see section 14 below) is not received within ten days of the issue of the decision letter, the decision letter shall constitute the final stage of these regulations and procedures.

14 Appeal

- 14.1 A student may appeal to the Chief Executive against the finding and/or the penalty of a disciplinary hearing if the penalty is expulsion (see section 16 below). In all other cases the student may appeal to a member of the Senior Management Team (who shall be a person not previously involved in the case), against the outcome of a disciplinary hearing and/or a penalty short of expulsion (see section 15 below).
- 14.2 An appeal, which must be made on a student disciplinary appeal form (see appendix 5), shall only be valid for consideration if:
- it is made in writing to the Chief Executive and received within ten days of the student receiving the decision letter after the disciplinary hearing;
 - it specifies the grounds of appeal as set out in paragraph 14.3 below;
 - it is accompanied by supporting evidence, if any, and;
 - it is signed by the student.
- 14.3 The valid grounds for appeal are:
- material procedural irregularity;
 - disregard of material evidence;
 - perversity of judgement in the face of the evidence presented;
 - demonstrable bias or prejudice on the part of any person forming the judgement;
 - the penalty is not proportionate to the student's misconduct;
 - the penalty exceeds the authority of the person/s forming the judgement;
 - there is new and material evidence which the student was for exceptional reasons unable to present to the disciplinary hearing, and;
 - other similar grounds specified by the student.
- 14.4 The submission of an appeal shall delay the administering of a penalty until the appeal has been heard, but shall not result in the removal of a suspension previously imposed under regulation 8.2 above.

15 Appeal to a member of the Senior Management Team

- 15.1 If the appeal is based on valid grounds the Chief Executive shall arrange for a single member of the SMT, who must not have been previously involved in the case, to hear an appeal against the findings of disciplinary hearings and all penalties other than expulsion. Within twenty days the SMT member will review all the written evidence and, accompanied by a note taker, interview the student and the Chair of the disciplinary hearing. The SMT member's decision shall be based on whether the appeal is upheld on the balance of probabilities. The SMT member's decision shall be final.
- 15.2 The SMT member shall decide on one of the following outcomes: either to:

- arrange a rehearing in the case of procedural defects which may have a bearing on the original decision; or
 - uphold the appeal, with or without further conditions; or
 - uphold the appeal in part and modify the penalty, with or without further conditions; or
 - dismiss the appeal and confirm the penalty.
- 15.3 The SMT member shall record their decision, and the reasons for it, and shall notify the student in writing. The student shall also be informed in writing of their right to take the matter to the Office of the Independent Adjudicator. This letter shall constitute the completion letter, which supersedes the decision letter, and shall be prepared in a manner compliant with the requirements of the Office of the Independent Adjudicator. A copy of the completion letter shall also be sent to the Chief Executive and to the Head of School. A copy of the letter shall be placed on the student's file.

16 Appeal to the Chief Executive

- 16.1 There shall be a Student Disciplinary Appeals Panel to hear appeals against expulsion, that shall comprise the Chief Executive, or a member of the Board of Trustees, who shall be the Chair of the Panel, a member of the Senior Management Team and a Programme Leader, who must not have been previously involved in the case. The Chief Executive shall nominate a secretary to the Panel.
- 16.2 The secretary to the Panel shall arrange for the Panel to meet as soon as possible, normally within twenty days of receiving the statement of appeal.
- 16.3 The secretary shall establish the Student Disciplinary Appeals Panel in the same manner that the disciplinary hearing is established (see section 11 above), save that unless the Chair of the Student Disciplinary Appeals Panel specifies otherwise, only the Chair of the disciplinary hearing and the student and their representative will be invited to attend.
- 16.4 The Chair shall conduct the Student Disciplinary Appeals Panel hearing in the same manner that the disciplinary hearing was conducted (see section 11 above and appendix 3, omitting the contribution of the investigating officer and witnesses, but including statements from the student and the Chair of the disciplinary hearing. The full papers relating to the case shall be reviewed.

16.5 The Student Disciplinary Appeals Panel shall decide on one of the following outcomes: either to:

- arrange a rehearing in the case of procedural defects which may have a bearing on the original decision; or
- uphold the appeal and rescind the decision to exclude, in which case the student shall be exonerated; or
- uphold the appeal in part and rescind the decision to exclude subject to a lesser penalty, or such other conditions as the Panel may determine; or
- dismiss the appeal and confirm the decision to exclude the student subject to such conditions as the Panel may determine; or
- dismiss the appeal and confirm the decision to exclude the student.

Having reached its judgement on the facts, the Panel shall take the student's statement of mitigation and any supporting evidence into account and confirm, or modify the decision.

16.6 The Student Disciplinary Appeals Panel shall reach its final decision by a simple majority. The decision shall be based on whether the grounds of appeal are substantiated on the balance of probabilities and it is final.

16.7 At the discretion of the Chair a brief summary of the decision can be relayed orally to the student, their representative and the Chair of the disciplinary hearing as soon as the decision has been made. In any case the Panel will normally reach a decision within five days of the meeting of the Panel.

16.8 The secretary shall arrange for a formal record of the proceedings to be made, to be confirmed by the Panel, taking into account comments on factual accuracy by the student, their representative, and the Chair of the disciplinary hearing. Normally within ten days of the meeting of the Panel, a copy of the record shall be sent to all participants. In the case of actions to be taken the secretary shall issue the confirmed decision before completing the full record of the proceedings.

16.9 Whether, or not, the Chair has relayed the decision to the student in person, the Panel shall record its decision and the reasons for it and notify the student in writing. The student shall also be informed in writing of their right to take the matter to the Office of the Independent Adjudicator. This letter shall constitute the completion letter, which supersedes the decision letter, and shall be prepared in a manner compliant with the requirements of the Office of the Independent Adjudicator. A copy of the completion letter shall

also be sent to the Head of School. A copy of the letter shall be placed on the student's file.

17 Rights of persons affected by misconduct

- 17.1 A person, who may be the person making the original allegation, who has experienced the misconduct of the student and has been affected by it, may be a witness at the disciplinary hearing and, at the discretion of the Chair, see some or all the written material associated with the case.
- 17.2 At the discretion of the Chair, the person described in regulation 17.1 above may be invited to make a statement about the impact of the misconduct on them.
- 17.3 The person described in regulation 17.1 above shall have the right to be sent a note by the secretary of the decision of the disciplinary hearing, the penalty and any appeal. If they are not satisfied with the way in which the allegation has been handled, or with the outcome, they have recourse to the complaints procedure, or to the staff grievance procedures.
- 17.4 Other witnesses to the misconduct who contribute to the hearing shall have the right to receive a letter informing them of the outcome of the disciplinary hearing and any appeal.

18 Criminal offences, police and emergency services

- 18.1 Where an allegation of misconduct may, if found to be substantially true, constitute criminal behaviour, the police shall be informed. Should police proceedings be implemented, the Centre reserves the right to hold its own disciplinary hearing, or to choose to wait until the outcome of the police proceedings are known.
- 18.2 Where emergency services other than the police have been called, disciplinary proceedings shall normally be undertaken immediately afterwards, if appropriate, on behalf of the Centre (see regulation 7.1.2 above).

19 Mental health or disturbed behaviour

- 19.1 The case of a student who has a declared, or suspected, health (including Mental Health) or wellbeing issue, which may have led to misconduct, may be referred by the Head of School for consideration.

20 Fitness to practise (suitability)

- 20.1 A student on a programme that leads to professional registration and who has received a penalty, including expulsion, under these regulations and procedures, will be the subject of a report to the relevant Dean of School and may be subject to proceedings implemented under our suitability procedure. This may affect their good character reference in future, or may lead to a further decision being taken under suitability procedure.

21 The Office of the Independent Adjudicator (OIAHE)

- 21.1 If a student has exhausted the internal procedures and is not satisfied with the outcome he/she may request that the case is reviewed by the Office of the Independent Adjudicator which is a body independent of the Centre.

Office of the Independent Adjudicator for Higher Education
Third Floor
Kings Reach
38-50 Kings Road
READING
RG1 3AA
Tel: 0118 959 9813
E-mail: enquiries@oiahe.org
Web: www.oiahe.org.uk

- 21.2 Any complaint to the OIAHE must be submitted within three months of the completion letter being received by the student (see regulation 15.3 above) (The OIAHE will not normally consider complaints that have not followed the Centre's regulations and procedures through all stages including appeal).

22 Monitoring and reporting

- 22.2 The application of these regulations and procedures will be monitored by the Head of School, including details of ethnic origin, gender, disability and age, to ensure consistency of approach and compliance with relevant legislation.
- 22.3 All disciplinary cases will be reported to our Board of Trustees annually in anonymised form.

APPENDIX 1

Incident report form (Section 7.2.1)

Site:		Location:	
Date:		Time:	
Incident reported by:			
Brief details of incident and name of person responsible for this (if known):			
Damage to property if any (please specify):			
Personal injuries if any (please specify) and name of person injured (if known):			
Emergency services called (please specify):			
Name/s of any witness/es:			
Signature:		Date:	
		Time:	

Please see the note overleaf

This form (with any attached witness statements) is sent to the relevant Disciplinary Manager (see regulation 7.1.1) who should send a copy to the (as necessary) the Head of School. The investigating officer is required to inform the student of the allegation.

APPENDIX 2

Witness statement form (Section 7.2.1)

Brief details of incident (please use (a) continuation page(s) if necessary) Please ensure you include the following information where possible: <i>Site; Location; Day, date, time; Damage to property if any; Injuries sustained if any; Emergency Services called if any; Name of person responsible – if known.</i>			
Name (please print):		Date:	
Signature:			
Address at which you can be contacted, including telephone number/e-mail address (this information will be redacted from any copies of the form that are circulated in connection with the application of the student disciplinary regulations and procedures):			

Please see the note overleaf

This statement form must be signed and dated. **No unsigned forms will be considered.**
This witness statement form may be used to support a disciplinary allegation against a student and will be copied to the student alleged to be responsible. It will, however, be kept strictly confidential to those taking part in any disciplinary hearing. Sensitive personal data relating to the witness (for example, the contact address, telephone number and e-mail address) will be redacted.

APPENDIX 3 (Section 12)

A: DISCIPLINARY HEARING (for the procedure to be followed by a student disciplinary appeals panel, please see **B** below)

Strictly confidential

Agenda for a disciplinary hearing to be held on (date) at (time) in (place)

Panel to convene at (time) in the (place) to consider an allegation of misconduct/ gross misconduct

**Disciplinary manager
(or panel membership in case of gross misconduct)**

Name (Chair)	Position
Name	Position
Name	Position
Name (Secretary)	Position

Student and representative

Name	School
Name	Position

Investigating officer

Name	Position
------	----------

Written evidence

- 1 Allegation and witness statements
- 2 Response from the student
- 3 Investigating officer's report and evidence
- 4 Further statement from student and evidence
- 5 Any further witness statements

Procedural papers

- 6 Student disciplinary procedures, September 2011

Purpose of hearing

The purpose of the hearing is to determine whether the allegation against (name) can be substantiated on the balance of probabilities and to determine a penalty if any.

It is for the Chair/Panel to determine the issues that are directly relevant to this matter and whether any further statements are needed from the student or the University or if a further hearing may be necessary.

Conduct of the disciplinary hearing

APPENDIX 3 (Section 12)

The disciplinary hearing will be conducted in line with the following order of business:

Order of business

1. [time] Briefing of the panel by the secretary (if required).

Present: the panel, and;
the secretary.

2. [time] Commencement of the hearing.

Present: the disciplinary manager/panel;
the secretary;
the investigating officer
the student, and;
the person accompanying the student (if the student has
decided to be accompanied)

The alleged student and the person accompanying the student
have the right to remain while witnesses are called to give
evidence, and to ask questions via the Chair.

3. [time] The investigating officer will put the facts to the disciplinary
hearing.

The investigating officer will call witnesses (if required) to give
evidence about the facts of the case.

Witnesses shall be called individually to give evidence and to
be questioned and shall be present at the hearing for only that
purpose. Having given evidence and answered questions the
witness must withdraw.

Witnesses may be questioned by the investigating officer, by
the Chair and the panel. The student (and the person
accompanying the student) may raise points of clarification
and/or ask questions via the Chair.

4. [time] The student (or the person accompanying the student) will
present their case.

The student will call witnesses (if required) to give evidence in
their defence.

Witnesses shall be called individually to give evidence and to
be questioned and shall be present at the hearing for only that
purpose. Having given evidence and answered questions the
witness must withdraw.

Witnesses may be questioned by the student (and the person
accompanying the student), by the Chair and the panel. The

APPENDIX 3 (Section 12)

investigating officer may raise points of clarification and/or ask questions via the Chair.

5. [time] Both parties shall have the opportunity, if they wish, to make a brief closing statement:

- firstly, the investigating officer, and;
- secondly, the student (or the person accompanying the student)

6. All parties shall withdraw so that the Chair/panel can consider the decision.

B: STUDENT DISCIPLINARY APPEALS PANEL

Strictly confidential

Agenda for a disciplinary appeals panel hearing to be held on (date) at (time) in (place)

Panel to convene at (time) in the (place) to consider an appeal against the decision of a disciplinary hearing

Panel membership

Name (Chair)	Position
Name	Position
Name	Position
Name (Secretary)	Position

Student and representative

Name	School
Name	Position

Chair of the disciplinary hearing

Name	Position
------	----------

Written evidence

1	Allegation and witness statements
2	Response from the student
3	Investigating officer's report and evidence
4	Further statement from student and evidence
5	Any further witness statements
6	Report and decision of the disciplinary hearing

Procedural papers

7	Student disciplinary procedures, September 2016
---	---

Purpose of hearing

APPENDIX 3 (Section 12)

The purpose of the appeal hearing is not to re-hear the case presented to the disciplinary hearing, but to assess the appeal on the basis of the grounds set out in regulation 14.3 and to decide upon one of the outcomes set out in regulation 15.2.

It is for the Chair/Panel to determine the issues that are directly relevant to this matter and whether any further statements are needed from the student or the University or if a further hearing may be necessary.

Conduct of the disciplinary appeals panel hearing

The disciplinary appeals panel hearing will be conducted in line with the following order of business:

Order of business

1. [time] Briefing of the appeal panel by the secretary (if required).
Present: the appeal panel, and;
the secretary.
2. [time] Commencement of the hearing.
Present: the appeal panel;
the secretary;
the Chair of the disciplinary hearing;
the student, and;
the person accompanying the student (if the student has decided to be accompanied)
3. [time] The student (or the person accompanying the student) will present the case for appeal.

The student (or the person accompanying the student) may be questioned by the Chair and the panel. The Chair of the disciplinary hearing may raise points of clarification and/or ask questions via the Chair.
4. [time] The Chair of the disciplinary hearing will present their case.

The Chair of the disciplinary hearing may be questioned by the Chair and the panel. The student (or the person accompanying the student) may raise points of clarification and/or ask questions via the Chair.
5. [time] Both parties shall have the opportunity, if they wish, to make a brief closing statement:
 - firstly, the student (or the person accompanying the student), and;
 - secondly, the Chair of the disciplinary hearing.
6. All parties shall withdraw so that the panel can consider its decision.

APPENDIX 4

Decision letter

Confidential

Insert date, name and address

Insert date

Dear

Student disciplinary regulations and procedures 2011: finding of disciplinary hearing

Date of incident: *(insert date)*

This letter confirms that a disciplinary hearing was held in accordance with the *Student disciplinary regulations and procedures* of the Centre for Alternative Technology on *(insert date)* and notifies the finding of that hearing.

The alleged (gross) misconduct related to *(insert detail as referenced in notification of investigation letter)*

The finding of the disciplinary hearing is as follows: the misconduct/gross misconduct was substantiated on the balance of the probabilities/not substantiated *(delete as appropriate)*.

(If substantiated)

The penalty is *(insert as appropriate from penalties listed under section 13.1)*

A full report of the disciplinary hearing is attached/will be sent to you *(delete as appropriate)*. Please let me have any comments on factual accuracy by *(insert date)*/You will have an opportunity to comment on factual accuracy *(delete as appropriate)*.

Right of appeal

You have the right of appeal *to a member of the Centre's Senior Management Team/ a Student Disciplinary Appeals Panel (delete as appropriate)* in accordance with section 14 of the *Student disciplinary regulations and procedures*. Any appeal must be lodged within ten days of the date of this letter on a *Student disciplinary appeal form* and be sent initially to the Head of School. I would draw your attention to section 14.3 of the *Student disciplinary procedures* which lists the valid grounds for an appeal. Merely being dissatisfied with the outcome of the procedure is not a valid ground for appeal.

If an appeal is not received by *(insert date)* the penalty will stand and the proceedings under our *Student disciplinary regulations and procedures* will be considered to have been completed.

Yours sincerely

APPENDIX 4

Name

Position (Chair of disciplinary hearing)

Enclosure: Report of disciplinary hearing (if available)

cc: Chief Executive
Head of School
Student file

APPENDIX 4

Student disciplinary appeal form (see regulation 14.2)

Your details

Name:	
Programme/Year: School:	
Contact address:	
Postcode:	
Contact telephone number:	E-mail:

Details of appeal

<p>Date of disciplinary hearing: (please attach copy of the disciplinary hearing <i>Decision letter</i> (see regulation 12.5))</p> <p>Specific grounds for appeal (see regulation 14.3) (tick as appropriate)</p> <ul style="list-style-type: none">• Material procedural irregularity <input type="checkbox"/>• Disregard of material evidence <input type="checkbox"/>• Perversity of judgement in the face of the evidence presented <input type="checkbox"/>• Demonstrable bias or prejudice on the part of any person forming the judgment <input type="checkbox"/>• The penalty is not proportionate to the student's misconduct <input type="checkbox"/>• The penalty exceeds the authority of the person/s forming the judgement <input type="checkbox"/>• There is new and material evidence which the student was for exceptional reasons unable to present to the disciplinary hearing <input type="checkbox"/>• other similar grounds specified by the student <input type="checkbox"/> <p>New and material evidence (if appropriate): (please attach and enumerate below)</p> <p>The disciplinary appeal panel will not admit any additional evidence other than that submitted with this form.</p> <p>The completed form and supporting evidence (if applicable) should be sent to the Chief Executive within ten days of the student receiving the decision letter after the disciplinary hearing (see regulation 14.2).</p>	
Signature:	Date: