

Hertfordshire International College
CPR QS11: Student Disciplinary Policy
Version 2.13

1. Introduction

- 1.1 This document sets out the Navitas UK policy and procedure for disciplinary action taken against students. The purpose of this Policy is to enable Navitas UK Colleges to fulfil their obligations relating to the care of and responsibility for their members and to protect their reputation. Under this Policy each college has the power to discipline students and to suspend or terminate any student's enrolment for good cause in consultation, where applicable, with the relevant body at the partner University and with due reference to any legal requirements under the Immigration Rules or associated Policy Guidance documents, as issued.
- 1.2 The College Director/Principal (CDP) is responsible for the maintenance of student discipline at his/her college and, within the rules and procedures provided for within this policy, for the suspension and termination of students on disciplinary grounds and, for implementing decisions to terminate students for academic reasons in consultation with the Partner University and other relevant Navitas UK policies as noted in section 12 below. The CDP may delegate responsibilities in relation to student discipline from time to time to appropriate members of College staff.
- 1.3 The Student Disciplinary Policy and procedure is designed to act as a deterrent by applying a penalty for unacceptable behaviour and also an incentive for improvement by discussion and positive action where behaviour falls short of required standards.

2 General Principles

- 2.1 This Policy incorporates the principles of natural justice, however these must not place the College at risk of contravention of the Immigration Rules and associated Policy Guidance or the required duties as a Sponsor under Tier 4, as determined by the Home Office. It determines that:
- a) all stages of the process will accord with the Navitas UK Equal Opportunities Statement and the University of Hertfordshire University Policies and Regulations (UPRs);
 - b) there will be consistency of treatment across the Colleges;
 - c) it is the responsibility of HIC to prove any allegation. The standard of proof required is that of the balance of probabilities: it should be more likely than not that the student has committed the disciplinary offence alleged.
 - d) students will be given notice of allegations made about their behaviour and reasonable time to prepare a defence;
 - e) students have the right to request advice from the University of Hertfordshire Students' Union (UHSU);
 - f) all parties will receive the same information and copies of written evidence at all stages of the process;
 - g) students have the right to be accompanied at any hearing;
 - h) students will receive an unbiased hearing;
 - i) there will be a proportionate outcome to any disciplinary offence committed;
 - j) the College will keep records of all hearings and will inform the University of any actions taken;
 - k) students have a right of appeal to the Office of the Independent Adjudicator when all stages of a College's Student Disciplinary process have been completed.

3 Scope of the Policy

- 3.1 The Policy applies to all students enrolled with HIC.
- 3.2 Exceptionally, the Policy may be invoked to investigate allegations of a disciplinary offence by former students or those who have interrupted their studies.

4 Definition of a Disciplinary Offence

- 4.1 In its general sense, this is any behaviour, which interferes with the functioning or activities of the College and where applicable the University or its members or, action which otherwise damages the College and/or University including its reputation, constitutes a disciplinary offence. Allegations of academic misconduct (cheating) in any form of assessment may be considered under this Policy, however can also be considered under CPR QS9.
- 4.2 Examples of conduct likely to constitute a disciplinary offence are outlined in Annex A to this Policy.

5 Suspension

- 5.1 A student may be suspended from HIC for an alleged Disciplinary Offence or other good or urgent cause for a limited period of time.
- 5.2 Suspension is not a penalty, but a precautionary measure which a College may use in order to exercise its duty of care and/or whilst a necessary investigation takes place. The decision to suspend a student may only be taken by the College Management Team (CMT) in consultation with the University if required. The student will be notified by letter of the reasons for the suspension, the terms of the suspension and the right of appeal. The period of suspension cannot exceed 28 calendar days unless an extension has been agreed by the CMT, having regard to the circumstances of the case. The student will be advised in writing if an extension is agreed and informed of the length of the extension.
- 5.3 A student who wishes to appeal against a suspension should write to the CDP. The appeal against the suspension will be considered by Navitas UK Quality and Standards Office. The student will be issued with a decision notice within five (5) working days of receipt of the appeal.
- 5.4 Any period of suspension will be considered, under the requirements of the Immigration Rules and Policy Guidance documents, to be an approved period of absence (See CPR M3 for full details of these requirements).

6 Process

- 6.1 The student disciplinary process is summarised in the flowchart in Annex B.

7. Investigating Officers

- 7.1 The CDP is responsible for nominating members of HIC staff to act as Investigating Officers in matters related to any alleged Disciplinary Offence. The College is required to inform the University of the list of nominated staff.
- 7.2 The Investigating Officer assigned to a case must be independent of the situation being investigated and should remain independent throughout.
- 7.3 The responsibilities of the Investigating Officer are to:
- Be the first point of contact regarding the alleged disciplinary offence
 - Inform the student of the allegation and to advise him/her about the Student Disciplinary Policy and Process
 - Ensure that allegations are investigated properly and that full records are kept of the investigation
 - Correspond with students, staff and the CDP regarding the progress of investigations into student disciplinary allegations
 - Instigate hearings by College Student Disciplinary Panels when necessary and present details of allegations to these Panels

8 Disciplinary Panels

- 8.1 College Student Disciplinary Panels are established to consider allegations of a disciplinary offence and to establish the facts and circumstances of a case before determining the outcome and, where appropriate, the penalty.

- 8.2 College Student Disciplinary Panels have power delegated by the CDP and CMT to:
- a) Consider allegations of any Disciplinary Offence
 - b) Decide whether an offence has been committed
 - c) Establish whether there are mitigating circumstances, which can be taken into account when determining the penalty
 - d) Determine and apply an appropriate penalty
 - e) Make additional recommendations to the student regarding his/her future conduct
 - f) Make recommendations regarding changes to College processes where improvements are deemed necessary
- 8.3 Membership will comprise:
- A member of Navitas UK Quality and Standards Office who will Chair the hearing;
 - CDP or nominee;
 - Two members of staff from the College;
 - Secretary to the Panel;
 - An external representative from professional practice where this would be appropriate.
- 8.4 Members of a College Student Disciplinary Panel should consider the evidence of the case presented and not be influenced by external factors that are unrelated. A member of staff who believes s/he may have a conflict of interest in respect of a particular case should advise the Secretary to the Panel who will determine whether the member of staff can serve on the Panel. If necessary the Secretary will consult the Chair of the Panel for advice.
- 8.5 All members of the Panel must be present for the hearing to proceed.
- 8.6 If it is concluded that the student committed the alleged offence the Panel must determine the penalty that should be imposed after taking into account any mitigating circumstances.
- 8.7 If the Panel determines that the student did not commit the alleged offence, the student will be advised and no further action will be taken.
- 8.8 Where the student presents mitigating circumstances the Panel will decide whether the circumstances are sufficient to mitigate the disciplinary penalty and to what extent. If it is concluded that the student is guilty of the alleged offence the Panel must take into account any mitigating circumstances prior to determining the penalty to be imposed.
- 9 Penalties for Disciplinary Offences**
- 9.1 When determining the penalty to be applied consideration should be given to:
- a) The seriousness of the misconduct
 - b) The student's previous disciplinary record
 - c) The conduct of the student subsequent to the alleged disciplinary offence
 - d) Any other mitigating factors
- 9.2 Where the allegations are upheld, the following penalties are available:
- a) A written warning of Termination of enrolment
 - b) A final written warning of Termination of enrolment
 - c) Termination of enrolment from the College
- 9.3 If appropriate, the Panel will also be asked to consider whether the outcome should be reported to the Office of the Independent Adjudicator for Higher Education (OIA). It may be necessary for the Chair of the Panel and the Secretary to take further advice from the Partner University to determine whether the matter should be referred. Where the outcome of a hearing has been reported to the OIA, the University will inform the student concerned in writing.
- 9.4 Other penalties in addition to those listed above may be imposed, for example in relation to upheld allegations of cheating in an assessment, when this Policy is being invoked either alongside or in association with CPR QS9. These include, but are not limited to:
- a) The removal of academic credit
 - b) The withdrawal of access to a College's and University's facilities and services
 - c) A Notice to Quit (in relation to any College accommodation)

- d) Compensation (in cases of vandalism, damage by fire etc.)
- e) A counselling note rather than a penalty where it is concluded that the allegation of misconduct resulted from poor referencing.

10. Appeals against Disciplinary Panel Decisions

- 10.1 A student may appeal in writing against the outcome or the penalty imposed by a College Student Disciplinary Panel. The process is summarised in the flowchart in Annex B.
- 10.2 Only the following constitute grounds for appeal:
 - a) That there is proposed a material procedural irregularity which has demonstrably affected the outcome
 - b) That there is new evidence, which would demonstrably have affected the outcome and could not reasonably have been made available to the College Student Disciplinary Panel before the hearing
 - c) That the decision is considered to be iniquitous given the facts of the case
 - d) That the outcome/penalty is considered to be too severe bearing in mind the facts of the case
- 10.3 Students admitting to allegation(s) of a disciplinary offence may only appeal on grounds of the outcome/penalty being too severe bearing in mind the facts of the case.
- 10.4 Where an appeal is submitted, a Disciplinary Appeals Panel will consider the appeal. No member of the Panel will have had any prior involvement or knowledge of the case.
- 10.5 Membership will comprise of members of the Navitas UK Senior Leadership or Management Teams and where applicable at least one member from the University.
- 10.6 At the conclusion of the disciplinary appeal process and on confirmation of the outcome, the student will be informed that the College's internal processes have been exhausted, however should he/she require they have the right to submit the case to the OIA for consideration.

11 Behaviour which may be a Criminal Offence

- 11.1 In circumstances where the allegation of a disciplinary offence may constitute a criminal activity or a breach of the terms of any leave issued under the Immigration Rules, the matter should be reported immediately to the CDP who should consider whether to inform the police.
- 11.2 Where the disciplinary offence, under the criminal law, may be considered to be not serious, process under this Policy may continue, but such process may equally be deferred pending any police investigation or prosecution.

If it is so deferred the student will be informed that the College may pursue disciplinary action when a decision from the courts is received.

- 11.3 In the case of all other offences (those classified as serious), under the criminal law, no action (other than suspension or termination of enrolment) may be taken under this Policy unless the matter has been reported to the police or other authorities and either prosecuted or a decision not to prosecute has been taken. Once such a decision has been received, the CDP will decide whether any further disciplinary action under this Policy should subsequently be taken.
- 11.4 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.
- 11.5 In all instances above, the College in its decisions will not place itself at risk of contravention of the Immigration Rules and associated Policy Guidance or the required duties as a Sponsor under Tier 4, as determined by the Home Office.

12 Relationship to Other Procedures and Policies

- 12.1 This Policy and its process may need to consider, as required, other College policies including but not limited to:

CPR QS9 – Assessment Regulations
CPR QS10 – Student Appeals and Grievances
CPR M3 – Attendance and Student Monitoring

12.2 From time to time HIC may establish procedures, which regulate behaviour in specific areas, for example: Student accommodation; the Library and use of the computer network and facilities. First and minor breaches of such procedures should be dealt with under in the same way as the University.

Annex A: Examples of disciplinary offences

The offences outlined below are classed as disciplinary offences. The offences are categorised into general misconduct and academic misconduct (cheating). The lists are not exhaustive and the College may determine that other behaviour constitutes misconduct for consideration in accordance with the Student Disciplinary Policy.

1. General Misconduct

- Any conduct which constitutes a criminal offence
- Any form of violent, vindictive, indecent, disorderly or threatening behaviour or language, either written or spoken including any form of electronic communication
- Any form of discrimination, discriminatory language, action or behaviour, whether verbal, physical or written, that contravenes current, relevant legislation;
- Undesignated possession of an offensive weapon on College or University premises
- Bullying or harassment of any student or member of staff of the College or University or any visitor to the College or University
- Fraud, deceit, deception or dishonesty in relation to the College or its staff, students or visitors or University staff, students or visitors
- Making a fraudulent claim for funds or the re-imburement of approved expenses
- Failure to respect the rights of others to freedom of belief and speech
- Failure to comply with a reasonable instruction related to discipline issued with the CDP's authority
- Theft, misappropriation or misuse of College or University property or the property of College's or University's staff and/or students
- Disruption or improper interference with the academic, administrative or other activities of the College or University
- Obstruction or improper interference with the functions, duties or activities of any student or member of the staff of the College or University or any visitor to the College or University
- Misuse or undesignated use of the College or University premises
- Damage to College or University property or the property of the College's or University's staff students or visitors caused intentionally or recklessly
- Action likely to cause injury or impair safety on College or University premises
- Breach of the provisions of any College or University code, rule or regulation;
- Making unsubstantiated allegations about a member of staff or a student
- Vexatious or malicious complaints

2. Academic Misconduct (Cheating) (see also CPR9)

2.1 Cheating in relation to examinations includes:

- Attempting to access confidential information before an examination, including attempting to get sight of the examination paper before it is published
- Taking or attempting to take unauthorised material, including blank paper, electronic devices and mobile phones, into an examination room
- Communicating or attempting to communicate in any way with another candidate or any other person (other than the invigilator) during an examination
- Copying, or trying to copy, the work of another student
- Allowing or assisting another student to copy
- Impersonation - taking an assessment on behalf of, or pretending to be, another student, or allowing another person to take an assessment on behalf of a student
- Attempting to remove script books, including blank script books, from an examination room

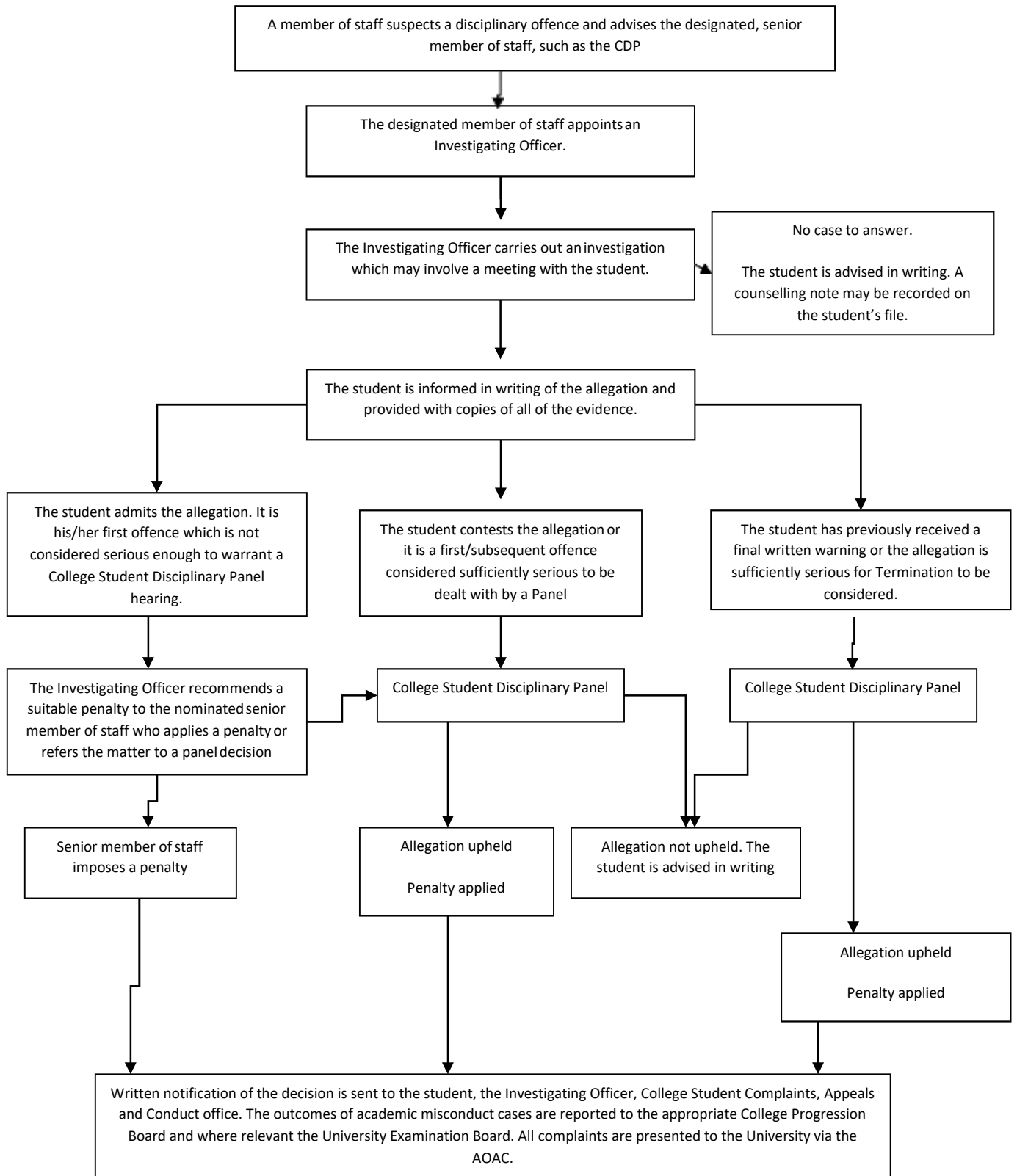
This list is not exhaustive and cheating in examinations may take other forms.

2.2 Cheating in relation to other forms of assessed work includes:

- Plagiarism - the submission of an item of assessment which, all or in part, contains work produced by another person(s) in such a way that it could be assumed to be the student's own work
- Collusion – the improper collaboration in the production of a piece of work when that work is submitted as entirely the work of an individual. Except where written instructions state that work for assessment may be produced jointly and submitted as the work of more than one student, students must not collaborate with other students to produce a piece of work jointly, copy or share another student's work, lend their work to another student or allow another student to copy their work

- Falsification of data or artefacts i.e. the invention or changing of material to support an argument
- Duplication - the submission of a piece of work in whole or in part that has already been submitted for assessment elsewhere, including concurrent submission
- This list is not exhaustive and cheating in assessed work may take other forms

Annex B: Process Flowchart.



Annex C: Appeals flowchart

