

POLICIES AND PROCEDURES

Policy Title	COLLEGE CODE OF CONDUCT AND DISCIPLINARY PROCEDURES
Policy Number	WLCBMS - 042
Responsible	PRINCIPAL
Approval By	EXECUTIVE COMMITTEE
Approval Date	AUGUST 2017
Next Review	AUGUST 2018

COLLEGE CODE OF CONDUCT AND DISCIPLINARY PROCEDURES

CONTENT

SECTIONS

1. INTRODUCTION
2. RESPONSIBILITIES
3. MISCONDUCT
4. INITIATION OF THE STUDENT DISCIPLINARY PROCEDURE
5. CRIMINAL ALLEGATIONS, POLICE and CRIMINAL COURTS
6. OFFICE OF THE INDEPENDENT ADJUDICATOR
7. RELATED DOCUMENTS

COLLEGE CODE OF CONDUCT AND DISCIPLINARY PROCEDURES

SECTION 1. INTRODUCTION

1. The Code of Student Conduct is built on the principle that all students are expected to maintain a standard of conduct which supports the College's commitment to excellence in education and scholarship and promotes good order and the good name and reputation of the College.
2. The College aims to support the recreational and social needs of its students. It is a community which embraces diversity and requires consideration, acceptance and courtesy in all behaviour.
3. The College expects all staff and students to show respect for one another in all aspects of their contact. Any breach of the Code of Conduct will be taken seriously and where necessary dealt with through the Disciplinary Procedure.
4. Students in signing the WLCBMS Application/Registration Form agree that they will abide by the Student Conduct Regulations.
5. Students must follow formal instructions given by staff.
6. Students must show Identity Cards whenever they are requested and loss of Identity Card must be reported immediately to the Administrative Office.
7. Student should take responsibility for the safety of their personal property. Suspicious packages must be reported to the reception immediately.
8. Students shall not deliberately disrupt or interfere with the education of other students or the work of the College.
9. Students shall not commit any action that causes or is likely to cause injury to any person.
10. Students shall not take away, misuse or damage any property belonging to any student, employee or visitors.
11. Students shall not behave in a disorderly, abusive, threatening, indecent, offensive or violent manner.
12. Students shall not provide or withhold information with intent to deceive in any application for financial aid or other benefit or service.
13. Students shall not forge, alter or misuse or attempt to so treat any College

documents, records or identification cards.

14. Students shall not invade, abuse or attempt to abuse the security, integrity or privacy of any files or confidential material.
15. Students shall pay all debts and charges due and payable (including fines at the required time).
16. Students shall not remove or deface or damage any equipment or property of the College.
17. Students shall not behave in a careless or negligent manner that leads to the activating of a fire or smoke alarm.
18. Students shall not drop litter. They shall not eat or drink in areas designated as unauthorised areas or smoke in any areas other than those designated as authorised smoking areas.
19. Students shall switch off mobile telephones and pagers when they are in any teaching environment.
20. Students may not bring babies or children (under 18) onto the College's premises except by special permission. In line with English law, the College has a No Smoking Policy and in the interest of all, smoking is restricted to a designated outside areas of the building
21. Sessions should start on time and students should arrive punctually since late arrivals are disruptive to other participants.
22. Access is not normally allowed into lectures, seminars and tutorials after the start of the session. Latecomers may be refused entry, and should leave immediately, if requested. In the event that a student wishes to leave a lecture, seminar or tutorial before its scheduled finished time, the prior agreement of the session leader should be obtained except in the case of departure necessitated by reason of illness or other unforeseen circumstance.
23. No video or tape recording of any session should take place without the permission of the tutor and other students/participants.
24. Avoid serious offences which include: using or having drugs on site, dealing in drugs, being drunk, being violent or threatening others, theft, bullying (physical/verbal – including text messages and email), inappropriate use of video phones – including videoing and showing of images, deliberate damage.
25. Use of the College's computers and network is subject to the conditions of the Acceptable Use Policy.

SECTION 2. RESPONSIBILITIES

The Principal is responsible for the Code of Conduct and Disciplinary Procedures

SECTION 3. MISCONDUCT

26. Under the terms of this Code, 'misconduct' is defined as: Improper interference, in the broadest sense, with the proper functioning or activities of the College or with those who work or study at the College; and / or any action which otherwise damages the College, its interests or its reputation. In particular (but without limitation), the following will be deemed to constitute misconduct under the terms of this Code:

- a) Any conduct which constitutes a criminal offence;
- b) Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the College, whether on College premises or elsewhere;
- c) Obstruction of, or improper interference with, the functions, duties or activities of any student or member of staff of the College or any authorised visitor to the College;
- d) Violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language (whether expressed verbally or in writing, including blogs, social networking websites or other electronic means);
- e) Bullying or harassment of any student or member of staff of the College, or any visitor to the College, on the grounds of sex, race, disability or other grounds;
- f) Fraud, deceit, deception or dishonesty in relation to the College or its students or staff or in connection with holding any office in the College or in relation to being a student of the College. Such action may (without limitation) include failure to reveal details of an 'unspent' criminal conviction, or failure by a student (who undertakes paid or unpaid activity which brings him or her into frequent contact with children or vulnerable adults whilst in his or her student role) to reveal any conviction or offence, whether committed pre or post-admission;
- g) Action likely to cause injury or impair safety either on College premises, at College organised events or on any other sites associated with the College through its professional or other programmes;
- h) Defacement of, or damage to, any property of the College, or any property of a student or member of the College (whether caused intentionally, recklessly or negligently);

- i) Breach of the provisions of any College code, rule or regulation (including this Code);
- j) Failure to comply with a reasonable instruction relating to discipline, issued with the Principal's authority;
- k) Failure to comply with any sanctions or penalties imposed under this Code;
- l) Unfounded and malicious complaints brought against a member of staff or another student of the College under the Student Complaints Procedure;
- m) Possession or misuse of drugs which also constitutes a criminal offence;
- n) Causing a nuisance (including causing excessive levels of noise) or engaging in anti-social behaviour in the College, in College owned or managed accommodation or private accommodation or in the wider community;
- o) Involvement in inciting acts of terrorism.

*The above list is for illustrative purposes only and is not exhaustive.

27. Where a student is deemed to be in a state of mind or health which is perceived to pose a threat to, or affect the welfare of staff and/or students of the College, or is disruptive of the learning and teaching process, the College reserves the right to refer the student under the Fitness to Study Procedure.

SECTION 4. INITIATION OF THE STUDENT DISCIPLINARY PROCEDURE

28. An allegation may be brought by a member of staff, another student or a member of the public.

29. An alleged incident of misconduct by a student which cannot be resolved satisfactorily between the parties themselves should be reported either to the student's Head of Department or to the Academic Registrar.

30. If the Academic Registrar receives a complaint Stage 1 of the Code of Conduct procedure is evoked:

STAGE 1 - MISCONDUCT OF A MINOR NATURE

31. In cases where an act of misconduct is of a minor nature, the student will be cautioned by the Registrar (or their respective nominee) as appropriate. This will be recorded on the student's file but will be removable after the completion of the student's studies provided that there are no further instances of misconduct. If the

student is found guilty of misconduct on a subsequent occasion, a previous caution (and any other previous penalty) can be taken into account when deciding on the level of penalty on that subsequent occasion.

32. If the student is not satisfied with the outcome of the Stage 1 procedure s/he may submit an appeal under Complaint Appeal procedure. (Ref: SECTION 7.a)

STAGE 2 - DISCIPLINARY CASES INVOLVING MISCONDUCT

33. In the case of a more serious breach of this Code, or of reoffending after a previous caution, the Registrar (or their respective nominee) as appropriate will:
34. Undertake an investigation into the allegation.
35. Inform the student of the nature of the alleged misconduct and, having given reasonable notice, permit the student an opportunity to be interviewed. A student attending such an interview may be accompanied by a representative who may speak on the student's behalf.
36. Determine, in light of the evidence, whether a breach of this Code has been committed;

The Registrar having considered matters, may take one or more of the following courses of action:

37. Resolve that no action be taken;
38. Issue a written warning to the student indicating the consequences of future misconduct, to be entered into the student's file, removable after the completion of the student's studies
39. Require the student to compensate for or make good any damage caused to College property;
40. Require the student to make appropriate recompense or apology for any offence or harm caused, or any damage done, to the College's relations with its members or the outside community;
41. Impose a fine payable to the College;
42. Recommend to the Principal that the student is suspended with immediate effect from College premises and/or services for a set period of time. Refer the matter to a Stage 3 Disciplinary Panel.
43. On completion of the disciplinary investigation under the Stage 2 procedure, the

student will be sent, within 10 working days if practicable, a notice in writing stating the outcome of the investigation, the reasons for that outcome, a summary of the alleged facts on which the disciplinary action is based and any penalty imposed. The notice will include a statement on to the procedure for an appeal against the decision under the College Complaints and Appeals Procedures.

44. A student may submit an appeal on the following grounds;

- a) Procedural irregularity or other administrative error;
- b) Where there is new evidence of extenuating circumstances which, for good reason, was not available at the time Registrar (or their respective nominee) made its decision;
- c) Where the Registrar (or their respective nominee) has acted unfairly or imposed an unfair penalty.

45. Appeals will be reviewed by the Principal (or his or her nominee). The decision of the Principal (or nominee) is final and a decision letter and a 'Completion of Procedures' letter will be issued unless the matter has been referred to Stage 3

46. Following completion of the College's internal appeals procedure, a student may make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA)

STAGE 3 DISCIPLINARY PROCEDURES

47. In a case where the Registrar (or their respective nominee) has decided to proceed to the Stage 3 procedure the Disciplinary Panel is convened which aim to hear such a case within 15 working days of notification.

48. The Disciplinary Panel will be chaired by the Deputy Principal with two senior members of the College's academic staff, Student Welfare Officer and student representative

49. No person who has previously had any involvement with the case will sit on the relevant Disciplinary Panel.

The procedure for a hearing before the Disciplinary Panel is as follows:

50. Written statements will be submitted to the Student Welfare Officer by the student and any other relevant parties. These papers together with any additional information will be circulated to the Disciplinary Panel no later than 5 working days

before the Disciplinary Panel hearing.

51. The student & other party shall have the opportunity to ask questions (on the evidence given) and call witnesses.
52. The Disciplinary Panel may ask questions to the parties and any such witnesses. The witnesses will then withdraw.
53. The student/s and other party/ies shall have an opportunity to sum up their respective cases if they so wish.
54. The student and other party and their representative shall withdraw;
55. The Disciplinary Panel, with the Student Welfare Officer in attendance, will deliberate in private. They may choose to recall the student or other party or their representative) if the Disciplinary Panel requires further clarification.
56. When the Disciplinary Panel has reached a decision it will recall both student and other party (their representative) and confirm the decision verbally. Student Welfare Office will then confirm the decision in writing within 10 working days of the Disciplinary Panel hearing.

DECISION OF THE DISCIPLINARY PANEL UNDER STAGE 3.

57. Dismiss the case unconditionally;
58. Dismiss the case conditionally (in which case, no further action will be taken against the student concerned, provided that the student fulfils certain specified conditions);
59. Issue a written reprimand and warning (in which case the student is warned that, if he or she were to commit further acts of misconduct of any nature in the future, his or her present offence would be taken into account in the course of any further hearings convened to consider such further misconduct);
60. Impose a fine, the amount to be determined by the Disciplinary Panel;
61. Suspend the student from all or part of the College for a specified period;
62. Exclude the student from the award of a degree or other qualification, either permanently or for a specified period, and either absolutely or conditionally pending compliance with certain specified conditions;
63. Permanently expel the student from the College.
64. Impose such other sanctions as may be considered appropriate by the Disciplinary Panel.

65. Disciplinary Panel may recommend to inform Police if the offence is of criminal nature.
66. If a student has been found guilty of having caused injury, damage or loss to any person or property, he or she may, in addition to any one of the sanctions above, be required to pay such compensation as the Disciplinary Panel may consider appropriate.
67. Details of the offence and penalties imposed shall be entered on the student's record.
68. The record of a student's case which has been dismissed unconditionally shall be destroyed.

APPEALS AGAINST STAGE 3 DISCIPLINARY PANEL DECISIONS

69. A student may appeal against a decision or penalty imposed by the Disciplinary Panel under the Stage 3 procedures. Any such appeal must be submitted in writing to the Student Welfare Office within 10 working days of any decision or penalty being notified to the student concerned.
70. A student may submit an appeal on the following grounds;
- a) Procedural irregularity or other administrative error;
 - b) Where there is new evidence of extenuating circumstances which, for good reason, was not available at the time that the Disciplinary Panel made its decision; and / or
 - c) Where the Disciplinary Panel acted unfairly or imposed an unfair penalty.
71. Appeals will be reviewed by the Principal (or his or her nominee), provided that he or she will not have been involved previously in the particular disciplinary procedure against the student
72. The Student Welfare Office will submit notice of the student's appeal and a summary of the case and such other documentation as it shall consider relevant to the Principal (or his or her nominee) for review.
73. Principal (or his or her nominee) shall decide in his or her discretion whether to reject or uphold the appeal. The decision of the Principal (or such nominee) is final and a decision letter and 'Completion of Procedure' letter will be issued.
74. Following completion of the College's internal appeals procedure, a student may make a complaint to the OIA

SECTION 5. CRIMINAL ALLEGATIONS, POLICE and CRIMINAL COURTS

75. Where a student is the subject of an investigation by the Police or other agency in relation to an alleged criminal offence, he or she must report this to the Student Welfare Office at the earliest opportunity who will report any such disclosure to the Principal.
76. The College may report an allegation of misconduct by a student to the Police or any other agency as appropriate, although it shall be entitled (but not obliged) to take into account the wishes of a victim of the alleged misconduct if he or she does not want the Police or other agency to be involved).
77. A 'serious criminal offence' for the purposes of this Code is one which:
- a) Is triable only in a Crown Court;
 - b) Is punishable by a custodial sentence; and
 - c) If proven, is likely to result in expulsion or suspension of the student concerned from the College
78. If the Principal considers that the alleged misconduct is, or may be, a serious criminal offence no internal disciplinary action will normally be taken (other than suspension from or restricted access to the College for a specified period), until the matter has been reported to the Police or other agency as appropriate and either a prosecution has been completed or a decision not to prosecute has been taken.

SECTION 6. OFFICE OF THE INDEPENDENT ADJUDICATOR

79. Where a student is dissatisfied with the outcome of the College's disciplinary procedure, he or she may refer the outcome of the case, as a complaint, to the Office of the Independent Adjudicator for Higher Education (OIA)
80. Further details about the OIA can be obtained from the Complaints and Appeals Office, or from the following website: <http://www.oiahe.org.uk/> or by contacting the OIA at the following address:

The Office of the Independent Adjudicator for Higher Education
Third Floor, Kings Reach, 38-50 Kings Road, Reading, RG1 3AA
Telephone: 0118 959 981

SECTION 7. RELATED DOCUMENTS

1. Complaints Policy & Procedures (WLCBMS-018)