



STUDENT DISCIPLINARY PROCEDURE

Effective from 1st September 2013

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1. INTRODUCTION AND CONTEXT

- 1.1 The Student Disciplinary Procedure applies to any student of Bournemouth and Poole College who is registered for a programme of study leading to an Arts University Bournemouth award.
- 1.2 The Student Disciplinary Procedure is intended to provide a clearly formulated and impartial process for dealing with problems of student discipline or behaviour within a reasonable timescale and having due regard to the spirit of natural justice.
- 1.3 Bournemouth and Poole College and the Arts University Bournemouth are both committed to the fair and equal treatment of all individuals regardless of gender, age, disability, colour, race, ethnic or national origin, socio-economic group, sexual orientation, marital status, family responsibilities, religious or political beliefs.
- 1.4 As members of the College and University communities all students are expected to conduct themselves with due regard for its good name and reputation. They are required to comply with the current College and University Rules, Regulations, Policies, Procedures and Codes of Practice at all times including those relating to Library, IT, Accommodation and Students' Union.
- 1.5 Under the Articles of Government for Bournemouth and Poole College (Section 3.2(f)), and the Arts University Bournemouth (Section 3.2 (f)) the Principal and Vice-Chancellor respectively are responsible for the maintenance of student discipline and for the suspension or expulsion of students on disciplinary grounds.
- 1.6 The Vice Principal Curriculum, Quality and Student Experience shall normally act as the College Principal's nominee in respect of the operation of disciplinary issues relating to action committed on College premises, relating to College staff or students or in breach of College regulations. In the absence of the Vice Principal Curriculum, Quality and Student Experience the Principal may nominate another senior officer of the College to act in their stead.
- 1.7 The University Secretary and Director for Student Experience shall normally act as the University Principal and Vice-Chancellor's nominee in respect of the operation of disciplinary issues relating to action committed on University premises, relating to University staff or students or in breach of University regulations. In the absence of the University Secretary and Director for Student Experience the Vice-Chancellor may nominate another senior officer of the University to act in their stead.

- 1.8 As the University is responsible for the academic infrastructure of its programmes, all issues referred for consideration under these procedures arising from a referral from an Academic Offences Panel will always be dealt with by the University.
- 1.9 This Disciplinary Procedure does not apply to decisions to withdraw students for reasons of academic failure. Such issues shall be dealt with by Boards of Examiners and appeals against their decision shall be dealt with using the appropriate Academic Appeals
- 1.10 To avoid double-jeopardy, once disciplinary proceedings have been instituted against a student under these Procedures, normally no disciplinary action may be taken against the student under other disciplinary rules or regulations within the College or University for the same alleged misconduct.
- 1.11 The College and University shall normally consider giving advice and guidance to improve conduct and behaviour before initiating the Student Disciplinary Procedure.
- 1.12 Minor breaches of student discipline should, where appropriate, be dealt with by means of an informal oral warning issued by any member of staff of the College or University.
- 1.13 References in the Disciplinary Procedure to any College or University officer shall include his or her properly appointed nominee.

2. MISCONDUCT

- 2.1 Any student studying or registered at the College at a programme leading to an Arts University Bournemouth award shall be subject to disciplinary measures if s/he is found to be guilty of misconduct. The essence of misconduct under these regulations is:
 - a) improper interference with the functioning or activities of the College or University, or of those who work or study in the College or University;
 - b) action which otherwise damages the University or its reputation.
- 2.2 In particular, the following examples shall constitute misconduct, whether occurring on College or University premises or elsewhere:
 - 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 or University;
 - c) obstruction of, or improper interference with, the functions, duties or activities of any student or member of staff of the College or University, or any visitor to the College or University;

- d) violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language;
- e) sexual, racial or other harassment of any student or member of staff of the University, or any visitor to the College or University;
- f) fraud, deceit, deception or dishonesty in relation to the College or University or its staff, students or visitors;
- g) repeated or aggravated academic offences including cheating or plagiarism in academic course work or in examinations;
- h) theft, misappropriation or misuse of College or University property, or the property of College or University staff, students or visitors, caused intentionally or recklessly;
- i) misuse or unauthorised use of College or University premises;
- j) damage to College or University property, or the property of the College or University staff, students or visitors, caused intentionally or recklessly;
- k) action likely to cause injury or impair safety on College or University premises;
- l) failure to respect the rights of others to freedom of belief and freedom of speech;
- m) breach of the provisions of any College or University rule, regulation, policy, procedure or code of practice;
- n) failure to disclose personal details to a member of staff of the College or University in circumstances in which it is reasonable to require that such information be given;
- o) failure to comply with any reasonable instruction(s) relating to discipline issues with the College Principal's or University Vice-Chancellor's authority.

3. MISCONDUCT THAT IS ALSO A CRIMINAL OFFENCE

- 3.1 The following procedures apply where the alleged misconduct is reported to the Vice Principal Curriculum, Quality and Student Experience or the Principal and Vice-Chancellor and the misconduct, if proved, would also constitute an offence under the criminal law. A serious offence is one that is likely to attract an immediate custodial sentence if proved in a criminal court or one that can be tried as a criminal offence only at the Crown Court.
- 3.2 Where the Vice Principal Curriculum, Quality and Student Experience or the Principal and Vice-Chancellor does not regard the alleged misconduct as constituting a serious offence, it may be dealt with internally. If the offence is reported to the police, the Vice Principal Curriculum, Quality and Student Experience or the Principal and Vice-Chancellor may decide to defer action until the police and courts have dealt with the matter.
- 3.3 Where the Vice Principal Curriculum, Quality and Student Experience or the Principal and Vice-Chancellor does regard the alleged misconduct as constituting a serious offence, no internal action other than suspension from the College and/or University shall normally be taken until the matter has been reported to the police, and any subsequent criminal proceedings have

been completed or that the police advise that they do not object to the College and/or University dealing with the matter.

- 3.4 The College or University shall normally report any suspected criminal offence to the police. However, if a person claims to be the victim of an offence committed by a student, but does not wish the police to be involved, the Vice Principal Curriculum, Quality and Student Experience or the Principal and Vice-Chancellor may agree not to report the matter. In such circumstances neither the College nor the University shall normally proceed with internal disciplinary measures for the alleged offence, although it may take disciplinary action over related offences.
- 3.5 Where a finding of misconduct has been made under these regulations, and a student has also been sentenced by a criminal court in respect of the misconduct, the penalty imposed by the criminal court shall be taken into consideration in determining the penalty under these regulations.

4. SUSPENSION PENDING A HEARING

- 4.1 A student who is the subject of a complaint of misconduct or criminal proceedings may be suspended by the Vice Principal Curriculum, Quality and Student Experience or the Principal and Vice-Chancellor (as appropriate) pending a disciplinary hearing and/or conclusion of the criminal proceedings. Any such suspension shall be reported to the Principal and Vice-Chancellor and the student's Dean of Faculty.
- 4.2 A student who is suspended may be wholly or partly prohibited from entering College and/or University premises and from participating in College and/or University activities including exercising their functions or duties of any office or committee membership in the College and/or University or the Students' Union. Suspension may be subject to qualification, such as permission to take an examination. The terms of the suspension shall be notified in writing to the student. An order of suspension may include a requirement that the student shall have no contact with a named person or persons.
- 4.3 Orders of suspension pending a disciplinary hearing and/or criminal proceedings are to be used only where necessary to protect the College and/or University community or its members, or the property of the College and/or University community or its members or to facilitate an investigation into the facts. Written reasons for the decision shall be recorded and made available to the student.
- 4.4 Normally no student shall be suspended unless s/he has been given the opportunity to make representations to the Vice Principal Curriculum, Quality and Student Experience or the Principal and Vice-Chancellor (as appropriate) either in person or in writing, as the student chooses. Such representations may be put forward by the student or by his/her friend or representative (not acting in a legal capacity).

- 4.5 In cases deemed to be urgent, particularly if the safety of others is perceived to be at risk, a student may be suspended with immediate effect and before being given the opportunity to make representations. In this instance the student or his/her representative shall be permitted to put forward representations at the earliest possible opportunity thereafter.
- 4.6 In any event any decision to suspend a student shall be subject to review after 20 working days. Such a review shall not involve a hearing but the student, either personally or through his or her friend or representative shall be entitled to submit written representations. The review shall be conducted by the Principal or Vice-Chancellor, depending on whether the College or University initiated the suspension.
- 4.7 Where the initial decision has been made by the Vice Principal Curriculum, Quality and Student Experience or Principal and Vice-Chancellor, the review shall be undertaken by another member of the College Executive or University Executive Group.
- 4.8 In addition to the initial review, the Vice Principal Curriculum, Quality and Student Experience or Principal and Vice-Chancellor shall review the suspension or exclusion on receipt of evidence of altered circumstances, which might affect the order.
- 4.9 A student may appeal to the Vice Principal Curriculum, Quality and Student Experience or the Principal and Vice Chancellor against an order of suspension or exclusion.

5. INITIATION OF DISCIPLINARY PROCEDURE

- 5.1 The Disciplinary Procedure shall be initiated by any person reporting an allegation of misconduct to the Vice Principal Curriculum, Quality and Student Experience or the Principal and Vice Chancellor as appropriate depending on the nature of the allegations and the location they are believed to have occurred.
- 5.2 If the allegation arises within a Faculty/School/Professional Service it shall be the responsibility of the Dean of Faculty/School or Head of Professional Service to notify the student of the general nature of the alleged misconduct and that it is being reported to the Vice Principal Curriculum, Quality and Student Experience or the Principal and Vice-Chancellor. If the allegation arises from the investigations of an Academic Offences Panel, it shall be the responsibility of the Chair of the Panel to notify the student that the alleged offence is being reported to the Principal and Vice Chancellor.
- 5.3 The Vice Principal Curriculum, Quality and Student Experience (or the Director of Adult and Higher Education on her behalf) or the Principal and Vice-Chancellor (or the University Secretary and Director for Student Experience) shall normally hold a preliminary interview with the student before deciding whether any further action should be taken.

Students are entitled to be accompanied by a friend or representative, not acting in a legal capacity. The preliminary interview shall normally take place within 5 working days of the alleged misconduct being reported.

- 5.4 Subsequent to the interview the Vice Principal Curriculum, Quality and Student Experience or the Principal and Vice-Chancellor may dismiss the allegations immediately if s/he believes that there is no case for the student to answer, or that it is for some other reason appropriate to do so.
- 5.5 The Vice Principal Curriculum, Quality and Student Experience or the Principal and Vice-Chancellor may elect to suspend the student from some or all of their university activities pending further investigation either by the College and/or University or the Police as outlined above.

6. SUMMARY PROCEDURE

- 6.1 If the Vice Principal Curriculum, Quality and Student Experience or the Principal and Vice-Chancellor considers it appropriate to do so, and if the student agrees, the matter may be dealt with summarily without recourse to a disciplinary Panel. The student is entitled to be accompanied by a friend or representative, not acting in a legal capacity. A senior member of Student Services or Registry staff shall also be present.
- 6.2 If the matter is dealt with summarily, the Vice Principal Curriculum, Quality and Student Experience or the Principal and Vice-Chancellor shall consider written or oral evidence as s/he thinks fit. The Vice Principal Curriculum, Quality and Student Experience or the Principal and Vice-Chancellor shall find the student guilty of misconduct only if, on the available evidence, s/he is satisfied on the balance of probabilities, of the student's guilt. If a finding of guilt is made, s/he may impose any of the penalties set out at Section 8 of this Procedure other than expulsion from the College and/or University.
- 6.3 At the termination of the proceedings, Vice Principal Curriculum, Quality and Student Experience or the Principal and Vice-Chancellor shall write to the student. In the event of a finding of guilt, the letter shall set out the alleged misconduct, a brief summary of evidence received, the grounds for finding guilt, the penalty imposed, and the factors taken into account in deciding the penalty. A copy of the report shall be sent to the student's Dean of Faculty and copied to the College or University.
- 6.4 There is a right of appeal against both a finding of guilt and any penalty imposed under the summary procedure as set out in Section 10.
- 6.5 If the Vice Principal Curriculum, Quality and Student Experience or the Principal and Vice-Chancellor does not consider it appropriate to deal with the matter summarily, or if the student does not agree to it being dealt with in that way, then the matter shall be referred to a Disciplinary Panel under the procedure set out below.

7. THE DISCIPLINARY PANEL

- 7.1 If a matter is to be referred to the Disciplinary Panel, the Vice Principal Curriculum, Quality and Student Experience or the Principal and Vice-Chancellor shall notify the Director of Adult and Higher Education (College) or the University Secretary and Director for Student Experience as appropriate. The Student Services Manager or University Secretary and Director for Student Experience shall convene the Panel and shall notify the student in writing of the alleged misconduct and of the arrangements for further consideration of the student's case. If there are a series of related alleged misconducts the Panel may, at its discretion, deal with all allegations at one hearing.
- 7.2 The Disciplinary Panel shall be arranged as soon as is practicable after the initial interview between the student and the Vice Principal Curriculum, Quality and Student Experience or the Principal and Vice-Chancellor and normally within 20 working days. The student shall be given a minimum of 10 working days' notice before the meeting of the Disciplinary Panel except where s/he has agreed in writing that shorter notice is acceptable.
- 7.3 Membership of the Disciplinary Panel, which shall be determined by the Director of Adult and Higher Education or University Secretary and Director for Student Experience in consultation with senior colleagues, shall consist of a member of the College Executive or University Executive Group as Chair, one member of academic staff from both the College and University and a representative of the Students' Union. All Disciplinary Panel members shall be drawn from outside the students' Faculty.
- 7.4 The student may be accompanied by a friend or representative, not acting in a legal capacity. The person who originally reported the allegations to the Vice Principal Curriculum, Quality and Student Experience or the Principal and Vice-Chancellor (or their representative) shall normally attend to present the case. That person may also be accompanied by a friend or representative not acting in a legal capacity. In exceptional circumstances the case may be presented by the friend or representative on behalf of the case presenter.
- 7.5 The Secretary shall ask the case presenter to set out the allegation(s) in full in advance of the hearing. A copy shall be sent to the student at least 10 working days before the hearing.
- 7.6 The case presenter and the student may call witnesses.
- 7.7 The Secretary may also call for witness statements in support of the allegation in advance of the hearing. If such statements are requested they are required to be submitted to the Secretary at least 5 working days before the allegation is heard. Such statements shall be circulated to all parties in advance of the hearing.

7.8

The Order of Proceedings shall normally be as follows:

- a) Introduction of those present;
- b) The allegations of misconduct shall be set out by the case presenter;
- c) The student, or his/her representative, shall respond to the allegations;
- d) The Panel shall have the opportunity to question both the case presenter and the student;
- e) Either party may call witnesses who shall attend only to present their evidence and to answer any questions that the Panel, or the other party may put to them through the Chair. Once their evidence has been heard and there are no more questions, witnesses shall be required to withdraw;
- f) The case presenter shall sum up the allegations. New evidence is not admissible at this time;
- g) The student shall sum up. New evidence is not admissible at this time;
- h) The case presenter and the student shall withdraw whilst the Panel reach their decision *in camera*.

The order may be varied at the discretion of the Chair.

- 7.9 Witnesses shall normally be required to attend to give evidence in person. The Panel may accept a witness's written statement in evidence where the student agrees that the witness need not attend, or where it is impracticable for the witness to attend, or where in the opinion of the Panel it is for some other reason in the interest of justice to do so.
- 7.10 The Panel may impose time limits on oral addresses and submissions.
- 7.11 The Panel shall rely only on evidence presented at the hearing, or in written format beforehand.
- 7.12 The Panel may ask for additional enquiries to be undertaken and may call for additional witnesses to attend. If two or more students are involved in related allegations of misconduct, the Panel may at its discretion deal with their cases together.
- 7.13 At the discretion of the Panel, proceedings may be adjourned for a period not exceeding 20 working days in the first instance, and its findings or decision deferred accordingly.
- 7.14 The Panel shall find a student guilty of misconduct only if, on the evidence before it, it is satisfied on the balance of probability of the student's guilt. If the members of the Panel cannot agree, the verdict of the Panel shall be that of the majority of its members.

- 7.15 Wherever possible, the decision of the Disciplinary Panel shall be communicated verbally to the student and to the case presenter within one hour of adjourning to consider the evidence. Where this is not possible the decision of the Disciplinary Panel shall be communicated in writing to all parties, normally within 5 working days. All verbal communications regarding the decision of the Disciplinary Panel shall be confirmed in writing, normally within 5 working days.
- 7.16 Except with the authority of the student the proceedings of the Panel shall remain confidential, with the exception of its decision.

8. PENALTIES

- 8.1 If a student is found guilty of an allegation of misconduct, penalties may be imposed by the Vice Principal Curriculum, Quality and Student Experience or the Principal and Vice-Chancellor in matters dealt with summarily, or by the Disciplinary Panel in other cases. The penalties are set out below. A student may not be expelled following an allegation heard under the summary procedure. The student or his or her representative shall be entitled to make representations in mitigation before the penalty is decided.
- 8.2 When determining penalties, consideration shall be given to the seriousness of the misconduct, the circumstances of the misconduct, and the means and general personal circumstances of the student.
- 8.3 The penalties that may be imposed are one, or a combination of, the following:
- a) **a first written warning.** This shall give details of the complaint, the improvement required and the timescale. It shall warn that further disciplinary action will be considered if there is no satisfactory improvement. It shall also advise of the right of appeal. A copy of the written warning shall be placed on the student's file, but will be removed from the file and disregarded for disciplinary purposes after a period of 12 months, subject to satisfactory conduct and performance within that period;
 - b) **a final written warning.** This shall be issued if there is still a failure to improve and conduct remains unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning but not to justify expulsion. A Final Written Warning shall give details of the complaint, shall warn that expulsion is likely to result if there is insufficient improvement and shall advise of the right to appeal. A copy of this Final Written Warning shall be placed on the student's file. Final Written Warnings shall be removed from the file and disregarded for disciplinary

purposes after a period of 24 months, subject to satisfactory conduct and performance within that period;

- c) a fine up to a maximum of £500 (amount subject to period review);
- d) compensation of a reasonable sum in respect of identified and quantified loss;
- e) the performance of unpaid services for the College and/or University community to a maximum of 40 hours;
- f) suspension from the College and/or University for a fixed period of time, up to a maximum of twelve months. A student who is suspended is prohibited from entering College and/or University premises, and from participating in College and/or University activities. Suspension may be subject to qualification, such as permission to take an examination.

The terms of the suspension shall be notified to the student in writing. An order of suspension may include a requirement that the student shall have no contact with a named person or persons;

- g) exclusion from the award of degree or other academic award. This may be either permanent or for a stated period, and may be absolute or subject to compliance with stipulated requirements. This penalty shall normally only be imposed in cases where the misconduct relates to examinations or other assessed work;
- h) expulsion from the College and/or University, which means that the student ceases to be a member of the College and/or University, and loses all rights and privileges of membership.

9. ILLNESS

- 9.1 If it appears to those considering an allegation of misconduct that the student in question is suffering from illness the proceedings may be adjourned for the preparation of a medical report.
- 9.2 If there is medical evidence that the student is suffering from illness, those dealing with the case may suspend or terminate the proceedings, if it is felt appropriate to do so. It may be made a condition of suspension or termination of the proceedings that the student seeks appropriate support and/or treatment.

10. APPEALS STAGE

- 10.1 A student may appeal against a finding of guilt or a penalty imposed following a finding of guilt. The appeal must be made in writing to the Vice Principal Curriculum, Quality and Student Experience or Principal and Vice-Chancellor within 10 working days of receipt of the written confirmation of the Disciplinary Panel's decision and must specify the grounds on which it is based.

- 10.2 The Appeals Panel shall comprise the Principal or Principal and Vice-Chancellor, one member of academic staff from both the College and University and a representative of the Students' Union. Any person who was a member of the Disciplinary Panel shall take no part in the meeting of the Appeals Panel at which any appeal from the Disciplinary Panel's decision is considered (except for the purposes of presenting a report).
- 10.3 If the Principal or Principal and Vice-Chancellor has imposed the original penalty, the Appeals Panel shall be chaired by an alternative member of the College Executive or University Executive Group.
- 10.4 There shall be no entitlement to a rehearing of a case, which shall be allowed only in exceptional circumstances. The Panel hearing the appeal may overturn the finding of guilt where they consider it just to do so. In particular a finding may be overturned in the light of new evidence; or where it was considered that the original hearing was not conducted fairly; or where the finding of guilt was unreasonable in the light of the findings of fact. The student may present the appeal in person or in writing as s/he chooses and may be accompanied by a friend or representative, not acting in a legal capacity.
- 10.5 The Chair of the Disciplinary Panel shall also be entitled to make a written submission or oral representations to the Appeals Panel.
- 10.6 The Panel hearing an appeal against a penalty may impose a lesser or greater penalty, having considered whether the original penalty imposed was fair and reasonable in the light of all the circumstances of the case, and the student's means and general personal circumstances.
- 10.7 Where an appeal is pending against a decision of the Disciplinary Panel to suspend or expel a student the Chairman of the Disciplinary Panel shall have power to defer the operation of the suspension or expulsion pending the appeal.
- 10.8 The proceedings of the Appeals Panel shall take such form as the Panel considers appropriate to an investigation of the grounds for the appeal as stated in the appellant's notice.
- 10.9 The Appeals Panel shall in its discretion have power to call witnesses and examine any evidence relevant to the subject of the appeal and may adjourn its proceedings or defer its decision for that or any other purpose.
- 10.10 The Appeals Panel shall consider its decision *in camera* and shall notify the appellant of it in writing but shall not be obliged to advise the appellant of the reasons for it. The decision of the Appeals Panel shall be final and no further appeal may be permitted within the University.

11. FURTHER ACTION

- 11.1 If, after exhausting the Appeals Stage, the student feels there to have been an error of judgement, or that due process has not been followed, s/he may request a review from the Office of the Independent Adjudicator for Higher Education. Contact details for the Independent Adjudicator are:

Office of the Independent Adjudicator
5th Floor
Thames Tower Reading Berkshire
RG1 1LX

Tel: 01189 599813
Email: enquiries@oiahe.org.uk