

University Centre Colchester

Disciplinary Policy

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Contents

1.	Statement of Intent and Scope.....	3
2.	Guiding Principles	4
3.	Definitions of Misconduct	4
4.	Procedure and Process.....	6
4.1	Consideration of acts of misconduct	6
4.2	Temporary Suspension	7
4.3	Investigation of Allegations	7
5.	Disciplinary Panel	8
5.1	Membership of the Disciplinary Panel.....	8
5.2	Outcomes	9
6.	Warning Points System.....	9
6.1	Accumulation of warnings	10
7.	Appeals	10
7.1	Membership of the Appeals Panel.....	11
7.2	Further Appeals	12
8.	Expired Warnings.....	12
9.	Measurement of Policy’s Success	12
10.	Monitoring of the Policy	12
11.	Review of the Policy.....	13
12.	Related Documents:	13
	Appendix A - Form HEIA -1 Improvement Agreement	14

1. Statement of Intent and Scope

1.1 Intent

It is the aim of University Centre Colchester (UCC) to create an environment where exemplary conduct is at the heart of productive learning. University Centre Colchester will promote positive behaviour and a culture where students accept responsibility for their conduct and encourage other students to do the same. These expectations are made clear to students (and where applicable their parents/carers and employers) when they join University Centre Colchester and are re-iterated throughout their time here. A structured staged process of interventions ensures any inappropriate conduct or concerns are dealt with effectively to ensure the University Centre Colchester is a safe environment conducive to learning, success and progression.

1.2 Scope

The Student Disciplinary Policy applies to all students who are enrolled on a programme of study offered by University Centre Colchester.

This policy is applicable in any circumstances and in any location in which the student has been granted access by virtue of his or her status as a member of University Centre Colchester, or is acting as a representative of the Institution. This includes social media and IT networks. It also applies to students who are undertaking a higher education programme as part of an apprenticeship programme or who are studying at a partner organisation. All of these types of learners will be referred to as 'students' in this document.

Non-academic offences

The University Centre Colchester **Disciplinary Policy** may be evoked when alleged or suspected student misconduct requires the institution to take action. It relates to matters of non-academic misconduct.

Academic offences

Procedures relating to matters of academic misconduct can be found in the **Academic Offences Policy**.

Students registered on programmes leading to membership of a professional body should demonstrate appropriate behaviour and standards required for entry into that profession. Alleged actions and/or behaviours which may be considered to fall short of the professional codes of conduct will be considered under the **Fitness to Practise Policy**.

Where there is concern that mental health, illness or disability may have directly impacted on the behaviour and/or conduct of a student, the matter will be considered under the **Fitness to Study Policy** as an alternative to disciplinary action.

Concerns over a student's engagement with or progress on their Academic programme of study should be dealt with under the **Attendance Engagement and Progress Policy**.

Where a student is found to be 'fit' to study or to practise through the above mentioned policies their behaviour may be referred back to the University Centre

Colchester Disciplinary process for either further consideration or allocation of 'Warning Points' (see section 6 for further information).

2. Guiding Principles

The Student Disciplinary Policy is concerned with setting out clear and defined processes and procedures for dealing with allegations of non-academic misconduct, which are both transparent and fair.

Where issues concerning student conduct and behaviour arise in the day to day running of the University Centre Colchester, it is hoped that these issues will be resolved at School level by a member of staff by issuing an Improvement Agreement (Form HEIA- 1)

If it is not possible and / or appropriate to successfully deal with the issue at School level then the procedure outlined below shall apply.

3. Definitions of Misconduct

University Centre Colchester considers the following actions to constitute acts of non-academic misconduct which are likely to lead to disciplinary proceedings. This list should not be considered as exhaustive:

1. Failure to respect the rights of others to freedom of speech, belief, orientation or practices.¹
2. Violent, disorderly, threatening or offensive behaviour whilst on institutional premises or engaged in an institutional activity.
3. Acts of fraud, deceit or dishonesty.
4. Actions which may cause injuries or impairment of health, safety or welfare on institutional premises or engaged in an institutional activity.
5. Disruption or improper interference with academic, administrative, social or other activities of the institution.
6. Intimidating behaviour or harassment towards any student, staff member or visitor of the institution.
7. Intentional damage or defacement of any institutional property, buildings or grounds or other properties in the local area.
8. Violation or disregard for any of the institutional rules, including those pertaining to the institutional grounds.
9. Failure to disclose identity to a member of institutional staff in circumstances in which it is reasonable to require that such information be given.

¹ Provided views do not breach, or are contrary to laws relating to discrimination or incitement to commit acts of violence.

10. Theft from other members of the institution or from institutional property (this includes unauthorised removal of texts or equipment from classrooms or the Library and thefts from any of the institutional retail or catering outlets).
11. Misuse of institutional equipment, including using the institutional computers to tamper with the network, viewing unauthorised websites/information or other unauthorised behaviour as per the Colchester Institute e-safety policy.
12. Displays of offensive material. (All student initiated posters and advertisements must be approved by Academic Services).
13. Failure to evacuate the building when the Fire Alarm sounds or when requested by institutional staff.
14. Unauthorised use of the University Centre Colchester or Colchester Institute's brands, logos or address.
15. Possession, selling or use of illegal drugs or substances as defined by UK law.
16. Possession of any dangerous object or weapon, including knives, firearms or explosives as defined by UK law.
17. Smoking within institutional buildings. (UK law states that it is illegal to smoke in any enclosed public space or workplace.) This includes the use of e-cigarette and vaping devices.
18. Underage drinking. (UK law states that it is illegal for anyone under the age of 18 to buy alcohol or for anyone to buy alcohol for someone under the age of 18 to consume in a public place).
19. Any actions that may bring the institutions name into disrepute.
20. The consumption of alcohol in a way that results in drunken, dangerous or disorderly conduct. Misconduct committed under the influence of alcohol will be dealt with in equal severity to acts committed while sober.
21. Persistent minor breaches of the Student Charter which impact on the ability of the individuals and/or their colleague's ability to engage fully with the learning opportunities available.
22. Filming or recording any teaching activity or meeting without written consent, unless an agreement has been made under the UCC Reasonable Adjustment policy.
23. Persistent non-attendance of classes, lectures, workshops which may undermine a student's ability to achieve an award.
24. Other material breaches of the University Centre Colchester Student Contract.
25. Sexual harassment of others, whether in person, in writing or online.

4. Procedure and Process

4.1 Consideration of acts of misconduct

Where a student engages in any activity which may constitute misconduct under the definition outlined above, and it is not possible and/or appropriate to successfully deal with the issue at School level then the issue should be drawn to the attention of the Dean of Higher Education or nominee in writing by the students Head or School or their representative. In cases of alleged criminal activity, or matters potentially compromising students safety, University Centre Colchester is normally required to report these concerns to the Police.

The Dean of Higher Education or nominee shall consider the gravity of the misconduct and shall determine whether:

- 1) An initial, conversation with the student is required in order to determine which of the policies referred to in paragraph 1.2 may be used.
- 2) The misconduct is minor and a written warning needs to be issued and one warning point recorded on the student file. The student retains the right to request the matter is taken forward to a full Disciplinary Panel. Details of Penalty Points can be found on Page 8 of this document.
- 3) An investigation is required to gather further information.
- 4) The allegation should be dismissed.
- 5) There is sufficient evidence for the allegation to be dealt with at a meeting of the Disciplinary Panel.
- 6) Whether the issue would be better suited to be referred to one of the other institutional polices referenced in section 1.2.
- 7) If the allegation is for an act of **gross misconduct** which the Dean of Higher Education deems to be of such a serious nature there is deemed to be a risk to the student, fellow students or staff, a temporary suspension may be implemented immediately. Acts of gross misconduct that may trigger a temporary suspension can be:
 - Where a student's actions put themselves, students, staff or visitors at serious risk;
 - Where a student is in possession of an offensive weapon;
 - Where the student is under the influence of illegal substances, or the behaviour involves alcohol or illegal substances;
 - Where the effect of a student's conduct and behaviour is deemed to be so serious that it damages the institution's reputation or violates the rights of others;
 - Where the students continued attendance might compromise the integrity of an investigation.

4.2 Temporary Suspension

If the Dean of Higher Education, or a Head of School nominated by a member of College Executive, decides that an allegation is of such a serious nature that a temporary suspension is required, the student, and their primary carer (where appropriate) and employer (if applicable), will be informed immediately in writing the reason for the suspension and date/time of a subsequent meeting.

In some instances, the suspension will be until further notice. In this instance the student will be invited to a meeting only when the matter has been fully investigated. A suspension also includes a work placement, and UCC trips and events. Whilst on suspension the student should not be in the vicinity of any Colchester Institute campus or return to a Colchester Institute campus until invited to do so. They must not contact staff or students and no reference on any social media site or messaging service should be made in regard to the suspension or matter being investigated.

However, at the discretion of the Dean of Higher Education, a suspended student may be permitted to contact staff to request work to complete. There is no right to this consideration and a student returning from suspension has personal responsibility for completing work that was missed during the suspension. Submission dates will be adjusted accordingly so as to not disadvantage the student.

4.3 Investigation of Allegations

If an allegation requires further investigation, the Dean of Higher Education or nominee will seek further evidence or interview witnesses as required. Prior to any investigative meetings, it will be made clear to any person whose co-operation is sought that questions, answers, comments, or the production of documents, relate to an investigation into a student misconduct investigation. Any student participating in an investigation arising under this procedure has the right to be accompanied by a Student Union representative, parent, friend or disability advocate. Please note that representation by someone attending in a legal capacity is not permitted.

If the Dean of Higher Education determines that the allegation of misconduct should be dealt with at a meeting of a Disciplinary Panel, the student will be informed of the following in writing by the Dean of Higher Education, or nominee, by recorded post:

- That an allegation has been made against them, and what the allegation relates to;
- The date that the allegation was made;
- That a hearing of a Disciplinary Panel will convene to ascertain the validity of the allegation;
- The possible decisions that the University may come to and the consequences for the student;
- The date for the hearing of the Disciplinary Panel to take place;
- The evidence relating to the allegation including all relevant documentation;
- The requirement that the student must respond to the allegation within 7 working days of receipt of the registered letter and confirm their attendance;

- The right of the Disciplinary Panel to hear the allegation and evidence in the student's absence if the student does not respond within the time allowed and does not request an extension by written application with satisfactory reasons;
- The right to provide a written submission regarding the allegation;
- The right to be accompanied to the hearing of the Disciplinary panel by one person who is not attending in a legal capacity.

In the event that the student receives the correspondence and does not respond within 7 working days of the date of the letter, a hearing of the Disciplinary Panel will be scheduled by the Dean of Higher Education or nominee. The student shall be provided reasonable notice of the hearing date including a statement that if he or she does not attend the hearing, the hearing is likely to proceed in his or her absence.

5. Disciplinary Panel

5.1 Membership of the Disciplinary Panel

- Dean of Higher Education or nominee (Chair);
- An appropriate academic member of staff from the School to which the student belongs (to be nominated by the student's Head of School);
- An appropriate academic member of staff from a School to which the student does not belong (to be nominated by Dean of Higher Education) **OR** a senior member of Academic Services staff (to be nominated by the Dean of Higher Education) **OR** a FE Manager at Colchester Institute (to be nominated by the Dean of Higher Education).

Any potential conflict of interest between any panel member and the student(s) to appear before the panel will result in that panel member being replaced by an alternate with whom there is no such conflict.

All members of the panel will be provided with all the evidence from the allegation or investigation and any statements from the student that the allegation is against. This will be provided by the Dean of Higher Education or nominee at least three days before the hearing.

At all stages the student(s) shall have the right to be present while evidence is being heard, to receive copies of all documentary evidence to be presented, and to be accompanied by a representative who is not attending in any legal capacity.

No electronic recording devices are allowed at these meetings, unless organised by the University Centre Colchester. Where a recording is made, a copy will be provided by University Centre Colchester to the student. Any recording made without permission may be deemed an act of misconduct.

If, after hearing the evidence, the panel decides that the evidence does not support the allegation against the student, the student will be informed in writing by the Dean of Higher Education or nominee by recorded post that the allegation has been withdrawn and that the matter is closed.

If, after hearing the evidence, the panel finds that the evidence does support the allegation, they will determine the number of warning points that should be issued to the student's record, as outlined below.

The Chair of the Panel, if not the Dean of Higher Education, will confirm the recommendation to the Dean of Higher Education or nominee who will write to the student to confirm the outcome of the meeting within 7 calendar days.

5.2 Outcomes

With regard to this policy it is important to note that University Centre Colchester hearings are not legal hearings and University Centre Colchester investigations are not legal investigations. Legal rules of evidence do not apply, and it is not therefore necessary to use the legal test of 'beyond reasonable doubt'. However, at every stage staff should endeavour to reach a fair decision based on the balance of probabilities as to whether or not the evidence available proves the case being made against the student.

The above definition of a non-legal investigation nevertheless reflects the institution's right to arrive at a judgement.

6. Warning Points System

When a student's actions or behaviour is being considered by the Dean of Higher Education or the Chair of the Disciplinary Panel warning points may be recorded according to the seriousness and nature of the behaviour. Points awarded will be recorded by the Academic Services department.

Offences, for the purpose of warnings, fall into different levels of seriousness classified on a four point scale, which are allocated as follows:

- 1 - Minor
- 2 - Serious
- 3 - Grave
- 4 –Expulsion

The Disciplinary Panel will use their discretion and take into account the individual circumstances of each offence and vary the type of warning and/or penalty issued accordingly.

A list of examples of misconduct considered by the Disciplinary Panel can be seen in section 3. However for guidance purposes the following examples of misconduct are indicative, but not comprehensive, of the four stages of the warning points system:

Category	Nature of Misconduct
1 – Minor	<p>Failure to disclose identity to a member of institutional staff in circumstances in which it is reasonable to require that such information be given. [3.9]</p> <p>Failure to evacuate the building when the Fire Alarm sounds or when requested by institutional staff. [3.13]</p> <p>Smoking within institutional buildings. (UK law states that it is illegal to smoke in any enclosed public space or workplace.) This includes the use of e-cigarette and vaping devices. [3.17]</p> <p>Persistent non-attendance of classes, lectures, workshops which</p>

	may undermine a student's ability to achieve an award. [3.23]
2 – Serious	<p>Any actions that may bring the institutions name into disrepute. [3.19]</p> <p>The consumption of alcohol in a way that results in drunken, dangerous or disorderly conduct. Misconduct committed under the influence of alcohol will be dealt with in equal severity to acts committed while sober. [3.20]</p>
3 – Grave	<p>Intimidating behaviour or harassment towards any student, staff member or visitor of the institution. [3.6]</p> <p>Intentional damage or defacement of any institutional property, buildings or grounds or other properties in the local area. [3.7]</p> <p>Misuse of institutional equipment, including using the institutional computers to tamper with the network or to view unauthorised websites or information. [3.11]</p> <p>Disruption or improper interference with academic, administrative, social or other activities of the institution. [3.5]</p>
4 - Expulsion	<p>Any act of gross misconduct as identified in section 4.</p> <p>Violent, disorderly, threatening or offensive behaviour whilst on institutional premises or engaged in an institutional activity. [3.2]</p> <p>Possession, selling or use of illegal drugs or substances as defined by UK law. [3.15]</p> <p>Possession of any dangerous object or weapon, including knives, firearms or explosives as defined by UK law. [3.16]</p> <p>Theft from other members of the institution or from institutional property (this includes unauthorised removal of texts or equipment from classrooms or the Library and thefts from any of the institutional retail or catering outlets). [3.10]</p>

6.1 Accumulation of warnings

Where a student has accumulated four or more warning points within the duration of their studies then the Dean of Higher Education shall consider the suspension and / or expulsion of the student. Before making a recommendation to the Executive Vice Principal: Curriculum, Planning & Quality to suspend or expel, the Dean of Higher Education shall consider the detail of the individual offences which have led to the accumulation of four or more warning points and shall hear representations from the student.

7. Appeals

Where a student believes that the Disciplinary Procedures have not been followed correctly, or the decision regarding the outcome of the disciplinary action is

unreasonable, they have the right to appeal. New evidence may be considered at the discretion of the University Centre Colchester, provided that there is a justified reason as to why the evidence was not provided at the beginning of the disciplinary proceedings.

In such cases, the grounds for the appeal should be clearly stated in writing and sent with full supporting evidence, in the first instance, to Academic Services via the following email address: ucc.appeals@colchester.ac.uk

A member of Colchester Institute's Senior Leadership Team who did not participate in the original investigation and decision (The Designated Reviewer) will review the appeal and decide whether there is any new evidence that has come to light or whether the process for disciplinary action has not followed due process.

All applications for appeal should be submitted within 7 days of notification of the outcome of the disciplinary action. University Centre Colchester reserves the right not to progress any appeal which is submitted outside of this deadline. An appeal without adequate grounds and evidence will be dismissed.

The Designated Reviewer will acknowledge receipt of the application for appeal within 7 working days. If, after reviewing the application, the Designated Reviewer deems that the student has sufficient grounds for an appeal and has provided sufficient evidence, he / she will, in the majority of cases, independently decide upon an appropriate course of action. However if this is not possible and/or appropriate, the Dean of Higher Education or nominee may either:

- Reconvene the Disciplinary Panel in the light of new evidence and inform the student of this in writing by recorded post.
- Convene an Appeals Panel in cases where due process has not been followed and inform the student of this in writing by recorded post.

7.1 Membership of the Appeals Panel

The Appeals Panel will consist of the following members:

- A member of Colchester Institute's Senior Leadership Team (Chair);
- An academic member of staff not part of the original Disciplinary Panel;
- Secretary (a member of University Centre Colchester appointed by the Dean of Higher Education or nominee).

In cases where the allegation has not been considered by the Disciplinary Panel and the student is appealing against the decision of the Dean of Higher Education, the Dean of Higher Education will chair the Appeals Panel.

The appeals panel will have the authority to do one of the following:

- Uphold the appeal and decide upon an appropriate course of action - in which case, both the student and the Chair of the Disciplinary Panel will receive a written explanation of the decision;

- Uphold part, but not all, of the appeal and decide upon an appropriate course of action – in which case, both the student and the Chair of the Disciplinary Panel will receive a written explanation of the decision;
- Reject the appeal and inform the student in writing of this decision.

The student will be notified in writing of the Appeals Panel's decision within 10 working days, by the Chair of the Appeals Panel. The decision of the Appeals Panel is final.

7.2 Further Appeals

Any appeal following the formal conclusion of the appeals procedures set out above may be made on the following grounds only:

a) Procedural irregularities in the appeals process

A student who wishes to appeal against the outcome of these procedures should write to the Principal within twenty working days of the Appeal hearing, setting out in detail the nature of the evidence to support the claim that there were procedural irregularities in the appeals process. The claim will be reviewed by a member of Colchester Institute's College Executive who will determine whether there were any procedural irregularities in the appeals process in which case the appeal will be referred to a new Appeals Panel for consideration.

When University Centre Colchester's and Colchester Institute's internal procedures for dealing with complaints and appeals have been exhausted, Colchester Institute will issue a Completion of Procedures letter

The Office of the Independent Adjudicator for Higher Education (OIA) provides an independent course for the review of student complaints and appeals. Students wishing to avail themselves of the opportunity of an independent review by the OIA must submit their application to the OIA within 12 months of the Completion of Procedures letter. Full details of the process are available on request and will be enclosed with the Completion of Procedures.

8. Expired Warnings

All warnings accumulated by a student shall be recorded by Academic Services and will remain there for the period of time that a student is registered at University Centre Colchester. In the event of consecutive periods of study, the record of warnings shall stay on the record and only be deleted once the student has left the institution.

9. Measurement of Policy's Success

The success of the policy will be measured by the number of appeals received by the appeals panel.

10. Monitoring of the Policy

Academic Services will maintain a disciplinary log of all cases brought under the Disciplinary Policy. The Head of Academic Services will file an annual report to the Governing Body, copied to University Centre Colchester's Academic Board on:

- a) the number of students holding warning points;
- b) the number of Disciplinary Panels held and the outcome of the panel;
- c) the number of appeals made and the outcomes;
- d) any recommendations for amendment to the policy and procedures.

11. Review of the Policy

The effectiveness of this policy will be reviewed annually.

12. Related Documents:

- UCC Student Charter
- UCC Academic Offences
- UCC Progress and Academic Conferment
- UCC Fitness to Study Policy
- UCC Fitness to Practise Policy
- UCC Bullying, Harassment, Sexual Harassment Policy
- UCC Harmful Sexual Behaviors Policy

APPENDIX A - Form HEIA - 1
Improvement Agreement (academic or non-academic)

This agreement has been drawn up due to concerns about your attendance, performance or conduct. By signing this you are agreeing to undertake the specified improvements to an agreed timescale. Please be aware that failure to meet these targets and timescales may result in further action.

Please complete in block letters

Student's name					
Student's ID number					
Student's contact details – telephone/email					
Course code and title					Year
Name and designation of staff member					
My improvement targets	Who will help me / where do I need to find information?	Date for completion / progress review			

Statement by Student

I agree to use my best endeavours to meet the above improvement targets and deadlines, and I understand that if I fail to do so this may result in further action being taken, and that depending on the circumstances, this may eventually include withdrawal from University Centre Colchester.

Student's signature: _____ **Date:** _____

Staff member's signature: _____ **Date:** _____