

The Hague Pathway College
THPCCPRQS11: Student Disciplinary Policy
Version 1

CODE OF CONDUCT AND GENERAL REGULATIONS FOR STUDENTS

POWERS

- 1.1 The College Director shall be able to ensure the functioning of the College, the work and other legitimate activities of its staff and/or students.
- 1.2 The College Director or his or her nominee shall be empowered to act summarily on matters which may threaten the general safety or well-being of members of the College/University or the general public.
 - 1.2.1 The College Director is authorised to suspend a student from the College pending consideration of a case. There shall be a right of appeal against such a suspension.
 - 1.2.2 The College Director is authorised to expel students from the College if found guilty of serious allegations of misconduct. There shall be a right of appeal against such an expulsion.

1. RESPONSIBILITIES OF STUDENTS

- 1.1 The College/University expect its students to conduct themselves in such a way as to enable the College/University to fulfil its aims without hindrance. From time to time the College/University will adopt policies and make regulations to this end. All students of the College/University have a responsibility to make themselves familiar with such policies and regulations and particularly those relating to their conduct as enrolled students of the College/University. College staff and the Academic Manager can advise students on the interpretation of these policies and regulations.
- 1.2 No student shall act in breach of any regulation duly authorised by the College/University if they know or ought to know that they were acting in breach of such regulations.
- 1.3 No student shall forge, falsify or misuse any College/University record or document, or knowingly make any false statement, or be a party to impersonation in relation to an academic examination or assessment, or impersonate any other person in order to achieve any unauthorised purpose.

2. ENROLMENT OF STUDENTS

- 2.1 Applicants to the College/University are required fully to complete an appropriate application form. The discovery of any false statements or omissions may lead to an offer to enter the College/University being withdrawn or, in the case of students already enrolled, to their being required to withdraw from the College/University.
- 2.2 A person who, after their acceptance for admission as a student, has been convicted of a criminal offence which, had it been known at the time of application, would have led to the application not being accepted, may be refused admission to the College/University or may be required by the College Director/Vice-Chancellor to withdraw from the College/University.
- 2.3 Each incoming student shall be expected to have made themselves familiar with the Code of Conduct and General Regulations which includes College Policies and Regulations (CPR's – available on the Student Portal). Enrolment shall constitute agreement to abide by the Code of Conduct, General Regulations and acknowledgement of the scope of the College/University's disciplinary power in relation to students.
- 2.4 Students of the College/University are required to give their names, their home and College/University addresses and to produce their identity card or other reasonable means of establishing both student status and identity, when asked to do so by any member of staff.
NOTE: *The student identity card remains the property of the University. It must be produced by the student on demand and may be withdrawn at any time without notice.*
- 2.5 Members of staff of the College/University have authority to check breaches of the rules of discipline. In addition, any member of the College/University staff may, if they think it necessary, order a student, whose conduct is in their opinion in breach of the rules, to withdraw from any room or facility affected by the conduct in question.

3. APPEAL

- 3.1 A student who has been suspended for a period of 28 days, and who has not received notice of a disciplinary hearing, shall have an opportunity to appeal against suspension to the Chair of the Board of Governors (if suspended by the Vice-Chancellor), or to the Vice-Chancellor (if the student has been suspended by a Deputy Vice-Chancellor, University Secretary and Academic Registrar, College Director or Dean). Any such appeal must be in writing, stating the grounds of the appeal. The suspension shall continue to operate pending determination of the appeal.
- 3.2 Any student reprimanded or suspended by a College Director, or required by the College Director to undertake voluntary work, shall have the right to have their case referred to the Student Disciplinary Committee, provided that this request is submitted in writing to the College Director within five working days of receipt by the student of the College Director's decision.
- 3.3 Any student who is fined by the University Secretary and Academic Manager and who considers the fine unfair, excessive or inappropriate shall have the right to have their case referred to the Student Disciplinary Committee, provided that this request is submitted in writing to the University Secretary and Academic Manager within five working days of receipt of his/her decision to impose a fine.

4. CONFIDENTIALITY AND INTELLECTUAL PROPERTY

- 4.1 No student shall, without the prior consent of the College/University, disclose or use for the benefit of themselves or others any confidential information belonging to the College/University or relating to its affairs which comes to their knowledge while an enrolled student of the College/University. The definition of confidential information is set out in paragraph 5.6 below. Unless otherwise specified, this restriction on disclosure shall cease to apply:
 - 4.1.1 Five years after the student ceases to be an enrolled student of the College/University, or
 - 4.1.2 When the restriction is replaced or superseded by an agreement with another agency, or
 - 4.1.3 When information has come into the public domain by authorised means.
- 4.2 Any confidential records, documents or other papers (or copies of such) made or acquired while an enrolled student are the property of the College/University and must be returned to the College/University on termination of enrolment.
- 4.3 Confidential information includes all knowledge and material designated as such, and any information which relates to the commercial and financial activity of the College/University where unauthorised disclosure may embarrass or harm the College/University. It does not include knowledge and material which has come into the public domain by authorised means.
- 4.4 Notwithstanding the preceding paragraph, the College/University affirms the rights set out in its Code of Practice on Freedom of Speech.
- 4.5 No student shall publish any material arising from their activities as a student without the approval of the College Director. Such approval will not be unreasonably withheld. Where such approval is given, students must comply with any conditions attached.
- 4.6 The copyright in any scholarly work or design compiled, edited or otherwise brought into existence by an enrolled student of the College/University shall belong to the student. Scholarly work includes published books and contributions to books, articles and conference papers, and unpublished material such as essays, dissertations and theses. However as provided in paragraph 5.5 above, no student shall publish any material arising from their activities as a student without the approval of the College Director.
- 4.7 All intellectual property, other than copyright defined in the preceding paragraph (including but not limited to patents, design rights, copyright other than defined in the preceding paragraph, trademarks, data and commercial know-how) arising from any activity undertaken as a student is assigned to the College/University or until the student's agreement with the College/University is replaced or superseded by an agreement with another agency.
- 4.8 Each student shall enter into such further agreements and execute such further documents as the College/University or its agents may properly require for the purposes of perfecting the College/University's title to the intellectual property.

- 4.9 The College/University undertakes to recognise the creative endeavour of its students and to reward them in accordance with the same principles and procedures applicable to employees of the College/University.

5. STUDENT DEBTORS

- 5.1 Students who fail to settle accounts presented to them, whether they arise as a consequence of damage to or loss of property or fines under the Disciplinary Procedure, or relate to tuition fees, accommodation costs, or the provision of other College/University services, will not, if a continuing student, be permitted to re-enrol until satisfactory arrangements have been made with the College or University Finance Office for the payment of the outstanding debt. In addition, any student who is in debt to the University may be subject to one or more of the following sanctions:-

- withholding of awards documents;
- withholding of transcripts;
- exclusion from awards ceremonies;
- exclusion from a programme of studies;
- legal action.

6. MISCONDUCT

- 6.1 The essence of misconduct under this Code is improper interference, in the broadest sense, with the proper functioning or activities of the College/University or those who work or study in the College/University; or action which otherwise damages the reputation, operation or future prospects of the College/University.
- 6.2 The following paragraphs elaborate this general rubric, but not so as to derogate from its generality. This Code is not an Act of Parliament or part of the law of the land and it does not therefore seek to reflect or incorporate the approach of the criminal law in defining criminal offences with great precision. The purpose of the Code is to regulate students' behaviour as students of the College/University in order to secure the proper working of the College/University in the broadest sense.
- 6.3 Nevertheless, serious consequences may follow a finding of misconduct. It is therefore necessary in every case for it to be shown that the conduct in question does fall within the general rubric in paragraph 7.1 before it may be characterised as misconduct. It is also open to a student facing a complaint of misconduct to argue that the conduct in question, whether or not falling within one or more of the following paragraphs, should not be treated as misconduct because it does not interfere or damage in the manner contemplated by the rubric.
- 6.4 The following will (subject to the above) constitute misconduct and may cause the Disciplinary Procedure (Annex 2) to be applied:
- 6.4.1 disruption of, or improper interference with, the academic, administrative, professional, sporting, social or other activities of the College/University, whether on College/University premises or elsewhere;
 - 6.4.2 obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of the College/University or any authorised visitor to the College/University;
 - 6.4.3 behaviour or language which is violent, indecent, disorderly, threatening, offensive or causes fear or distress to others;
 - 6.4.4 fraud, deceit, deception or dishonesty in relation to the College/University or its staff or in connection with holding any office in the College/University or in relation to being a student of the College/University;
 - 6.4.5 action likely to cause injury or impair safety or is in breach of any College/University policy or regulation or any legislative provision in relation to health and safety
 - 6.4.6 harassment of any student, member of staff or other employee of the College/University or any authorised visitor to the College/University, or breach of any regulatory or legislative responsibilities in relation to equality and diversity;
 - 6.4.7 breach of the provisions of the College/University's Code of Practice on Freedom of Speech or of any other Code or College/University rule or regulation which provides for breaches to constitute misconduct under this Code;

- 6.4.8 examination and assessment offences; (See CPR 11)
- 6.4.9 damage to, or defacement of, College/University property or the property of other members of the College/University community caused intentionally or recklessly, or misappropriation of such property;
- 6.4.10 misuse or unauthorised use of College/University premises or items of property, including computer misuse;
- 6.4.11 failure to disclose the student's name and other relevant details, or to show an ID card, to an officer or employee of the College/University in circumstances when it is reasonable to require that such information be given;
- 6.4.12 failure to comply with a previously-imposed penalty under this Code.

NOTE: *The Disciplinary Procedure for students will normally be applied in respect of an alleged complaint of misconduct or breach of discipline as defined above where the complaint relates to actions carried out on College/University premises or while the student is engaged elsewhere on official College/University activities or as a member/representative of the College/University. Exceptionally a complaint as defined above may be considered even if the activity complained of took place outside the College/University, while the student was not on official College/University business nor acting as a representative of the College/University.*

A complaint may also be made, and the Disciplinary Procedure invoked, in respect of

- 6.4.13 conduct which constitutes a criminal offence where that conduct
 - (a) took place on College/University premises, or
 - (b) affected or concerned other members of the College/University community, or
 - (c) may damage the good name of the College/University, or
 - (d) itself constitutes misconduct within the terms of this Code, or
 - (e) is an offence of dishonesty, where the student holds an office of responsibility in the College/University;
- 6.4.14 behaviour which brings the College/University into disrepute;
- 6.4.15 for students undertaking programmes which are subject to specified standards of professional behaviour (such as education, nursing and professions allied to health and social work), behaviour which breaches the professional requirements of student practitioners, including (but not exclusively): non-disclosure of information; dishonesty; fraud; physical/verbal abuse; harassment; bullying; any action which would constitute a criminal offence, irrespective of whether any such activity took place on College/University premises or while on College/University business. Such behaviour will be known throughout this procedure as 'unprofessional conduct' irrespective of where the activity complained of took place.

6.5 Where a complaint of misconduct has been made, the College Director/Vice-Chancellor may rule that the complaint should not be the subject of further action under the Code, but such a ruling shall not preclude informal action by way of caution or otherwise as appropriate.

6.6 Where a complaint of misconduct or breach of discipline is made in relation to circumstances other than those set out above, the College Director/Vice-Chancellor, or the student's Dean or School, where appropriate, shall consider whether the complaint is such that the College/University Disciplinary Procedure for Students should be invoked.

7. COMPLAINTS OF MISCONDUCT

NOTE: *See also Student Grievance Procedure (CPR 13)*

7.1 A complaint of misconduct either by one student against another or by a member of staff against a student should normally be made to the College Director/Head of School in which the student against whom the complaint is made is registered, or in their absence, to another appropriate senior member of staff of the College, or School, or to the University Secretary and Academic Manager. Where a complaint of misconduct is brought directly to the attention of a member of College staff, the College Director, the University Vice-Chancellor, a Deputy Vice-Chancellor, or a Dean, it will normally be referred to the College Manager or Head of School concerned.

7.2 Many complaints may be resolved informally by consultation between the student(s) and staff concerned. The College/University encourages College Managers and University Heads to use this option when appropriate. Complaints for which the Disciplinary Procedure is not appropriate should also be dealt with in this way.

7.3 Where a complainant is dissatisfied with a decision by the College Manager or a Head of School not to apply the formal Disciplinary Procedure, they may refer the matter to the College Director/Dean, who may then instruct the College Manager/Head of School to proceed with the Student Disciplinary Procedure, may take action themselves or may otherwise resolve the matter. The College Director/Dean's decision on how to proceed shall be final.

7.4 Complaints against students of the College/University may also be received from individuals who are not themselves members of the College/University. Where such complaints are received, the recipient should consult the College Director/University Secretary and Academic Registrar or Dean to identify what action, if any, to take about the complaint.

NOTE: *a complaint by a student against a member of staff will be investigated under the Student Grievance/Complaints Procedure and, if disciplinary action is found to be necessary, under the Disciplinary Procedure applicable to that member of staff.*

8. MISCONDUCT THAT IS ALSO A CRIMINAL OFFENCE

8.1 The following procedures apply where the alleged misconduct would also constitute an offence under the criminal law if proved in a court of law.

8.1.1 Where the offence under the criminal law is considered to be not serious, action under this Code may continue, but such action may be deferred pending any police investigation or prosecution. If it is so deferred the student will be informed that the College/University may pursue disciplinary action when a decision from the courts is received.

8.1.2 In the case of all other offences under the criminal law, no action (other than suspension or exclusion pursuant to the Principles and Powers set out in section 1 of this Code) may be taken under this Code 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 College Director/Vice-Chancellor will decide whether disciplinary action under this Code should subsequently be taken.

8.1.3 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.

9. BREACH OF LIBRARY, COMPUTING SERVICE HALLS OF RESIDENCE RULES

9.1 There are rules governing the use of library and of computing facilities in the College/University, as well as for Halls of Residence (issued to students residing in Hall). These rules form part of the Code of Conduct and General Regulations for students and the Disciplinary Procedures may therefore be invoked in cases of alleged misconduct or breaches of these rules by students.

9.2 A breach of the rules laid down for the Library and the Computing Service will be referred in the first instance to the appropriate Head of Service, College Director or in their absence, an appropriate senior member of staff.

9.3 Where a complainant is dissatisfied with a decision by a Head of Service not to apply the Disciplinary Procedure, they may refer the matter to the Deputy Vice Chancellor (Resources), who may then instruct the Head of Service to proceed with the student Disciplinary Procedure, may take action him/herself or may otherwise resolve the matter. The Deputy Vice-Chancellor's decision on how to proceed shall be final.

9.4 Any breach in the Terms and Conditions of the Residents' Licence will normally be dealt with in accordance with the Halls of Residence - Disciplinary Procedure.

9.5 Where action is taken under any of the above procedures against a student on a professional programme, the record shall be copied to the College Director (to ensure that it can be correlated with the student record).

10. GENERAL REGULATIONS REGARDING UNIVERSITY FACILITIES

10.1 The College/University accept no responsibility for private property lost or damaged on College/University premises.

- 10.2 The College/University, under the Health and Safety at Work Act 1974, takes all such steps as are reasonably practical to meet its responsibility for providing a safe and healthy work place for staff, students and visitors. Students are expected to set an example in safe behaviour and to maintain a constant and continuing interest in health and safety matters. It is a requirement that all members of the College/University should familiarise themselves with and observe the recognised safety standards published in the 'University of The Hague Safety Policy' (within the Student Handbook) and the relevant Codes of Practice.
NOTE: *In addition to any disciplinary procedures taken against students, students are reminded that, where it is established that they have acted in contravention of statutory Health and Safety requirements, they may have civil or criminal proceedings taken against them.*
- 10.3 There will be no smoking in parts of the College/University designated by the College Director/Vice-Chancellor as no smoking areas. Anyone requested to refrain from smoking in such an area shall do so immediately.
- 10.4 Areas which are under the control of building contractors may not be entered without written permission. The roofs of College/University buildings are out of bounds and access to them is forbidden without written permission.
- 10.5 No student shall wilfully damage, or deface, or wrongfully treat as their own, the fabric of the College/University or any property of the College/University or of any other person on College/University premises. Students will be required to make good in whole or in part to the satisfaction of the College/University any damage they may cause to the fabric or property of the College/University.
- 10.6 Furniture, equipment and other property owned by the College/University may not be moved within any building, or removed from a building, without proper authority. Anything moved in contravention of this regulation may be recovered without notice by authorised College/University staff.
- 10.7 Any student who wishes to bring a vehicle on to the College/University campuses must comply with the rules governing the driving and parking of vehicles which are in force. It is the responsibility of students to acquaint themselves with these rules.
NOTE: *the term 'vehicle' includes motor cycles, bicycles, etc.*
- 10.8 No student of the College/University shall create or cause to be created excessive noise which may cause discomfort, inconvenience or annoyance to authorised users of College/University premises.

THE HAGUE PATHWAY COLLEGE DISCIPLINARY PROCEDURE FOR STUDENTS

Invoking the procedure

This procedure will be followed in cases where misconduct or breaches of discipline, as set out in the Code of Conduct for Students, are alleged and where informal action as described in paragraph 8.2 of the Code of Conduct is either considered inappropriate or has failed to achieve its aim.

Powers under the procedure

The College Director/Dean shall have the power to proceed with the Second Stage of the Disciplinary Procedure without the First Stage having been invoked. In the case of a Students' Union sabbatical officer, the power to proceed with the Second Stage is vested in the Dean of Students. Under exceptional circumstances, the Vice-Chancellor or nominee shall have the power to proceed directly to the Third Stage of the Disciplinary Procedure without the First or Second Stages having been invoked.

NOTE: *Nothing in the procedure shall derogate from the powers of the Vice-Chancellor as set out in Annex 1.*

Timescales

The timescales identified are those which will normally apply. In exceptional circumstances action may be taken outside these timescales.

Serving of notices

Any written notices required to be given under Disciplinary Procedures should, wherever possible, be delivered by hand to the student or staff member concerned. Where notices are given by post, notices to College/University staff will be addressed to the College/University and notices to a student normally to the student's term time address as recorded on the College/University Student Record System, with a copy to their permanent address if out of term-time, and a duplicate copy being addressed to the student at the School in which their programme of study is located. All notices given by external mail shall be sent by Recorded Delivery. Notices given by internal or external post shall be deemed to have been served within three working days of posting.

1. First Formal Stage: ACTION BY COLLEGE DIRECTOR/HEAD OF SCHOOL

- 1.1 The College Director/ Academic Manager, in consultation with the student's Programme Tutor, shall within five working days of receipt of a complaint determine whether to apply the Disciplinary Procedure for Students. In coming to that determination the College Director/Head may call for such papers, examine such witnesses and conduct such other enquiries as they may think fit.
- 1.2 If the College Manager/Academic Manager decides to apply the Disciplinary Procedure for Students they will interview the student in the presence of the Programme Tutor, giving the student at least two working days' notice in writing, and providing them with a copy of the Code of Conduct for Students and the accompanying Disciplinary Procedure and of the initial complaint. The student may be accompanied at the interview by a friend who may speak on their behalf.

NOTE: *the College/University will endeavour to take account of a student's personal circumstances in fixing a date and time for an interview. However, a student will be expected to make him or herself available to attend an interview on any day/ time at which he or she might reasonably have been expected to be in attendance at the College/University (that is any weekday in term time between 9am and 5pm for full time students). Failure of a student to attend an interview with the College Director/ Head of School, after having been properly served with a notice to do so, does not prevent the College Director/ Head of School from taking disciplinary action against the student. Nor will failure to attend constitute grounds for appeal against the disciplinary action unless the student can show good reason for this failure. Failure to attend may itself constitute misconduct under the Code.*
- 1.3 The College Director/Head of School may:
 - 1.3.1 dismiss the case;
 - 1.3.2 warn the student informally of the possible consequences of any further misconduct;
 - 1.3.3 reprimand the student formally, such reprimand to be confirmed in writing (The student is warned that, if they were to commit further breaches of discipline of any nature in the future, their present

offence would be taken into account in the course of further hearings, when a penalty for that further breach would be under consideration);

- 1.3.4 a College Director may require the student to undertake voluntary work for the University, the nature, timing and duration of that work to be established by the Head in consultation as appropriate with other University managers. Where a student declines or fails to complete that work, the Head may alternatively recommend the imposition of a fine (see 1.3.5 below)
- 1.3.5 a Head of School may recommend to the University Secretary and Academic Registrar that a fine not exceeding £100 be imposed.
- 1.3.6 refer the matter to the College Director/Dean, in which case the College Director/Head will present the evidence and advise the College Director/Dean;

1.4 The College Director/Head shall convey his or her decision to the student in writing within two working days of the interview. If the case is dismissed all records of the case shall be destroyed.

1.5 Any student who is dissatisfied with the action of the College Manager/Head of School or with their decision may have their case considered by the College Director/Dean (or his/her nominee), provided that the student submits a written request to the College Director/Dean within five working days of receipt of the College Manager's/Head's decision.

1.6 The Academic Manager will advise the student in writing within five working days of receipt of a recommendation from the College Director/Head of School/Department whether a fine is to be imposed, the amount of the fine, and where it is to be paid and by when.

1.7 Any student who is fined by the University Secretary and Academic Registrar and who considers the fine unfair, excessive or inappropriate has the right to have their case referred to the Student Disciplinary Committee, provided that the student submits a written request to the University Secretary and Academic Registrar within five working days of receipt of his/her decision to impose a fine.

2. **Second Formal Stage: ACTION BY THE COLLEGE DIRECTOR/ DEAN**

NOTE: *In a case where the College Director/Dean has decided to proceed directly to the Second Stage of the Disciplinary Procedure, the time limits in paragraphs 2.1 and 2.2 shall be deemed to commence from the date of the College Director's/Dean's decision to invoke the Second Stage of the procedure. In such a case the College Director/Dean shall provide the student with a copy of the Code of Conduct for Students and the accompanying Disciplinary Procedure and of the initial complaint if this information has not already been made available to the student.*

2.1 The College Director/Dean shall, within seven working days of the case having been referred to him/her, examine the evidence collected by the Head. The College Director/Dean may conduct such enquiries as he/she may think fit.

2.2 The College Director/Dean shall, within fourteen working days of the case having first been referred to him or her, interview the student in the presence of the College Manager/Head of School concerned, having given the student at least two working days' notice in writing of the interview. The student may be accompanied at the interview by a friend, who may speak on their behalf.

NOTE: *the College/University will endeavour to take account of a student's personal circumstances in fixing a date and time for an interview. However, a student will be expected to make him or herself available to attend an interview on any day/ time at which he or she might reasonably have been expected to be in attendance at the College/University (that is any weekday in term time between 9am and 5pm for full time students). Failure of a student to attend an interview with the Dean, after having been properly served with a notice to do so, does not prevent the College Director/Dean from taking disciplinary action against the student. Nor will failure to attend constitute grounds for appeal against the disciplinary action unless the student can show good reason for this failure. Failure to attend may itself constitute misconduct under the Code.*

2.3 Where the case involves an allegation of unprofessional conduct, the College Director/Dean shall invite to the hearing a representative from the appropriate profession not previously involved in the case.

NOTE: *A student subject to an accusation of unprofessional conduct is advised to seek advice from their professional body or union, who may also accompany them at the hearing.*

- 2.4 The College Director/Dean may either refer the case to the Student Disciplinary Committee or may resolve the case him/herself, in which event the College Director/Dean may:
- 2.4.1 dismiss the case;
 - 2.4.2 warn the student informally of the possible consequences of any further misconduct;
 - 2.4.3 reprimand the student formally, such reprimand to be confirmed in writing and entered on to the student's record centrally. (The student should be warned that, if they were to commit further breaches of discipline of any nature in the future, their present offence would be taken into account in the course of further hearings, when a penalty for that further breach would be under consideration);
 - 2.4.4 a Dean may require the student to undertake voluntary work for the University, the nature, timing and duration of that work to be established by the Dean in consultation as appropriate with other University managers. Where a student declines or fails to complete that work, the Dean may alternatively recommend the imposition of a fine (see 2.4.5 below)
 - 2.4.5 a dean may recommend to the University Secretary and Academic Registrar that a fine not exceeding £100 be imposed.
 - 2.4.6 suspend the student pending consideration of the case by the Student Disciplinary Committee.
NOTE: *this will require the student to withdraw from the College/University or from certain of its facilities, potentially including, residential accommodation for a given period, either absolutely or pending compliance with certain stated requirements.*
- 2.5 Where a student is subject to an allegation of unprofessional conduct, the potential consequences of the disciplinary hearing may be severe, in that it could prevent the student's following their chosen profession. Unless the finding is that the student is not guilty of the allegation, or it is agreed with the representative of the profession that the breach was sufficiently minor that it will not impact on the student's future career, the College Director/Dean will normally be expected to refer the case to a Stage 3 Student Disciplinary Committee.
- 2.6 If a student has been found guilty of an offence involving injury, damage or loss to persons or property they may, in addition to any one of the sanctions listed above, be required to pay appropriate compensation.
- 2.7 The College Director/Dean shall convey his or her decision in writing to the student and the College Manager/Head of School within three working days. If the case is dismissed the records of the case shall be destroyed.
- 2.8 Any student reprimanded or suspended by the College Director/Dean or required to undertake voluntary work, or who is required to pay compensation and considers the compensation excessive, shall have the right to have their case referred to the Student Disciplinary Committee, provided that this request is submitted in writing to the College Director/Dean within five working days of receipt by the student of the College Director's/Dean's decision.
- 2.9 The University Secretary and Academic Registrar will advise the student in writing within five working days of receipt of a recommendation from the College Director/Dean whether a fine is to be imposed, the amount of the fine, and where it is to be paid and by when.
- 2.10 Any student who is fined by the University Secretary and Academic Registrar and who considers the fine unfair, excessive or inappropriate shall have the right to have their case referred to the Student Disciplinary Committee, provided that this request is submitted in writing to the Registrar within five working days of receipt of the decision to impose a fine.
3. **Third Formal Stage: STUDENT DISCIPLINARY COMMITTEE**
NOTE: *In a case where the College Director or nominee has decided to proceed directly to the Third Stage of the Disciplinary Procedure, the Committee shall hear a case normally within ten working days of the College Director's decision to invoke the procedure. In the event of a decision to proceed directly to the Third Stage, the University Secretary and Academic Manager or other senior member of staff nominated by the College Director, will collect evidence, call for papers, examine witnesses, and conduct such other enquiries as they may think fit. They will also provide the student with a copy of the Code of Conduct for Students and the accompanying Disciplinary Procedure and of the initial complaint if this information has not already been given to the student. If the allegation relates to a student on a professional programme, the student should*

be advised that given the potentially serious consequences for their professional career, they should consider taking advice from the relevant professional union and seeking union representation at the hearing

3.1 Membership

The membership for the Student Disciplinary Committee shall be:

- Chair - a Deputy Vice-Chancellor; or the University Secretary and Academic Registrar; or a Dean
- Two academic staff, normally selected from the Academic Board. Where the case involves an allegation of unprofessional conduct, academic staff representatives on the Committee should include at least one representative from a professional programmes outwith the School concerned, irrespective of their membership of Academic Board or otherwise.
- Two students, normally selected from the Academic Board

Where a case involves an allegation of unprofessional conduct, the Committee shall include one professional/statutory body representative and/or one representative from an employing authority not previously involved in the case

- 3.2 No College Director/Dean shall chair a Disciplinary Committee which is to consider a case in which he or she has had previous involvement; the University Secretary and Academic Registrar shall not chair a Disciplinary Committee which is to consider an appeal against a fine imposed by the University Secretary and Academic Registrar.

3.3 The hearing of student disciplinary cases

3.3.1 The Committee shall hear a case normally within ten working days of its referral to a Committee.

NOTE: the College/University will endeavour to take account of a student's personal circumstances in fixing a date and time for a Committee hearing. However, a student will be expected to make him or herself available to attend an interview on any day/ time at which he or she might reasonably have been expected to be in attendance at the College/University (that is any weekday in term time between 9am and 5pm for full time students). Failure of a student to attend a hearing, after having been properly served with a notice to do so, does not prevent the Disciplinary Committee from taking disciplinary action against the student. Nor will failure to attend constitute grounds for appeal against the disciplinary action unless the student can show good reason for this failure. Failure to attend may itself constitute misconduct under the Code.

3.3.2 The University Secretary and Academic Registrar (or nominee) shall act as Clerk to the Committee (except where the Committee is chaired by the University Secretary and Academic Registrar, or where the Committee hears an appeal against a fine imposed by the University Secretary and Academic Registrar; in such cases the clerk shall be nominated by the Committee Chair). The Clerk shall be responsible for convening the Committee, for notifying the student of the date of the Committee, and for the administration of the proceedings of the Committee.

3.3.3 The Clerk shall be responsible for notifying the student of the allegations to be considered by the Committee and for the circulation of documents, submissions etc, to the Committee members.

3.3.4 The Clerk shall keep records of the proceedings.

3.3.5 No proceedings of the Committee shall be invalidated by reason of any vacancy in the membership of the panel or the failure of any member of the panel to attend the Committee when summoned to do so, provided that no member of the Committee shall participate in any decision of the Committee unless he or she has been present throughout the proceedings and provided that the members present throughout shall not number less than three, of whom one shall be a student.

3.3.6 The student shall have the right to be heard in person and to be accompanied by a friend who may speak on his or her behalf.

3.3.7 The Committee shall have the power to call for documents, call and examine witnesses and conduct other such enquiries as it thinks fit.

3.4 Procedure for hearing student disciplinary cases

The procedure for a hearing before the Student Disciplinary Committee shall normally be as follows, but in exceptional circumstances, when Stage 3 is invoked by the Vice-Chancellor or his nominee, the University Secretary and Academic Registrar, or other senior member of staff nominated by the Vice-Chancellor, may act in place of the College Director/Dean.

3.4.1 written statements will be prepared by the College Director/Dean and may be prepared by the student concerned and these must be circulated in advance of the hearing to all members of the Committee, to the College Director/Dean and to the student;

3.4.2 the College Director/Dean shall put the case in the presence of the student and may call witnesses;

- 3.4.3 the student shall have the opportunity to ask questions (on the evidence given) of the College Director/Dean and any witnesses who the College Director/Dean may call;
- 3.4.4 the Committee may ask questions of the College Director/Dean and witnesses and the latter shall then withdraw;
- 3.4.5 the student shall put their case in the presence of the College Director/Dean and call such witnesses as the student wishes; the student's friend may also speak on their behalf;
- 3.4.6 the College Director/Dean shall have the opportunity to ask questions of the student, their friend and their witnesses;
- 3.4.7 the Committee may ask questions of the student, their friend and witnesses, and the latter shall then withdraw;
- 3.4.8 the College Director/Dean and the student shall have an opportunity to sum up their cases if they so wish, the student's statement being heard last;
- 3.4.9 the College Director/Dean and the student and friend shall withdraw;
- 3.4.10 the Committee, with the Clerk in attendance, shall deliberate in private only recalling the College Director/Dean and the student to clear points of uncertainty on evidence already given. If recall is necessary both parties are to return notwithstanding the possibility that only one of them is concerned with the point giving rise to doubt;
- 3.4.11 the Committee shall announce the decision to the parties either personally or in writing, as may be determined by the Committee.

3.5 Decision of the Student Disciplinary Committee

The Committee's decision shall be reported to the Vice-Chancellor, College Director/Dean, College Manager/Head of School, the appropriate sabbatical officer of the University of Plymouth Students' Union and the student concerned, within five working days of it having been made. The decision of the Committee shall be one of the following:

- 3.5.1 in the case of an appeal against action taken by the College Director/Dean, the Committee may uphold the College Director/Dean's decision or substitute its own decision
- 3.5.2 in the case of an appeal against a fine imposed by the University Secretary and Academic Registrar, the Committee may uphold the fine, reduce or dismiss the fine, or consider such other sanction as may be found appropriate;

The Committee may alternatively (or where appropriate additionally):

- 3.5.3 dismiss the case;
- 3.5.4 conditionally dismiss the case. (No further action will be taken provided the student fulfils certain specified conditions);
- 3.5.5 issue a written reprimand and warning. (The student is warned that, if they were to commit further breaches of discipline of any nature in the future, their present offence would be taken into account in the course of further hearings, when a penalty for that further breach would be under consideration);
- 3.5.6 impose a fine, the amount to be determined by the Committee
- 3.5.7 require the student to undertake voluntary work for the University (the nature, timing and duration of the work to be determined by the Chair of the Committee). Where a student declines or fails to complete that work, the Committee may alternatively impose a fine;
- 3.5.8 suspension from all or part of the University for a specified period;
- 3.5.9 exclusion from the award of a degree or other qualification, either permanently or for a given period, and either absolutely or pending compliance with certain stated requirements;
- 3.5.10 exclusion from a programme or suite of programmes at the University, either permanently or for a given period, and either absolutely or pending compliance with certain stated requirements;
- 3.5.11 expulsion from the University.
- 3.5.11 such other sanctions as may be found appropriate by the Student Disciplinary Committee;

3.6 If a student has been found guilty of an offence involving injury, damage or loss to persons or property they may, in addition to any one of the sanctions 3.5.2 to 3.5.11 above, be required to pay appropriate compensation.

3.7 Details of the offence and penalties imposed shall be entered on the student's record centrally. The record of a student's case which has been dismissed absolutely shall be destroyed.

NOTE: Where the actions of a student or students contravene the Health & safety at Work Act 1974 and are so considered by a Health and Safety Executive Inspector, the student(s) may face prosecution under the Health and Safety at Work Act 1974 or other safety regulations in addition to any action taken by the University.

3.8 In the case of a finding of unprofessional conduct, the Committee shall determine whether any finding against the student should be referred to in the context of future references.

4. Fourth Stage: APPEAL TO THE COLLEGE DIRECTOR

4.1 The student shall have the right of appeal against any decision of the Disciplinary Committee in part, or in whole.

4.2 The appeal will be to the College Director . Any such appeal must be lodged in writing with the University Secretary and Academic Registrar within 14 working days of the decision of the Student Disciplinary Committee being sent to the student.

4.3 The College Director shall make no further enquiry into matters of fact unless new evidence is submitted which the Vice-Chancellor considers should be taken into account.

4.4 The decision of the College Director shall be final. The College Director may either endorse the decisions of the Disciplinary Committee, or uphold the appeal against the Committee's decision, or substitute another decision as he or she thinks fit.

5. RECORDS

5.1 The records of the case of a student against whom charges have been proven will normally be entered on to the student's central record and kept on the record until the student has completed their programme of study.

5.2 The records of the case of a student who has been cleared of all charges absolutely and unconditionally shall be destroyed.