



**Birmingham City University International College**  
**BCUIC CPR QS11: Student Disciplinary Policy**  
**Version 1.13**

**1. Introduction**

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

**2 General Principles**

- 2.1 This Policy incorporates the principles of natural justice. It determines that:
- a) all stages of the process will accord with the Navitas UK and Partner University's Equal Opportunities Statements;
  - b) there will be consistency of treatment across the Colleges;
  - c) It is the responsibility of a College to prove the allegation. The standard of proof required is that of the balance of probability: it should be more likely than not that the student has committed the misconduct alleged.
  - d) students will be given notice of allegations made about their behaviour and reasonable time to prepare a defence;
  - e) students have the right to request advice from the Partner University's Students' Union;
  - f) all parties will receive the same information and copies of written evidence at all stages of the process;
  - g) students have the right to be accompanied at any hearing;
  - h) students will receive an unbiased hearing;
  - i) there will be a proportionate outcome to any offence committed;
  - j) students will be kept informed in writing of the progress of their case at all stages of the proceedings;
  - k) the College will keep records of all hearings and will inform the Partner University of any actions taken;
  - l) students have a right of appeal to the Office of the Independent Adjudicator when all stages of a College's Student Disciplinary process have been completed.

**3 Scope of the Policy**

- 3.1 The Policy applies to:
- a) all students enrolled in the College including those residing in its premises and/or participating in official activities outside College premises (for example, placements or visits);
  - b) students registered with the College who are alleged to have committed a disciplinary offence on the premises of the College or the University.
- 3.2 Exceptionally, the Policy may be invoked to investigate allegations of academic or professional misconduct relating to former students or those who had interrupted their studies.



#### **4 Definition of a Disciplinary Offence**

- 4.1 In its general sense, any behaviour, which interferes with the functioning or activities of a College or of those who work or study in a College or, action which otherwise damages a College or its reputation, constitutes a disciplinary offence. Allegations of academic misconduct (cheating) in any form of assessment will be dealt with under this Policy.
- 4.2 Examples of conduct likely to constitute a disciplinary offence are outlined in Annex 1 to this Policy.

#### **5 Suspension**

- 5.1 A student may be suspended from attendance at a College for alleged misconduct or other good or urgent cause for a limited period of time.
- 5.2 Suspension is not a penalty but a precautionary measure which a College may use in order to exercise its duty of care or whilst necessary investigation takes place. The decision to suspend a student may only be taken by a member of a College Senior Management Team (CSMT) in consultation with the Partner University if required. The student will be notified by letter of the reasons for the suspension, the terms of the suspension and the right of appeal. The period of suspension cannot exceed three weeks unless an extension has been agreed by a member of the CSMT having regard to the circumstances of the case. The student will be advised in writing if an extension is agreed and informed of the length of the extension.
- 5.3 A student who wishes to appeal against a suspension should write to the CDP. The appeal will be considered by a member of the CSMT who has not previously been involved in the case. The student will be issued with a response within five (5) working days of the decision.

#### **6 Process**

- 6.1 The student disciplinary process is summarised in the flowchart in Annex 2.

#### **7. Investigating Officers**

- 7.1 The CDP is responsible for nominating members of staff to act as Investigating Officers in matters related to student discipline. The College is required to inform its Partner University of the list of nominated staff.
- 7.2 The Investigating Officer assigned to a case must be independent of the student, and the programme in question.
- 7.3 The responsibilities of the Investigating Officer are to:
- Be the first point of contact regarding student disciplinary allegations
  - Inform the student of the allegation and to advise him/her about the Student Disciplinary Policy and Process
  - Ensure that allegations are investigated properly and that full records are kept of the investigation and to determine whether there is a prima facie case to be heard
  - Correspond with students, staff and the CDP regarding the progress of investigations into student disciplinary allegations
  - Instigate hearings by College Student Disciplinary Panels when necessary and present details of allegations to these Panels
  - Make recommendations about the penalty to be applied, in relation to academic misconduct, the penalty recommended should be in accordance with the Penalty Tariff Table

#### **8 Disciplinary Panels**

- 8.1 College Student Disciplinary Panels are established to consider allegations of general and academic misconduct and to establish the facts and circumstances of a case before determining the outcome and, where appropriate, the penalty.
- 8.2 College Student Disciplinary Panels have power delegated by the CDP and CSMT to:
- a) Consider allegations of misconduct



- b) Decide whether an offence has been committed
- c) Establish whether there are mitigating circumstances which can be taken into account when determining the penalty
- d) Determine and apply an appropriate penalty
- e) Make additional recommendations to the student regarding his/her future conduct
- f) Make recommendations regarding changes to College processes where improvements are deemed necessary

8.3 Membership will comprise:

- CDP or nominee who will Chair the hearing;
- Two members of staff from the College;
- A member of Navitas UK Quality and Standards Office;
- An external representative from professional practice where this would be appropriate.

8.4 Members of a College Student Disciplinary Panel should not have had any direct association with the student or prior knowledge of the case. A member of staff who believes s/he may have a conflict of interest in respect of a particular case should advise the Secretary to the Panel who will determine whether the member of staff can serve on the Panel. If necessary the Secretary will consult the Chair of the Panel for advice.

8.5 All members of the Panel must be present for the hearing to proceed.

8.6 If it is concluded that the student is guilty of the alleged offence the Panel must determine the penalty that should be imposed after taking into account any mitigating circumstances.

8.7 If the Panel determines that the student is not guilty of the alleged offence, the student will be advised and no further action will be taken.

8.8 Where the student presents mitigating circumstances the Panel will decide whether the circumstances are sufficient to mitigate the disciplinary penalty and to what extent. If it is concluded that the student is guilty of the alleged offence the Panel must take into account any mitigating circumstances prior to determining the penalty to be imposed.

8.9 Operational details of Panel hearings are given in College Operation Manuals.

## 9 Penalties for Misconduct

9.1 When determining the penalty to be applied consideration should be given to:

- a) The seriousness of the misconduct
- b) The student's previous disciplinary record
- c) The conduct of the student subsequent to the act of misconduct
- d) Any other mitigating factors

9.2 Where allegations of misconduct are upheld the following penalties are available:

- a) A written warning
- b) A final written warning
- c) Expulsion from the College

9.3 If appropriate, the Panel will also be asked to consider whether the outcome should be reported to the Independent Safeguarding Authority (ISA). It may be necessary for the Chair of the Panel and the Secretary to take further advice from the Partner University to determine whether the matter should be referred. Where the outcome of a hearing has been reported to the ISA, the Partner University will inform the student concerned in writing.

9.4 Other penalties in addition to those listed above may be imposed, for example in relation to upheld allegations of cheating in an assessment. These include, but are not limited to:

- a) The removal of academic credit
- b) The withdrawal of access to a College's and University's facilities and services



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

## **10. Appeals**

- 10.1 A student may appeal in writing against the outcome or the penalty imposed by a College Student Disciplinary Panel. The process is summarised in the flowchart in Annex 3.
- 10.2 Only the following constitute grounds for appeal:
  - a) That there has been a material procedural irregularity which has demonstrably affected the outcome
  - b) That there is new evidence which would demonstrably have affected the outcome and could not reasonably have been made available to the College Student Disciplinary Panel
  - c) That the decision is perverse given the facts of the case
  - d) That the outcome is too severe bearing in mind the facts of the case
- 10.3 Students admitting to allegation(s) of misconduct may only appeal on grounds of the outcome being too severe bearing in mind the facts of the case.
- 10.4 Where grounds for appeal have been established, a Disciplinary Appeals Panel will consider the appeal. No member of the Panel will have had any prior involvement or knowledge of the case.
- 10.5 At the conclusion of the disciplinary appeal process, the student will be informed that the College's internal processes have been exhausted and of his/her right to submit the case to the Office of the Independent Adjudicator for Higher Education for consideration.

## **11 Behaviour which may be a Criminal Offence**

- 11.1 In circumstances where the allegation may constitute a criminal offence the matter should be reported immediately to the CDP who should then inform the police and at the same time notify a member of the University and where appropriate Head of Security. The CDP in consultation with the University will decide whether the College disciplinary process should continue or be suspended pending the outcome of any police investigation. Generally, it is advisable for the College to suspend its disciplinary process until any legal proceedings have been completed. If necessary, a student may be suspended pending the outcome of a police investigation and any court procedure.
- 11.2 Where a Court in respect of the same matter has already sentenced a student, the Student Disciplinary Panel will take the Court's penalty into account.

## **12 Relationship to Other Procedures and Policies**

- 12.1 The disciplinary procedure of the Partner University's Students' Union provides for an alleged offence to be referred for consideration under a College's disciplinary process if it is felt that the allegation is sufficiently serious.
- 12.2 This Policy applies to programmes where there are compulsory integral periods of professional placement and for which there are behavioural and health requirements to ensure suitability to practise the profession. It should be followed when there are concerns, at any time, about a student's personal and/or professional suitability to remain on their programme. Behaviour which is considered sufficiently serious to warrant the permanent exclusion of the student from the College should be dealt with under the Student Disciplinary Operating Process.



- 12.3 From time to time a College may establish procedures, which regulate behaviour in specific areas, for example: Student accommodation; the Library and use of the computer network and facilities. First and minor breaches of such procedures should be dealt with under the Student Disciplinary Operating Process.



## Annex 1: Examples of disciplinary offences

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

### 1. General Misconduct

- Any conduct which constitutes a criminal offence
- Any form of violent, vindictive, indecent, disorderly or threatening behaviour or language, either written or spoken including any form of electronic communication
- Any form of discrimination, discriminatory language, action or behaviour, whether verbal, physical or written, that contravenes current, relevant legislation;
- Undesignated possession of an offensive weapon on College or University premises
- Bullying or harassment of any student or member of staff of the College or University or any visitor to the College or University
- Fraud, deceit, deception or dishonesty in relation to the College or its staff, students or visitors or University staff, students or visitors
- Making a fraudulent claim for funds or the re-imburement of approved expenses
- Failure to respect the rights of others to freedom of belief and speech
- Failure to comply with a reasonable instruction related to discipline issued with the CDP's authority
- Theft, misappropriation or misuse of College or University property or the property of College's or University's staff and/or students
- Disruption or improper interference with the academic, administrative or other activities of the College or University
- Obstruction or improper interference with the functions, duties or activities of any student or member of the staff of the College or University or any visitor to the College or University
- Misuse or undesignated use of the College or University premises
- Damage to College or University property or the property of the College's or University's staff students or visitors caused intentionally or recklessly
- Action likely to cause injury or impair safety on College or University premises
- Breach of the provisions of any College or University code, rule or regulation; October 2010 17
- Making unsubstantiated allegations about a member of staff or a student
- Vexatious or malicious complaints

### 2. Academic Misconduct (Cheating) (see also CPR QS9)

#### 2.1 Cheating in relation to examinations includes:

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

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

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

- Plagiarism - the submission of an item of assessment which, all or in part, contains work produced by another person(s) in such a way that it could be assumed to be the student's own work
- Collusion – the improper collaboration in the production of a piece of work when that work is submitted as entirely the work of an individual. Except where written instructions state that work for assessment may be



- produced jointly and submitted as the work of more than one student, students must not collaborate with other students to produce a piece of work jointly, copy or share another student's work, lend their work to another student or allow another student to copy their work
- Falsification of data or artefacts i.e. the invention or changing of material to support an argument
- Duplication - the submission of a piece of work in whole or in part that has already been submitted for assessment elsewhere, including concurrent submission
- This list is not exhaustive and cheating in assessed work may take other forms



