

Student Disciplinary Procedures

Contents

1	Introduction	2
2	Key Principles	2
3	Initial Review.....	3
4	Interventional Action	4
5	Precautionary Action.....	4
6	Investigation.....	5
7	Conduct Hearing.....	6
8	Review.....	7
9	Review Panel.....	8

Ownership	Quality Risk Manager
Approval	Academic Board
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1 Introduction

- 1.1 The policies and procedures set out in this document underpin the regulations which all staff and students are expected to follow. They provide greater details of the principles behind the regulations and the rules and processes that FIDI puts in place to positively impact on the student and staff experience and to ensure compliance with external regulatory frameworks.
- 1.2 The relevant regulations appear in text boxes at the start of each section.

2 Key Principles

- 2.1 Potential breaches of the student conduct code, charter, policies or handbooks, except academic misconduct, shall be dealt with under these disciplinary procedures.
- 2.2 In the implementation and application of the procedures, the College is committed to the fair and equal treatment of all individuals regardless of gender, age, disability, colour, race, religious or political beliefs. As far as is practicable, all panels convened under these procedures should reflect the diverse nature of the FIDI community.
- 2.3 Decisions about a student's conduct shall only be made by an individual or panel authorised to do so by these procedures having received appropriate training. Further, no one may be part of the decision making process who has a pre-existing personal or professional relationship with the student whose conduct is being considered. Decision makers will have had no previous involvement with the case, steps will be taken to ensure that there is no reasonable perception of bias.
- 2.4 In order to ensure that all interested parties to any disciplinary proceedings brought under these procedures are kept informed of progress, a Case Officer will be assigned and act as the administrative point of contact for students and staff for every set of proceedings.
- 2.5 Whenever it is being determined whether misconduct has occurred, the relevant standard of proof to be applied is the balance of probabilities (that is more likely than not that an accused student acted contrary to the student conduct regulation).

- 2.6 Student misconduct may be dealt with through interventional action. This action may be taken by any academic or professional service department.
- 2.7 All involved with the application of these procedures shall pay due regard to any disclosed mental health issues or disabilities that may necessitate making reasonable adjustments in order to ensure full and fair participation in proceedings by an accused student.
- 2.8 If during disciplinary proceedings, it is considered that an accused student is presenting signs of a physical, psychological or emotional disorder, a request may be made to the Quality Risk Manager that the matter be dealt following support from an external mental health agency. Where the Registrar and Secretary determines that it is appropriate to deal with a matter in such a fashion, they shall have discretion to determine whether disciplinary proceedings are to continue, be suspended or terminated.

3 Initial Review

- 3.1 When a report of misconduct is received by the Quality Risk Manager, an initial review will be undertaken by a nominated staff member to consider the appropriate action to be taken.
- 3.2 The initial review will likely involve discussions with the reporting party or the department that has raised concerns to establish the potential breach and the most appropriate and proportionate action to undertake.
- 3.3 If a reporting party is unwilling for the responding student to be informed of the allegations against them, it is unlikely that the College will be able to proceed with any further action.
- 3.4 Student disciplinary proceedings cannot result in the making of criminal findings. If the behaviour is of a criminal nature the reporting party or department may wish to report to the police.
- 3.5 At the end of the initial review the student who is alleged to have breached the student conduct regulation shall be formally written to inform them of the actions to be taken or if no further action will be taken.
- 3.6 If action is to be taken the case may be referred for:**
- 3.6.1 Interventional Action see 4.1
- 3.6.2 An Investigation see 6
- 3.6.3 A Conduct Hearing see 7

4 Interventional Action

- 4.1 Interventional action may be taken, where appropriate, if student behaviour is of concern and needs to be addressed early and swiftly. This is different from precautionary action (see 4) which may be taken during an investigation, hearing and/or review. Academic departments may take interventional action with students. Guidance is available from external legal services.
- 4.2 Interventional action does not make any findings or decisions about whether the misconduct took place.
- 4.3 The College shall keep a record for the purpose of monitoring when interventional action has been taken. This may be taken into account should further reports of misconduct of a similar nature be received.
- 4.4 Interventional action does not preclude the possibility of other action being taken in the future in relation to the same behaviour.
- 4.5 Interventional actions which could be taken include but is not limited to:**
- 4.5.1 Student reminded of expected behaviours;
 - 4.5.2 Mediation, if appropriate and both parties are willing;
 - 4.5.3 A no contact agreement between two or more parties;
 - 4.5.4 Support and advice around expected behaviours.

5 Precautionary Action

- 5.1 In cases of urgency, a student may be excluded temporarily by a member of the staff of the College in order to protect the members of the College in general or a particular member or members. Where a student has been excluded as a matter of urgency, by a senior member of staff, a report on the circumstances surrounding the exclusion shall be made to the Quality Risk Manager at the earliest opportunity.

- 5.2 A student who is alleged to have acted contrary to the Student Code of Conduct or is the subject of a police investigation for an alleged criminal offence, or against whom a criminal charge is pending, may be suspended from attending teaching, any building operated by FIDI members or a group of members of the College. A Student Conduct Chair may decide to suspend a student, for how long and the extent of any such suspension. As part of the suspension, the Student Conduct Chair may require the suspended student not to have any contact whatsoever with specified members or a group of members of the College.
- 5.3 The Student Conduct Chair shall review any suspension every fourteen days. A suspended student may also request a review in writing where it is asserted that there has been a material change in circumstances such that a suspension (or any aspect of it) is no longer appropriate or necessary. Upon receipt of the request, the Quality Risk Manager will review the suspension on the basis of the suspended student's written representations. Whether further requested reviews will be undertaken is at the discretion of the Quality Risk Manager.
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6 Investigation

- 6.1 An investigation may be undertaken for the purpose of ascertaining whether or not there is a substantive case to answer, if a warning should be given or if the matter should be referred to a student conduct hearing.
- 6.2 An Investigator who is neither the Case Officer nor a Student Conduct Chair shall undertake the investigation.
- 6.3 The student alleged to have breached the conduct regulations shall be informed of the allegations against them, the purpose of the investigation and provided with any available supporting evidence.
- 6.4 The student shall be given an opportunity to give a statement to inform the investigation report, this will normally be in person but in some cases, it may be deemed appropriate to make alternative arrangements.
- 6.5 The academic department or a reporting student, member or staff or visitor shall be given an opportunity to give a statement to inform the investigation report, this will normally be in person but in some cases, it may be deemed appropriate to make alternative arrangements.
- 6.6 Students may bring a supporter with them to meetings. Although it is not envisaged that it will be necessary for them to bring a legal advisor in more serious cases it may be permitted.

- 6.7 Once an investigation has been initiated all parties shall be required to make their investigation statement without reasonable delay.
- 6.8 The Investigator will write a report for the Student Conduct Chair to review and make a decision on.
- 6.9 If on the balance or probabilities the Student Conduct Chair determines that misconduct has not taken place they may conclude that no further action be taken or refer for interventional action.
- 6.10 If on the balance or probabilities the Student Conduct Chair determines that misconduct has taken place, they may;**
- 6.10.1 Issue a first written warning
- 6.10.2 Issue a second written warning
- 6.10.3 Refer to a student conduct hearing
- 6.11 Where someone has already received a second written warning, further misconduct of a similar nature will normally result in a student conduct hearing.
- 6.12 In the event of a written warning the student shall be offered the alternative of having the case referred a student conduct hearing in order to seek a different outcome.

7 Conduct Hearing

- 7.1 The student conduct hearing panel shall be comprised of:
- 7.1.1 A senior member of academic staff as the Student Conduct Chair.
- 7.1.2 One head of an academic department or departmental business manager
- 7.1.3 Either: a member of academic staff or, where misconduct also gives rise to concern as to a student's fitness to practise in a relevant profession (see the Fitness to Practise Regulation), one person who will normally be registered with the relevant professional regulatory body, and who will not be an employee of the College, but who may be a member of academic staff from another University or relevant institution
- 7.1.4 One enrolled student of the College nominated by the President of the Student Council.

7.2 The panel may order that the outcomes agreed will be imposed immediately or that the imposition will be deferred. The conditions of any such deferment shall be clearly stated as part of the decision of the panel.

7.3 Potential Conduct Hearing Outcomes:

7.3.1 No further action to be taken

7.3.2 Referred for interventional action

7.3.3 First written warning

7.3.4 Second written warning

7.3.5 Exclusion or suspension from the College or from premises owned or occupied by the College for a stated period

7.3.6 Removal from a relevant programme of study

7.3.7 Permanent dismissal from the College

7.3.8 Payment of a sum determined by the Billing Department, not exceeding the cost thereof, for the repair of damage caused by, or the defrayal of other expenses arising from, the offence.

7.4 The conduct panel shall also have the power to impose combinations of the above penalties.

7.5 The chair of the hearing panel will consult the Head of the relevant Department prior to imposing any penalty in respect of a student enrolled on a programme of study which leads to a professional qualification.

7.6 Student conduct hearing panels will be conducted in accordance with a Purpose and Procedure agreed by Council on the recommendation of Academic Board.

8 Review

8.1 Following a conduct hearing outcome, a student may ask for a review.

8.2 A Review of the decision of a student conduct panel may be requested on one or more of the following grounds:

8.2.1 That there was a material procedural irregularity in the process leading to the decision of the conduct panel;

8.2.2 That relevant further evidence can be presented which could not reasonably have been made available to the conduct panel, and casts substantial doubt on the panel's decision; or

- 8.2.3 That the decision of the conduct panel and/or the penalty imposed by the panel was not reasonable and proportionate in all the circumstances
- 8.3 Review applications must be received by the Quality Risk Manager within 10 working days of the outcome of the student conduct panel being communicated in writing; applications based on the ground of further evidence must be supported by that evidence.
- 8.4 The Quality Risk Manager, or a nominee, will consider the Review application. If the application is found to present valid grounds, then a Review Panel will be convened. If the application is not found to present valid grounds, the student will be informed in writing, and a Completion of Procedures letter issued. If an application is made later than 10 working days of the outcome of the student conduct panel has been communicated in writing, it shall be considered invalid unless, in the opinion of the Quality Risk Manager or their nominee, in the circumstances it would be unjust or unfair not to allow it to proceed to review.

9 Review Panel

9.1 The Review Panel shall comprise three members:

- 9.1.1 As chair the Registrar and an independent member of Council as appropriate.
- 9.1.2 A staff member of the College who is also member of Council.
- 9.1.3 One enrolled student of the College nominated by the President of the Students' Council.
- 9.2 Where misconduct gives rise to a question of their fitness to practise in a relevant profession such that a procedure has been concurrently run under General Regulation 12 (professional fitness to practise) the panel shall additionally include one person who will normally be registered with the relevant professional regulatory body, and who will not be an employee of the College, but who may be a member of academic staff from another University or relevant institution.
- 9.3 Review panels will be conducted in accordance with a Purpose and Procedure agreed by Council on the recommendation of Academic Board.
- 9.4 None of the above members shall be persons who have served on the original conduct panel or have been directly involved in the case or in the teaching of the student(s) concerned.