

## Student Disciplinary Policy

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V. 3.2	June 2024 AcBo	Updated for currency	Quality Manager/Quality Officer (casework)	Annually
V 3.1	July 2023 AcBo	Updated for currency	Quality Manager/Quality Officer	Annually
V3.0	June 2022 AcBo	Updated for ICMP awards	Quality Manager	Biennially and as required
V2.0	Sept 2020 AcBo	Annual Review	Quality Manager	Biennially and as required
V1.0	26/06/19 Academic Board	Annual review	Deputy Registrar	Annually and as required
<b>Related policies</b>				
<ul style="list-style-type: none"><li>• <i>Student Charter</i></li><li>• <i>Zero Tolerance</i></li><li>• <i>Social Media</i></li><li>• <i>Staff Disciplinary and Grievance Policy</i></li></ul>				
<b>External Reference</b>				
<a href="#">OIA Good Practice Framework</a>				

## **1. Introduction**

- 1.1. The purpose of this document is to detail the roles and responsibilities and the key principles and processes followed in conducting student disciplinary cases.
- 1.2. ICMP seeks to provide a safe and secure environment which is conducive to work and study for all students and staff. It may therefore be necessary to discipline or expel those students whose behaviour compromises this.
- 1.3. The process is as follows (see Section 6 for further detail):
  - 1.3.1. Misconduct is reported
  - 1.3.2. Initial investigation
  - 1.3.3. Formal disciplinary procedure
  - 1.3.4. Review stage (as required)
- 1.4. It is not the intention of ICMP to provide an exhaustive list of matters which might lead to disciplinary action. For the purposes of this procedure, misconduct will be taken to have occurred if a student commits a breach of the Student Charter, the Social Media Policy, the Zero Tolerance Policy or any other reasonable rules; engages in any activity which is likely to disrupt or otherwise adversely affect the work or reputation of ICMP; or if a student commits a criminal offence which impacts on ICMP or the student body.
- 1.5. The policy is intended to provide a clear, just and impartial process for dealing with incidents of student discipline within a reasonable timescale.
- 1.6. The management of student disciplinary cases at ICMP is guided by the Office for Independent Adjudicator for Higher Education's (OIA) Good Practice Framework. The OIA runs an independent scheme to review student disciplinarys. ICMP is a member of this scheme. If a student is unhappy with the outcome, they may be able to ask the OIA to review the case following conclusion of the ICMP process. Further information is available in section 8.
- 1.7. The Student Disciplinary Policy applies to all students enrolled or previously enrolled on award-bearing or non-accredited (short) programmes at ICMP.

## **2. Definitions**

- 2.1. Misconduct may include, but is not limited to, the following:
  - 2.1.1. Deliberate disruption of the academic, administrative, social or other activities of the ICMP, whether on ICMP premises or elsewhere;
  - 2.1.2. Behaviour or language that is violent, indecent, disorderly, threatening, defamatory, criminal, abusive and/or offensive. This may be verbal or physical, and occur in person or on social media. It is unwelcome and uninvited and has a detrimental effect on the other(s)
  - 2.1.3. Failure to follow the reasonable instructions of a member of staff;
  - 2.1.4. Failure to show an ICMP identity card when requested to do so by any member of staff;

- 2.1.5. Smoking or vaping on ICMP premises, except in the designated smoking area;
  - 2.1.6. Harassing any student, tutor, member of staff or any contractor or visitor to ICMP whether in person, in writing, on social media, or otherwise
  - 2.1.7. Behaviour which brings ICMP in to disrepute
  - 2.1.8. Arson;
  - 2.1.9. Graffiti;
  - 2.1.10. Any deliberate damage to ICMP premises, equipment, books or furnishings or to the property of others, or equivalent damage caused by gross negligence;
  - 2.1.11. Unauthorised interference with, or use of, hardware, software, or data belonging to or used by ICMP;
  - 2.1.12. Instances of racial or sexual harassment or abuse, including behaviour or language which is offensive to any minority groups;
  - 2.1.13. Theft of property;
  - 2.1.14. Consumption of alcohol on ICMP premises;
  - 2.1.15. Activity associated with the use, possession or supply of any illegal drug
  - 2.1.16. Wilful and unnecessary activation of the fire alarm;
  - 2.1.17. Action which causes or is likely to cause injury or impair safety on ICMP premises;
  - 2.1.18. Failure to comply with a previously imposed warning under this code or any other ICMP Policies, Codes, Rules and Regulations;
  - 2.1.19. Failure to adhere to the [Student Charter](#), [Social Media](#), or the [Zero Tolerance Policy](#).
- 2.2. Offences are categorised as minor, major, serious or grave, and may result in penalty incursions such as expulsion, as is indicated in the Table of Offences and Penalties in Appendix 1.

### 3. General Principles

- 3.1. If it is suspected that a student has committed non-academic misconduct, as detailed above, the case will be investigated.
- 3.2. All investigations of alleged misconduct are dealt with in a timely manner and through processes which are clear, straightforward and transparent.
- 3.3. Confidentiality will be respected in conducting all aspects of the misconduct investigation. Details of cases under investigation are only disclosed to those immediately involved and/or those whose participation is necessary for the investigation.
- 3.4. Disciplinary cases are dealt with in strategic alignment with ICMP's Equality, Diversity, and Inclusion policies, free from bias.

A disciplinary case involving a student with disabilities will be treated in accordance with this Disciplinary Policy. However, consideration will be given to whether reasonable adjustments need be made to the process, and how best to support the student. ICMP will endeavour where appropriate to ensure that information is made available in appropriate formats. The Quality Office will work closely with Student Wellbeing throughout the process and provide staff involved with the case relevant information as appropriate..

- 3.5. Group or connected disciplinary cases will be considered and managed individually

by the Quality Office.

- 3.6. Students involved in disciplinary cases shall have the right to be accompanied to any discussions, or meetings by a friend or student representative. Legal representation is not permitted at any discussion or meeting. The student should advise the meeting organiser of the name and relationship of the person accompanying them at least 48 hours prior to the meeting.
- 3.7. The standard of proof to be adopted during the investigation in to alleged cases of misconduct will be the balance of probabilities. Therefore, if the panel is satisfied that based on the evidence, the offence occurrence was more likely than not and the student was responsible.
- 3.8. Communication with students will be via the student's ICMP email address. It is the student's responsibility to check their emails regularly during the process.
- 3.9. Where alleged misconduct relates to an academic matter, it should be referred for action in accordance with the Academic Integrity Policy. In exceptional circumstances, it may be appropriate to refer a student to the disciplinary procedure following the conclusion of the academic misconduct investigation.
- 3.10. If a disciplinary case contains an element of complaint, the complaints procedure will generally be followed before the disciplinary procedure. However, this decision will be made on a case by case basis, taking relevant contextual factors into consideration.
- 3.11. ICMP's final position on a disciplinary investigation is confirmed by the Disciplinary Hearing Chair or other senior staff member in order to provide assurance that this is the definitive response of the provider and that the case has been managed professionally.
- 3.12. Any student subject to disciplinary proceedings in accordance with these regulations may obtain advice and guidance from the Quality Office by emailing [Complaints@icmp.ac.uk](mailto:Complaints@icmp.ac.uk).

#### **4. Roles**

- 4.1 The Quality Office, and specifically the Complaints Team, has oversight of all processes and documents relating to disciplinary cases. The Quality Office oversees all individual case, ensuring that the process is followed correctly, that all paperwork is completed, that all necessary communications occur, and that each stage of the process is monitored and recorded.
- 4.2 The Programme Leader will work with the Quality Office on the initial investigation or may be a member of the Disciplinary Panel on a case in which they have no other involvement;
- 4.3 Programme Administration and Assessment is responsible for updating the student records following the outcome of a disciplinary case;
- 4.4 The Disciplinary Panel is the group assigned responsibility for conducting the formal procedures. See Section 6.3.6 for information about the group composition.

4.5 The Reviewer is a senior member of ICMP staff assigned when required to review a complaint. The Reviewer will not have been involved with the investigation or Disciplinary Hearing. See Section 7 for information about the review stage.

## **5. Disciplinary offences that require immediate action, including temporary suspension**

5.1. ICMP has a duty of care towards all staff and students. Where an allegation of misconduct has been made against a student, ICMP may impose immediate conditions on that student to ensure that a full and proper investigation can be carried out and/or to safeguard students or others whilst the allegation is being considered.

5.2 Matters that may require ICMP to take particularly swift action include, but are not limited to:

- i. Cases involving a threat of serious harm to the student and/or others;
- ii. Cases where the student's mental health is at risk or where the student displays significant distress;
- iii. Issues of a highly sensitive nature;
- iv. Cases involving an ongoing threat of serious disruption to other students or to the provider's activities.
- v. Cases where a student is the subject of criminal proceedings

5.3 Immediate action may take the form of a temporary suspension imposed to ensure the safety of other students and staff members. It does not indicate that the provider has concluded the student is guilty of misconduct; it is a precautionary measure put in place while a full investigation can be completed. It is used only when the risk of harm to others (or the student themselves) outweighs the potential disadvantage to the student.

5.6 Temporary suspension is defined as a partial or total ban on attendance at ICMP including but not limited to:

- I. Learning, teaching or assessment activities
- II. Access to ICMP online services
- III. ICMP events
- IV. Access to ICMP premises
- V. Contact of any kind with a named person or persons

5.7 Temporary suspension can only be granted by the Dean. In the absence of the Dean, suspension under these procedures may only be authorised by the Principal.

5.8 Following a decision of temporary suspension, the Quality Office will write to the student outlining the reasons for the decision and inform the student of their right to make a written response to the Dean within five working days of receiving the letter of suspension.

5.9 The suspension will remain in place until the disciplinary procedure has concluded.

5.10 The Dean will review the suspension periodically in light of any developments or following written response made by the student or anyone else on the student's behalf.

5.11 Failure by a student to comply with the temporary suspension will constitute misconduct and may result in stronger penalties.

## **6 Disciplinary Process**

### **6.1 Reporting a suspected case of misconduct**

- 6.1.1 Where a suspected case of non-academic misconduct is identified by a staff member, they should notify the Quality Office in writing by emailing [Complaints@icmp.ac.uk](mailto:Complaints@icmp.ac.uk) and notifying the student that the case has been reported.

### **6.2 Initial Investigation**

- 6.2.1 Following receipt of this email, the Quality Office and Programme Leader will launch an initial investigation within 5 working days. The student will be informed that an investigation is underway.
- 6.2.2 The investigation will consider the evidence, taking into account its seriousness and any past history of misconduct, establish the facts of the case and determine if any further action should be taken.
- 6.2.3 The Quality Office and/or Programme Leader may interview the person who brought forward the allegation, the student who is the subject of the allegation and any witnesses in relation to the allegation. The complainant will not attend any meeting with the subject of the allegation.
- 6.2.4 The Quality Office will liaise with Student Wellbeing to determine whether a support agreement is in place and to decide whether reasonable adjustments are required. If this is the case the Quality Office will inform the student and Programme Leader. The Student Wellbeing advisor can also advise on the preferred format for the meeting to mitigate any impact on the student and whether the advisor should attend.
- 6.2.5 As a result of the initial investigation the Quality Office and Programme Leader will recommend one of the following:
- i. There is no evidence to warrant further action;
  - ii. Further investigating is required;
  - iii. There appears to be evidence to indicate minor misconduct and the student should be issued with a written warning and/or appropriate penalties (see table of Offences and Penalties in Appendix 1 for further information);
  - iv. There appears to be evidence to indicate serious misconduct and therefore the case will be referred to a Disciplinary Hearing.
- 6.2.6 The Quality Office will notify the student of the outcome of the initial investigation within 5 working days. They will also notify the Programme Administration department to update the student records. Students will be made aware of the consequences of agreeing to a penalty at this stage, for example whether the offence will be recorded on their student record or will be taken into account in future disciplinary proceedings.
- 6.2.7 The student can contest the allegation or outcome. In such a case, the student will have the opportunity to present their case to a Disciplinary Hearing.

### **6.3 Formal Disciplinary Procedure**

6.3.5 The Quality Office will arrange a Disciplinary Hearing if:

- i. Following the initial investigation, it has been agreed that the alleged offence should be considered under the Formal Disciplinary Procedure or;
- ii. the student has contested the allegation and/or penalty of the initial investigation.

6.3.6 In more complex cases, an independent confirmation that the evidence is robust enough for the hearing to proceed may be required. A review of the evidence will be done by an Investigating Officer, a member of the Senior Management Team (SMT) who is not a panel member and was not involved in Stage One of the case. The Investigating Officer may wish to question relevant parties. The Investigating Officer will notify the Quality Office whether the case can proceed to the hearing, or whether further evidence is required in order for a hearing to occur.

6.3.7 The membership of the Disciplinary Panel will include:

- i. Dean or nominee (Chair)
- ii. A member of ICMP Senior Management
- iii. An impartial member of ICMP Staff (who does not have contact with the student)
- iv. A student representative

6.3.8 The Quality Officer will confirm that there is no conflict of interest when convening the Disciplinary Panel. If it proves impossible to convene a panel of people with no previous involvement, ICMP may use staff from another relevant provider.

6.3.9 A representative from the Quality Office will be in attendance as advisor and servicing officer.

6.3.10 In the case of a student with disabilities, the Quality Office will continue to liaise with Student Wellbeing to determine whether reasonable adjustments are required and to decide on the most appropriate format for the hearing.

6.3.11 The Quality Office shall write to the student, normally within 5 working days of concluding the initial investigation, to:

- i. present the allegation;
- ii. invite the student to attend the Disciplinary Hearing;
- iii. provide the student with all available evidence;
- iv. invite the student to provide a written statement;
- v. remind the student of their right to be accompanied by a friend or student representative or to call a witness;
- vi. advise the student that if they fail to attend, the meeting will proceed in their absence.

6.3.12 Once the date of the hearing has been confirmed and all evidence received, the Quality Office will write to the student to:

- i. confirm the date / time / location of the hearing;
- ii. confirm the name of the Panel members;
- iii. remind the student of their right to be accompanied by a friend or student representative;
- iv. advise the student of support available from Student Services and the Student Voice system;
- v. advise the student that if they fail to attend, the hearing will proceed in their absence.

6.3.13 The student has the right to be accompanied by a (non-legal) representative, who can provide pastoral support. If the student is under 18, then their parents or guardians will be informed of, and may attend, the hearing where appropriate.

6.3.14 The student must attend the hearing in person. If a valid reason makes this impossible, this must be submitted to the Quality Office in writing; only with written permission from the Quality Office may the student then attend online. In such cases, the microphone and camera must be on for the duration of the hearing.

At least one staff panel member (in addition to the Servicing Officer) should attend the hearing in person.

6.3.15 The Disciplinary Hearing will consider all the evidence presented. The student will have an opportunity to present their perspective and evidence. The panel will then discuss in private what outcome is appropriate.

6.3.16 A student's previous disciplinary record will not normally be relevant to whether they have committed an offence. However, it is likely to be relevant to decisions about the penalty. Previous cases of misconduct will thus be considered but only introduced at the point of considering penalties to ensure that it is not prejudicial to a fair outcome.

6.3.17 If the case is substantiated, the Disciplinary Panel will agree on an outcome which may include penalties. The penalties could include, but not be limited to:

- i. the issuing of a second written or final written warning;
- ii. the requirement that the student provides a written apology and/or a reflective statement;
- iii. the attachment of conditions to the student's continuation at ICMP;
- iv. the suspension or expulsion of a student's enrolment at ICMP;
- v. the requirement that the student pays compensation for any loss or damage arising from their actions.

Any implications of the decision in terms of, for example, a student's visa status, must be considered and addressed as appropriate.

6.3.18 Outcomes and penalties will be monitored by the Quality Office. Failure to comply with penalties could result in further disciplinary action,

6.3.19 Following the panel meeting, the Quality Office will send an outcome letter to the student via email within 5 working days. This will include an explanation of the reasons for the outcome. They will also notify Programme Administration



and Assessment to update the student records.

- 6.3.20 Any decision which results in the suspension or expulsion of a student shall be reported to the Corporate Board by the Quality Office. A student who is expelled may receive a degree or interim award if they have gained enough credits; the Assessment Board will recommend the relevant award. The student will not be permitted to attend the graduation ceremony.

## **7 Review Stage**

7.1.1 Where a student is dissatisfied with the outcome of a Disciplinary Hearing, they may submit a request for review to be considered by the Reviewer (who will be appointed following the request to review). Grounds for requesting a review for a decision are limited to the following:

- i. There is evidence that there has been a material procedural irregularity in the conduct of the disciplinary process;
- ii. There is additional evidence that has not previously been considered and could not reasonably have been made available at an earlier stage;
- iii. There is bias or reasonable perception of bias during the procedure;
- iv. The penalty applied can reasonably be perceived as disproportionate to the offence.

7.1.2 Any student wishing to request a review must email [Complaints@icmp.ac.uk](mailto:Complaints@icmp.ac.uk) stating the ground(s) of the request. This must happen within 10 working days of the date that the student was informed of the outcome.

7.1.3 The Quality Office will forward the request to the Reviewer who determines whether grounds for review exist. If grounds are met, the Reviewer will either recommend a review of the formal stage or recommend a rehearing. Should a rehearing be recommended, a new panel will be appointed.

7.1.4 A decision will be made within 20 working days of receipt of the request.

7.1.5 The decision of the Reviewer / rehearing is final. This is considered the end of ICMP's internal procedures.

## **8 Completion of Procedures**

8.1 Following the outcome of the request for review, the student will be issued with a Completion of Procedures letter. Information about Completion of Procedures (COP) letters is accessible from the OIA [website](#).

## **9 The Office of the Independent Adjudicator (OIA)**

9.1 If a student continues to be dissatisfied with the outcome, the student may lodge a complaint with the Office of the Independent Adjudicator (OIA) for Higher Education following receipt of their COP letter. Details of the OIA and how to submit a complete can be found on the OIA [website](#).

## **10 Disciplinary offences requiring criminal investigation**

- 10.1 Where an allegation of misconduct constitutes criminal behavior, the police shall be informed.
- 10.2 Where a disciplinary offence is also subject to criminal proceeding, ICMP will normally suspend the disciplinary process until the criminal investigation and legal proceeding have been concluded.
- 10.3 Criminal investigations do not affect ICMP's powers to take emergency action to suspend a student (see paragraph 5 below).
- 10.4 The student will be required to keep ICMP informed of any progress and/or change in status regarding their case.
- 10.5 When the criminal proceedings have concluded, the Dean will decide whether ICMP should proceed with the ICMP disciplinary process.
- 10.6 The decision of a criminal court does not preclude ICMP from conducting further investigations and/or instigating disciplinary proceeding in respect of any outstanding matters of concern that have not been addressed.

## Appendix 1 – Table of Offences and Table of Penalties

### Table of Offences

<b>Warnings</b>	<b>Against the property of ICMP, or its staff, students and visitors</b>	<b>Against the person</b>	<b>Against the work of ICMP</b>	<b>Against the good name of ICMP</b>
Minor Warning (Minor Misconduct)	Negligent damage, inconsiderate, discourteous or offensive behaviour towards others	Harassment: Verbal	Disruption of teaching/learning environment	Offensive or disruptive behaviour affecting people adjacent to ICMP premises
Serious Warning (Disciplinary Hearing)	Deliberate misuse of the ICMP computer network, e.g., hacking	Repeated harassment: Verbal	Deliberate refusal to provide information required for statutory purposes	Knowingly making a false and vexatious allegation against ICMP or against any student or member of staff
Grave Warning (Disciplinary Hearing)	Deliberate damage to property and goods; the deliberate false activation of the fire alarm (also carries a financial penalty)	Intimidation: Verbal and physical	Repeated disruption of teaching	Use/issue fraudulent documentation NOT relating to qualifications/ academic performance
Expulsion (Disciplinary Hearing)	Theft or deliberate damage. å	Physical violence or sexual misconduct	Major disruption of the academic programme or of the running of ICMP	Sexual misconduct. Dealing in drugs. Use/issue fraudulent documentation or statements relating to qualifications/ academic performance

### Table of Penalties

Outcome	Penalties					
Not upheld	No penalty					
Upheld - Minor Misconduct (informal review)	First formal warning	Training and Development				
Upheld - Major Misconduct (Hearing)	Second formal warning	Training and Development	Formal apology	Reflective Statement	Managed Exclusion Order (MEO)	
Upheld - Serious Misconduct (Hearing)	Final warning	Training and Development	Formal apology	Reflective Statement	Pay compensation	Expulsion
Upheld – Grave Misconduct (Hearing )	Expulsion	Police involvement				

Please note that this is a guide only and that cases of misconduct may incur different penalties to those indicated.