

## Code of Conduct and Disciplinary Procedure for Higher Education Students

<b>Reference Code:</b>	CONDUCT-HE
<b>Version:</b>	4.0
<b>Date of Implementation:</b>	September 2021
<b>Originator:</b>	Dean of University Centre
<b>Policy developed in consultation with:</b>	Vice Principal
<b>Approval Date:</b>	September 2022
<b>Approval by:</b>	HE Strategy Group
<b>Date of Next Review:</b>	July 2023

### Revision History

Version	Purpose/Change	Date
4.0	Review of policy and procedure; amendment of roles in line with new management structure.	September 2021
4.1.	Inclusion of hyperlinks to policies on website, not only VLE. Inclusion of feedback form link where students can raise allegations. Addition of 9.3. to clarify expectation of investigation report and sharing of information with student.	October 2022
4.2	Inclusion of 9.4. to provide additional details regarding expectations for disciplinary proceedings to reflect the best practice framework from the Office of the Independent Adjudicator for Higher Education (OIAHE)	April 2023

Please contact [HEoffice@liv-coll.ac.uk](mailto:HEoffice@liv-coll.ac.uk) or the College Reception if you would like this document in an alternative form.

<b>Contents</b>	<b>Page</b>
1. Introduction	2
2. Aim	2
3. Associated Documents	2
4. Policy Statement	2
5. Operating Principles	3
6. Student Code of Behavior	3
7. Discipline Offences	4
8. Student Disciplinary Procedure	4
9. Student Disciplinary Procedure Overview	5
10. Dismissal	6
11. Appeals	6
12. Office of the Independent Adjudicator for Higher Education	7

<b>Appendix 1: Code of Behaviour</b>	<b>8</b>
<b>Appendix 2: Suspension Letter</b>	<b>9</b>
<b>Appendix 3: Stage 3 letter (dismissal)</b>	<b>10</b>
<b>Appendix 4: Gross Misconduct Procedure</b>	<b>11</b>
<b>Appendix 5: Appeal Hearing Procedure</b>	<b>12</b>

This policy is written in line with the Expectations and Core practices of the UK Quality Code for Higher Education (Quality Code), which are a key reference point for higher education providers in all parts of the UK. The Policy should be considered in conjunction with other regulatory requirements, including professional, standards and regulatory bodies' (PSRB) rules and regulations.

## **1 Introduction**

- 1.1 The City of Liverpool College University Centre is committed to providing a learning environment that is conducive to the academic and social well-being of all students. The Code of Conduct and Disciplinary Procedure for Higher Education Students (Code) forms part of a range of measures that the College has in place to safeguard and promote a safe culture across its community and to enable students to realise their full potential in a safe, healthy and inclusive environment.
- 1.2 The Code applies to all students undertaking a Higher Education (HE) programme of study, including those who are on an apprenticeship. Students are required to abide by the standards of behaviour expected by the College as detailed below. The College will not tolerate behaviour which may adversely affect the good standing of the College, its students, staff and the wider community.

## **2 Aim**

- 2.1 This document presents the policy and procedures that form the Code of Conduct and Disciplinary Procedure for Higher Education Students. The primary aim of the Code is to tackle allegations of misconduct by students in an integrated and supportive way, and ensure fair, effective, and timely outcomes where behaviour falls below expectations.
- 2.2 The Code seeks to make expected standards of behaviour clear to students and to reduce further incidents of misconduct. It defines conduct that is considered to constitute an offence. It also defines penalties, authorities, rights to appeal, and procedural details concerning allegations of misconduct, investigations, disciplinary hearings and appeals.

## **3 Associated Documents**

- 3.1 The Code should not be read in isolation. It is one of a group of student policy documents containing rules and regulations that apply to all students registered with the College to study on a Higher Education programme. The complete set of guidance and regulatory documents can be found in the [Higher Education Student Handbook](#) on the Virtual Learning Environment (VLE) and via the [College website](#). The Policies that complement this Code include:
  - Higher Education Academic Integrity Policy
  - Higher Education Compliments, Comments and Complaints Policy
  - Higher Education Appeals Against Assessment Decisions Policy
  - Higher Education Fitness to Study Policy
  - Higher Education Fitness to Practice Policy
  - Safeguarding Policy

- Sexual Harassment, Misconduct and Sexual Violence Policy

## 4 Policy Statement

- 4.1 The City of Liverpool College University Centre is committed to equality of opportunity and access for all. We oppose all forms of unfair and unlawful behaviour on the grounds of: age, disability, religion or belief, gender reassignment, race, sex, sexual orientation, pregnancy and maternity status, marriage and civil partnership in line with the Equality Act 2010. The College intends to support all students to achieve and to be well prepared to progress to the next level of learning or into employment.
- 4.2 The Code applies to all Higher Education students studying at the City of Liverpool College University Centre, including those on an apprenticeship or undertaking a work-based learning placement. The Code has been produced by staff and student representatives to describe the standards of work and behaviour that we expect. The Code of Conduct is available in the [Higher Education Student Handbook](#) on the VLE and via the [College website](#)..
- 4.3 Individual courses may have additional expectations, for example those linked to professional practice and/or the requirements of a relevant professional and statutory regulatory body (PSRB). These are set out clearly in the Programme Handbook or in other written instructions from College staff, such as those relating to work-based learning
- 4.4 The emphasis is on supporting students to understand why they are expected to follow the Code. In most cases, the Disciplinary Procedure will be followed stage by stage. In some cases, it may be necessary to move to higher stages straight away due to the severity of the behaviour.
- 4.5 Where appropriate, students who receive a disciplinary warning may be referred to pastoral support services such as counselling, achievement coaching, financial advice. Every effort will be made to support students to address behaviour in order to avoid escalation and ensure that they achieve.

## 5 Operating Principles

- 5.1 The City of Liverpool College University Centre is committed to fair and equitable Student Disciplinary Procedures to ensure a full and fair assessment of the particular circumstances of the case and avoid unnecessary delay.
- 5.2 The College ensures that the Student Disciplinary Procedures:
- ✓ are timely and efficient, to facilitate a speedy resolution;
  - ✓ are fair, impartial and transparent to all parties;
  - ✓ are conducted in a professional manner; and
  - ✓ meet the principles of natural justice.
- 5.3 Information disclosed during the Student Disciplinary Procedures is confidential to all parties. Breaches of confidentiality may amount to gross misconduct which may lead to disciplinary action being taken.

## 6 Student Code of Conduct

6.1 Students are expected to conduct themselves in a manner which demonstrates respect for the College, its staff, fellow students, property and equipment, and the wider community.

6.2 The Student Code of Conduct applies to all students where alleged misconduct occurs whether on campus or off campus, including on field trips and placements. Breaches of the Student Code of Conduct may result in disciplinary proceedings.

6.3 *Appendix 1* outlines the Student Code of Conduct.

## **7 Discipline Offences**

7.1 Discipline Offences include failing to comply with the Code of Conduct (*Appendix 1*) or conducting other discipline offences towards people, property, and health and safety or the College, including conduct online or through social media.

7.2 The decision about whether the offence is serious will rest with the College, following consideration of the full circumstances of each case.

7.3 The list of Discipline Offences below is not exhaustive and examples of such offences are outlined in *Appendix 1*.

### **Discipline Offences: People**

- Physical Misconduct
- Sexual Misconduct
- Abusive, Threatening or Offensive Behaviour (including Bullying and Harassment and Anti-Social Behaviour)

### **Discipline Offences: Property and Health & Safety**

- Damage to Property
- Unauthorised Taking or Use of Property
- Causing a Health or Safety Concern

### **Discipline Offences: College**

- Operational Obstruction
- Reputational Damage

## **8 Student Disciplinary Procedure**

8.1 The steps (levels) within the Student Disciplinary Procedure are as follows:

**Informal Stage** includes Conflict Management / Intervention Meetings conducted by Personal Tutor or Programme Leader.

### **Formal Stages:**

- Stage 1 Investigating officer: Programme Leader
- Stage 2 Investigating officer: Wider Leadership Team (WLT)

- Stage 3 Investigating officer: Strategic Leadership Team (SLT)

- 8.2 In most cases a member of staff identifying consistent underperformance, non-compliance with the academic processes and policies or escalating poor behaviour will be involved in the subsequent disciplinary meeting.
- 8.3 Intervention meetings and conflict management instructions are not formally part of the disciplinary procedure, but meetings and subsequent actions set on ProMonitor may be designed to mitigate the risk of a disciplinary stage being required.
- 8.4 Disciplinary stages may be missed, depending on the severity of behaviour. Students can be suspended at any stage and the level of sanction issued will be decided following an investigation.
- 8.5 The College reserves right to withdraw students who have not attended a course or subject on which they are enrolled for 4 continuous weeks without attendance and without being in communication with the programme team/ programme leader or agreeing the absence with the tutor concerned.
- 8.6 A one-page summary of the procedure, the *HE Student Disciplinary Procedure*, is available on the next page. The *HE Student Disciplinary Procedure* will be invoked following an allegation of a Discipline Offence to the Head of School via record on ProMonitor copied to the HE Office ([HEOffice@liv-coll.ac.uk](mailto:HEOffice@liv-coll.ac.uk)).
- 8.7 Allegations should be made in writing with full details of the incidents and should include any evidence available. Students can also utilise the Student Compliments, Comments and Complaints Form to report complaints about another student (available via [complaints@liv-coll.ac.uk](mailto:complaints@liv-coll.ac.uk) or using the online form [bit.ly/COLC-Feedback](http://bit.ly/COLC-Feedback) or from Reception or the Learning Resource Centre).

## 9 Student Disciplinary Procedure Overview

### 9.1 Steps in the procedure:

- 1) Disciplinary issue reported and recorded on ProMonitor
- 2) Head of School and HE Office informed
- 3) Investigating officer and panel confirmed by the Head of School
- 4) Disciplinary hearing scheduled
- 5) Student invited to disciplinary hearing
- 6) Disciplinary hearing conducted
- 7) Minutes of the disciplinary hearing recorded and available to student and panel.
- 8) Penalty agreed and issued to student in writing
- 9) Appeals opportunity
- 10) Final decision

### 9.2 The following table outlines examples of conduct and proposed stage of disciplinary procedure with the list of possible penalties.

	Examples of conduct	Investigating (intervening) officer conducting a disciplinary hearing	Possible penalties
--	---------------------	---	--------------------

<b>Informal Stage</b>	Poor performance, failure to comply with academic processes and policies, minor behavioural issues	Course tutor/ Programme Leader	✓ Written agreement (ProMonitor) ✓ Written apology
<b>Stage 1</b>	Minor misconduct	Programme Leader	✓ Formal Warning ✓ Written agreement ✓ Written Apology
<b>Stage 2</b>	Major misconduct or repeated minor misconduct	Member of the Wider Leadership Team	✓ Formal Warning ✓ Written agreement ✓ Written Apology
<b>Stage 3</b>	Gross misconduct or repeated major misconduct	Member of Strategic Leadership Team	✓ Formal Warning ✓ Suspension ✓ Dismissal

9.3 The investigating officer should produce a report based on their investigations which outlines the process followed and information gathered and their conclusions. The report and copies of related information should be shared with the student alongside information on the next stage of the process.

9.4 Disciplinary proceedings must always follow the following best practice framework from the Office of the Independent Adjudicator for Higher Education:

- Students understand any allegation against them.
- The student and the person bringing the allegation have a fair opportunity to present their case, and to hear and respond to what the other has said.
- Students are given reasonable notice of any hearing and are given, in advance, copies of all information to be considered by the decision-maker.
- The burden and standard of proof are clearly explained.
- Reasons should be given for decisions reached and any penalty imposed.
- Sufficiently detailed written records are kept of any meeting or hearing.

## 10. Dismissal

10.1. *When to Issue:* Following a disciplinary hearing a member of Strategic Leadership Team (SLT) will consider all of the evidence presented by both staff and students (and their representatives) plus any witness statements submitted.

10.2. *Responsibility:* Strategic Leadership Team (SLT)

10.3. *How to Issue:* A member of SLT will conduct a Dismissal by:

- clarifying with the student that the outcome of the disciplinary hearing is dismissal
- confirming the reason for and terms of the dismissal in writing (Appendix 3) e.g. whether dismissal applies to one course/ centre/ work placement and the length of time the dismissal is valid for. Sending this letter to the student. If a student is sponsored by an employer a copy of the letter will also be sent to the employer.
- recording the meeting outcome on Pro Monitor
- informing the student of their right to appeal (see page 7)

- 10.4. *Next Steps:* Brief details of the case will be retained by the College for 5 years after the suspension date.
- 10.5. The College will not allow the student to re-enrol until the period of the dismissal has passed. The College reserves the right to take the reason for the dismissal into consideration when deciding, after the period of dismissal has passed, whether the person meets the requirements of the College's Admissions Policy.

## **11. Appeals**

- 11.1. Where students have been issued with a Stage 3 (including dismissed from College) they have the right to appeal in writing to an identified member of the Strategic Leadership Team within 10 working days. Students will be informed of who to address their appeal to as this will be a different member of staff than the staff member who conducted the stage 3 disciplinary hearing. The student will then be invited in for an appeals hearing (Appendix 5) where the action taken will be reviewed and a final decision taken.
- 11.2. There are three grounds for appeal:
- 1) the procedures set out in this document have not been followed or
  - 2) the student has new evidence about the case or
  - 3) the student believes the decision reached is unfair or unreasonable.
- 11.3. The appeal will be considered by the identified member of SLT who will decide the next course of action. If they decide an appeal hearing is required the student will be able to state her/his case and can bring another person along (e.g. parent/carer). Legal representation is not allowed.
- 11.4. At the appeal for dismissal the terms of dismissal will be reviewed. When the hearing is complete, and after considering all the evidence, the person leading the hearing will state their decision. The panel may decide:
- to lift the stage 3 / dismissal or
  - to vary the terms of the stage 3 / dismissal, for example by replacing the student's stage 3 / dismissal with a warning or
  - to confirm the stage 3 / dismissal.
- 11.5. The decision of the College panel appointed to hear the appeal will be given to the student in writing within five working days of the appeal hearing and will be final and binding.

## **12. Office of the Independent Adjudicator for Higher Education**

- 12.1. If you are not satisfied with the outcome of your appeal, you may contact The Office of the Independent Adjudicator for Higher Education (OIA) to raise a complaint. The OIA runs an independent scheme to review student complaints. The City of Liverpool College is a member of this scheme. If you are unhappy with the outcome you may be able to ask the OIA to review your disciplinary case. You can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right if something has gone wrong here: <https://www.oiahe.org.uk/students>

- 12.1.1. You normally need to have completed the Appeals procedure before you complain to the OIA. The City of Liverpool College will send you a letter called a “Completion of Procedures Letter” when you have reached the end of our processes and there are no further steps you can take internally. A Completion of Procedure letter is issued detailing the OIA complaints appeals procedure and how a learner can access it.



## **Appendix 1: Code of Conduct**

The College aims to provide a safe and supportive environment where everyone can study and work to the best of their ability. Enrolment onto a course means you have joined the College community and are expected to behave accordingly. You have agreed to this by signing the enrolment form.

### **We expect you to:**

- Follow instructions given by a member of College staff or someone acting for the College (such as a work placement supervisor)
- Notify your tutor of absence. We will assume you have left if you have been absent without explanation for 4 term time weeks.
- Keep to the Acceptable Use Policy when using College computers (available under 'Information' on the Virtual Learning Environment)
- Let your personal tutor or programme leader know straight away if you have difficulties with your work
- Give your name and ID number to any member of staff who asks for it
- Achieve the standard of work required of you
- Treat other students and staff with respect
- Hand all assignments in on time
- Attend all classes and tutorials
- Be punctual

### **We will not accept:**

- Unacceptable behaviour in or around College buildings. Examples of unacceptable behaviour include insulting others, bullying, verbal abuse or rudeness, using language which offends others, fighting or other violent, threatening or dangerous behaviour.
- Action which could be seen as harassment of a fellow student or member of staff (for definition of harassment, see the Equality & Diversity Section under 'Information' on the VLE).
- Abuse, threats or rudeness to a member of staff. These may be verbal or sent electronically, for example through social media.
- The use of illegal drugs or alcohol in or near College buildings
- Damage deliberately caused to College property or seriously attempted damage to College property
- Theft, attempted theft or unauthorised possession of any items belonging to the College or to any student, member of staff or employer
- Breaking the rules of an awarding body, such as copying someone else's work (see also the HE Academic Integrity Policy)
- Repeated problems with the quality of work produced or of handing it in on time, affecting your own or other students' chances of gaining accreditation. This may be because of delays in producing work which affects a group project.(see also the HE Policy on Late Submissions of Assessment)
- Disruptive behaviour in classes, LRCs or other college spaces or not following a direct instruction from a member of staff.

## Appendix 2: Suspension letter



(Date)

RE: (Student's name)

Dear *Student's name*

I am writing to inform you that you have been suspended from College pending an investigation for allegedly (*insert reason*). A copy of the Code of Conduct and Disciplinary Procedure for Higher Education Students is also enclosed for reference purposes.

While you are suspended you must not (*insert terms of suspension, such as not enter College buildings, work placement*). In addition to this, you must not discuss the suspension or related matters without my permission. If you do not follow these instructions, this will amount to a breach of the Code of Conduct.

You will now be required to attend a disciplinary hearing to discuss these matters with (*staff name*) on (*date & time*) at (*College centre & room*).

Please contact (*staff name*) on 0151 252 (*extension number*) if you would like to discuss this matter further.

Yours sincerely

(*Staff Name*)

### Appendix 3: Stage 3 letter (dismissal)



(Date)

RE: (Student's name)

Dear *Student's name*

Following the disciplinary hearing of (insert disciplinary hearing date) I am writing to inform you of the outcome of the investigation. After considering all of the evidence carefully it has now been decided that you should be dismissed from the College effective from (insert date). No further applications from you to enrol as a student will be considered before (*insert date*).

You have the right to appeal this decision within 10 working days of the date of this letter. Appeals must be sent in writing directly to (*insert named person responsible for dealing with the appeal*) at the following address:

*(insert Staff Name and college address)*

Yours sincerely

*(Staff name who conducted the stage 3 disciplinary hearing)*

### Procedure to be followed at a Student Disciplinary Hearing for Gross Misconduct

1. The member of the Strategic or Executive Leadership Team who is Chairing the hearing (the Chair) will introduce all those present and outline the procedure to be followed.
2. The Chair will ask a staff representative to make an opening statement and outline the case for dismissal.
3. Witnesses may be called by the member of staff presenting the case and will be questioned in this order:
  - 1) by the member of staff presenting the case
  - 2) by the student and their representative
  - 3) by the panel

The member of staff presenting the case may ask further questions.

4. The student or their representative will present their case in defence.
5. Witnesses may be called to support the student's case and will be questioned in this order:
  - 1) by the student or their representative
  - 2) by the member of staff presenting the case
  - 3) by the panel

The student or their representative may ask further questions.

Written statements will then be considered.

6. The member of staff presenting the case will make a short statement covering the main points of the case for dismissal.
7. The student or their representative will make a short statement covering the main points of the case against dismissal.
8. Everyone except the panel will be asked to leave the room while the panel considers the information presented.
9. The Chair of the panel may ask both sides to return if some points are unclear.
10. Both sides will be called back to hear the panel's decision or will be told when and how they will be notified if the panel needs more time to consider the case.
11. The Chair of the hearing will provide information about the student's right of appeal and the procedure to be followed.

## Appendix 5: Appeal Hearing Procedure



### Procedure to be followed at an Appeal Hearing against dismissal

1. The member of the Strategic or Executive Leadership Team who is leading the hearing (the Chair) will make sure that members of the panel have copies of the records of the case.
2. The Chair will introduce all those present and outline the procedure to be followed.
3. The Chair will ask the student (or their representative) why they are appealing.
4. Members of the panel will ask questions to make sure they have understood all the points made by the student (or their representative).
5. No witnesses will be called at the Appeal. The decision of the Panel will be reached on the basis of the written record of the Disciplinary Hearing and the written evidence presented at that hearing.
6. The student (and anyone with them) will then leave the room while the appeals panel members discuss the points made.
7. The Chair of the appeal panel may ask the student and their representative back to answer more questions if some points are unclear.
8. The student will be told that they will get the result of the hearing in a letter, normally within 5 working days.
9. The Chair of the appeals panel may ask members of the student's course team for advice about special requirements made by certain examination boards or professional bodies.
10. The dismissal will not take effect before the appeal process has been completed.