



STUDENT DISCIPLINARY POLICY AND PROCEDURES 2023-24

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STUDENT DISCIPLINARY POLICY AND PROCEDURES		
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Summary/Description:		
This document seeks to provide a framework for dealing with student disciplinary matters.		
<p>2023-24 v1 Nov 22: this former Conduct, Conflict and Student Disciplinary Policy and Procedure was completely revised and renamed the Student Disciplinary Policy and Procedures, since all references to conflict have been removed and replaced by <i>Conflict Resolution Guidance</i>. July 23</p> <ul style="list-style-type: none"> • Various amendments made in response to letter from OU (3; 8.7; 8.35) • Addition of new clauses at 7.2.e, 8.59 and 9.5 and 3 (Additional second paragraph covering misconduct by staff) • Deletion of 5.2.h, and deletion of repetition of definitions at 9 and 9.16 • 6. Decision to change use and definitions of 'disclosure' and 'concern'; • Improved wording at 7.4.a and b, 8.27, 34, 9, 68, 69; 9.1, 17, 20, 21, Appendix 1 • Further amendments to typos/grammar and changed nomenclature. 		

ALL NATIONS CHRISTIAN COLLEGE

To train and equip men and women for effective participation in God's mission to His multicultural world.

STUDENT DISCIPLINARY POLICY AND PROCEDURES

1 CONTENTS OF POLICY

1. Contents of Policy
2. Introduction
3. Scope
4. Legislative Framework
5. College Code of Conduct for Students
6. Definitions
7. Misconduct
8. Policy and Procedural Principles
 - a. College Commitment
 - b. Timescales
 - c. College Regulations
 - d. Fairness and Decision-Making
 - e. Evidence and Witnesses
 - f. Support
 - g. Co-operation and Responsibilities
 - h. Precautionary Protective Measures
 - i. Interim Suspension Measure
 - j. Police Investigations/Judicial Proceedings
 - k. Confidentiality and Record-keeping
 - l. Impact on fees
 - m. Malicious or Vexatious Reporting of Concerns
 - n. Reporting Concern of Misconduct
9. Alleged Misconduct Investigative Procedures
 - a. Alleged Misconduct Investigative Procedures at a glance
 - b. Definitions
 - c. Informal Procedure
 - d. Formal Procedure
 - e. Outcome
 - f. Sanctions
10. Appeals
 - a. To the College
 - b. To The Open University
 - c. To the Office of the Independent Adjudicator
11. Roles, Responsibilities, Policy Approval and Review
12. Policy Communication
13. Related Documents
 - Appendix 1: Examples of Minor and Serious Misconduct
 - Appendix 2: Concern Report Form
 - Appendix 3: Appeal/Review Form

2 INTRODUCTION

All Nations Christian College expects all members of its community to behave in a manner that shows Christian love and respect for individuals, property and the environment and promotes well-being and spiritual growth. As a Christian community, members generally live in harmony with one another, are happy to work within the College regulations and behave in a way that is generally considered to be acceptable to all of its members. Any serious infringements of those regulations or the College Code of Conduct are very rare. This policy sets out the types of

behaviour that the College will consider to be misconduct since it breaks the College Code of Conduct or one of the College's rules or regulations. The Disciplinary procedure sets out how the College will deal with such cases. This policy forms part of the student's contract with the College and should be read in conjunction with the College [Bullying, Harassment and Sexual Misconduct Policy](#).

3 SCOPE

This policy applies to all students studying at the College, whether they are studying on campus or online. It applies to behaviour which takes place on college premises, out in the wider community or online. The College will investigate any concern of misconduct against a student and may impose sanctions where it decides, on the balance of probabilities that an act of misconduct has been committed.

Where an allegation of misconduct is made against a member of staff, an investigation will follow the procedures in the Staff Disciplinary Policy. Where a member of staff and a student are both involved in the same allegation of misconduct the Compliance and Training Administrator (CTA) and HRLead, in consultation with a member of the Senior Leadership Team (SLT), will determine how a combination of the procedures in this policy and the Staff Disciplinary Policy should be followed for the investigative hearing. On completion of the investigative hearing, should the hearing panel determine any one should face disciplinary proceedings, students will be dealt with according to this policy and staff will be dealt with by the Staff Disciplinary Policy.

4 LEGISLATIVE FRAMEWORK

This policy has been developed in accordance with the following laws and regulations. This list is not exhaustive:

- UK New Quality Code for Higher Education – Concerns, Complaints and Appeals
- Open University Handbook for Validated Awards
- The Good Practice Framework: Handling Student Complaints and Academic Appeals by the Office of the Independent Adjudicator December 2016
- Data Protection Act 2018
- Equality Act 2010

5 COLLEGE CODE OF CONDUCT FOR STUDENTS

5.1 This College Code of Conduct is based upon principles that derive from the nature of the College as a Christian institution: Biblical concepts of love and respect for individuals, property and the environment. It is expected that all students' behaviour will reflect these principles and seek to live in a manner that pleases God.

5.2 This Code of Conduct applies to students of the College at all times and in all places during the period of their registration, including vacations. It is expected therefore that all students will:

- a. Function within the framework of the College as a Christian institution;
- b. Demonstrate love, with related virtues of respect and consideration, for others, both inside and outside of the College community;
- c. Act justly, fairly and honourably as an expression of their commitment to the college community;
- d. Adopt a diligent and co-operative approach to all aspects of academic life;
- e. Take responsibility for the creation and maintenance of a supportive educational community in which everyone can self-manage their learning and teaching;
- f. Demonstrate commitment to College life and activities;
- g. Maintain the good name and reputation of the College.

6 DEFINITIONS

- **CTA:** The Compliance Training Administrator to whom alleged serious misconduct should be reported.
- **Concern:** an individual tells a member of the college community that they have been the recipient of misconduct (this is not a formal complaint). Concerns will only be treated informally.
- **Disclosure:** any report/allegation of abusive behaviour whether that be experienced by the one reporting it or abuse that they have observed/are aware of, and not only abuse experienced by the one reporting it. **Formal Concern** the submission of a formal concern to the College regarding alleged misconduct.
- **Hearing Panel:** a panel of 3, usually members of College staff, who are independent of the circumstances that gave rise to the concern, who will hear the evidence and decide on the outcome of a formal disciplinary procedure.
- **Malicious reporting:** Malicious reporting occurs when an individual shares concerns they know to lack a basis in fact.
- **Pastoral Supporter:** A person who will be providing only pastoral support for the Reporting and/or the Responding Party.
- **Referring Party:** The person referring the alleged misconduct to the College.
- **Reporting Party:** The person affected or impacted by the alleged misconduct.
- **Responding Party:** The person against whom the concern is made.
- **Supportive Friend:** A person who will be providing advice for the Responding Party or the Reporting Party. See 8f.
- **Suspension:** is a non-judgemental action and has no bearing on the outcome of a disciplinary investigation or judgement.
- **Temporary or Permanent Exclusion:** a sanction which could be applied only after the completion of a disciplinary investigation. It could include but is not limited to: a non-contact order, moving a student to alternative accommodation, restricting access to college facilities at certain times and/or changing a student's study mode from a Campus Access Learner to a Remote Access Learner.
- **Vexatious reporting:** Vexatious reporting involves the creation of multiple or a pattern of unwarranted reports made regarding misconduct and/or failure to accept any reasonable decisions, by any party, arising from the application of the accompanying procedures to this policy.
- **Witness:** A person who can provide evidence to the alleged behaviour - see 8e.

7 MISCONDUCT

- 7.1** Misconduct is behaviour where the College community has been, or could be, negatively impacted as a result of action or inaction and/or where a member of the community has not taken appropriate care or responsibility for how their behaviour has affected others.
- 7.2** Broadly, misconduct can be categorised as follows:
- a. activity which breaks the College Code of Conduct or one of the College policies, rules and/or regulations;
 - b. activity which interferes with the proper functioning or activities of the College;
 - c. activity which brings the College or an organisation with which they volunteer, (e.g. through a College placement) into disrepute;
 - d. misconduct in relation to the use of any of the other College facilities, services, and accommodation;
 - e. deliberate or reckless damage to or theft of College property and resources;
 - f. disruption of the normal operation of activities within the College;
 - g. misconduct in dealings with others.
- 7.3** Conduct which is not acceptable to the College community, may lead to action by the College according to the Student Disciplinary Procedure.

7.4 College will categorise a concern of misconduct as either minor or serious misconduct.

- a. **Minor Misconduct** is behaviour which is unacceptable, breaks College regulations but which is judged by the College to be not serious enough to constitute serious misconduct under this policy. Minor misconduct will be dealt with informally
- b. **Serious Misconduct** is behaviour which causes severe harm to another person or property, or to the functioning or reputation of the College. For examples of serious misconduct see Appendix 1. Any sanctions imposed will reflect the nature of the seriousness of the misconduct.
- c. Examples of minor and serious misconduct can be found in Appendix 1 of this policy. It is for the hearing panel to decide how serious the proven misconduct was.

8 POLICY AND PROCEDURAL PRINCIPLES

a. College Commitment

8.1 The College aims to respond to all issues confidentially, fairly, promptly and in a sensitive way. They are committed to making the disciplinary procedure as considerate as possible to those involved. As such the procedure will be:

- Timely (see 8b);
- Independent (no-one who has a conflict of interest will investigate or be in a position to hear or determine outcomes on a case);
- Respectful (all parties will treat each other fairly and with respect throughout the process);
- Transparent (all parties will be clearly communicated with throughout the process and reasons given for decisions made);
- Empathetic: all parties will be listened to and taken seriously throughout this process;
- Reflective: the College will use reports and feedback to improve staff and student experience;
- Fair and unbiased: This means, excluding special circumstances, the name of the person raising the concern and details of the allegation will need to be disclosed to the Responding Party, and where necessary, witnesses, before the Responding Party is asked to respond to a concern of misconduct (see 8d);
- Protective of those involved: The College will put measures in place to protect all the parties and prevent harm whatever the situation requires. This would include using Protective Precautionary Measures (see 8h) Interim Suspension Measures (see 8i) and/or scheduling separate meeting and hearing times for both parties.

b. Timescales

8.2 The College will investigate and consider concerns in a timely manner, providing reasonable deadlines at each stage of the process for decision-makers to provide decisions and for Responding, Reporting Parties and Witnesses to provide information.

8.3 No time limits are placed on an informal resolution investigation.

8.4 Where specific timescales are not set out in this procedure, the College and the student will both ensure that all actions are taken as quickly as reasonably practicable, taking account of all relevant circumstances.

8.5 The College normally aims to complete the initial investigation and Hearing Panel decision within 60 days of informing the Responding Party of the Concern. However, delays may occur where the case is complex, the Reporting Person, Responding Party or Witnesses are not available to attend meetings, or where the procedure has been suspended for good reasons. Responding and Reporting Parties will be provided with updates where there is a delay.

- 8.6** A report of concern of misconduct will be acknowledged by the College within no later than 7 working days unless there is an immediate danger to life or immediate non-prejudicial precautionary measures need to be put in place to protect someone, in which case the College will respond as quickly as possible.
- 8.7** Unless the case is complex and involves a large number of witnesses or matters need to be referred to external authorities or legal advice sought, the College would expect to begin a formal investigation within two weeks of acknowledging receipt of the accusation.
- 8.8** The date of any hearing will be agreed with all parties no less than 7 working days before the hearing takes place and the Responding Party and Reporting Party must provide the College with the names of any witnesses or supporters no less than 3 days before the hearing.
- 8.9** Where delays are anticipated for legal advice to be sought or matters referred to external authorities (e.g., the police) parties will be kept informed of progress.
- 8.10** Both parties will be informed of the outcome of a formal hearing within 7 working days of the decision being reached.
- 8.11** On receipt of the outcome of a formal hearing, the Responding Party has 14 working days to lodge an appeal, after which the College will only consider an appeal if there are genuine extenuating circumstances why the appeal could not have been lodged sooner.
- 8.12** The College appeal process should last no longer than 60 days. Should unavoidable delay occur, relevant parties will be informed with reasons given.

c. College Regulations

- 8.13** The regulations and policies in force at the time of the alleged misconduct will apply.
- 8.14** The College will act in accordance with the College's [Equality and Diversity policy](#) and its [Data Protection policy](#).
- 8.15** This policy is not designed to address the issues which are dealt with by the following policies:
- [Fitness to Study Policy](#)
 - [Academic Misconduct Policy](#)
- 8.16** Sometimes a Concern will be more appropriately investigated under another procedure, for example, a Fitness to Study procedure, where the behaviour has been wholly caused by an underlying medical condition, or the Academic Misconduct procedure where the concern is that a student's misconduct relates to their academic work. It will be at the discretion of the Compliance Training Administrator, in consultation with relevant College staff, to decide which procedure is most appropriate to investigate student behaviour. The College reserves the right to refer a matter to another procedure at any time during this procedure. Sometimes a Concern will be appropriately investigated under this procedure but nonetheless, following the outcome, it will be necessary to refer the matter to another procedure, for example to refer a matter to the [Fitness to Study policy](#), to consider the Respondent's ability to continue on their programme.
- 8.17** Issues may be raised that do not fall neatly into the category of just one procedure. Where matters are raised under more than one procedure that relate to common facts, then the normal approach will be to consider the matters through a joint process. For example, where a complaint raised under the [Student Disciplinary Policy](#) also needs to be investigated under a Staff Disciplinary Policy, the College will normally have one joint investigation under both policies and procedures. Normally this decision will be made by the in consultation with HR and the Principal. The College will explain to all parties how the matters will be investigated, where responsibility for overall conduct of the matter lies, and who will issue the final decision. The CTA or their nominee will be a point of contact for all parties. Where a joint process is not possible, the College will be clear about which specific issues will be considered under which specific procedure.
- 8.18** Should concerns of misconduct be considered to be a Safeguarding Issue, the investigation will use this policy but the [Safeguarding Policy](#) will determine when matters should be

reported to external bodies. Similarly, where a concern of misconduct regarding Bullying, Harassment and/or Sexual Misconduct, the investigation will use both policies but the [Bullying, Harassment and/or Sexual Misconduct policy](#) will take precedence where there is any conflict.

d. Fairness and Decision-Making

- 8.19** The primary aim of a disciplinary procedure is corrective rather than punitive. The object is to help the individual whose conduct has fallen below an acceptable standard to make the necessary improvements for their own and the community's sake.
- 8.20** The College also aims to combine consistency in the overall procedure with justice for all parties concerned.
- 8.21** The burden of proof sits with the College and it is their responsibility to prove the case being considered.
- 8.22** Any person or body taking decisions in line with this policy shall seek to act in the best interests of all parties involved in a disciplinary investigation or hearing and of every other member of the college community and society in general (e.g., where proven misconduct may have legal implications).
- 8.23** In particular, where an issue arises in line with this policy decision-makers may decide to adjourn for the time being any disciplinary proceedings, if the decision-maker considers that concern and support are more in the student's best interests than continuing such proceedings. In such cases, the relevant decision-makers may impose such conditions or requirements as are appropriate in the circumstances.
- 8.24** The College disciplinary procedures are not intended to be operated in a judicial or adversarial way. A student will be presumed innocent of any concern until proven otherwise on the balance of probabilities. However, it is an evidence-based process, therefore, in the event of a reasonable suspicion arising that misconduct has taken place, it will be the responsibility of the member of staff investigating a case informally or the members of a formal hearing panel to ensure that credible evidence exists for any decisions reached.
- 8.25** Should any student who has been party to a disciplinary procedure feel the College acted in an unfair way, they can complain using the College [Complaints Policy](#).
- 8.26** Any person undertaking a decision-making function on behalf of the College under this procedure must only do so if they are capable of fulfilling their responsibilities impartially and without bias or predetermination e.g., they have no conflict of interest.

e. Evidence and Witnesses

- 8.27** Evidence may include the testimony of any Witnesses, the statements of the Responding Party, Reporting Party or Referring Party, documentary or other tangible evidence such as visual or auditory records or material evidence such as physical items. Content from Social media and other digital platforms may also be referred to during an investigation or hearing.
- 8.28** The purpose of calling witnesses is to show whether or not there is an evidential basis for the Concern(s) which have been made. The use of witnesses should be proportionate to the nature of the Concern raised. Neither the College nor the Responding Party can compel any other person to participate in a disciplinary process.
- 8.29** If there are genuine concerns about the identity of a witness being revealed through the disciplinary process then before deciding whether to allow anonymous evidence to be used in a disciplinary investigation or disciplinary hearing, the College will carefully consider the credibility of that evidence and whether there are sufficient safeguards in place to make the process fair to all affected parties.

f. Support

- 8.30** The College understands that the disciplinary process can be difficult and we strongly recommend that both parties seek support – both practical and pastoral. The College will do all it can to ensure all parties are supported appropriately, unless they refuse such support.
- 8.31** Although students involved in a disciplinary procedure are expected to represent themselves, they may choose to be accompanied by a supportive friend. This friend must be someone independent of the circumstances that gave rise to the meeting and not the person offering them pastoral support through the process. A supportive friend must be a member of the College, i.e. a registered student or a member of staff. Their role will be to support and advise the student and to help them to present their case but not to act for them in a legal capacity or to speak on their behalf except in exceptional circumstances. The hearing panel will make it clear when a supportive friend might speak on behalf of the student.
- 8.32** At least 3 working days before any hearing, the name of any supportive friend must be given to the Compliance Training Administrator (CTA) or the Administrator designated to a disciplinary hearing case.
- 8.33** The College recognises that Reporting Parties who have difficulties, particularly with processing information or communicating what has happened to them and how they have been affected by it, may need extra support and guidance through the misconduct reporting process. Similarly, a Responding Party student with additional needs may need support to understand the Concern, the implications of it and how to respond to the Concern. The College will therefore provide the necessary support or make reasonable adjustments to the disciplinary process if required for a student who has a learning difficulty or a disability.
- 8.34** The College also recognises that misconduct can arise because a student with additional needs may have acted inappropriately or broken College regulations inadvertently. Reasonable adjustments and support will be put in place during the investigative procedure to treat the student fairly, and subsequently to prevent the misconduct occurring again.
- 8.35** An investigation into a claim of sexual misconduct will be conducted wherever possible by a member of the same sex as the Reporting Party and all information relating to the investigation will be kept strictly confidential. See the [College Bullying, Harassment and Sexual Misconduct Policy](#)

g. Co-operation and Responsibilities

- 8.36** The College is responsible for keeping all parties involved in the disciplinary procedure informed of the policy and procedures which will be followed, the timescales involved (including changes due to unavoidable delay), outcomes and the appeals process. It is the student's responsibility to inform their supporters or witnesses of what they need to know.
- 8.37** The student is expected to take responsibility for maintaining contact with nominated members of college staff during any disciplinary process and promptly notifying the College of any changes in circumstances or difficulties in participating in the disciplinary process.
- 8.38** Where a Responding Party fails to attend a disciplinary interview or provide their response to a concern of misconduct when requested to do so by the College, this may itself lead to further disciplinary proceedings. When the Responding Party refuses to engage with the process, despite the reasonable attempts of the College, the case may be concluded in their absence and reasonable inference may be drawn from non-engagement. For cases where a student withdraws from the College whilst a disciplinary investigation is ongoing, the disciplinary case will normally be concluded in the student's absence.
- 8.39** The Principal is ultimately responsible for student discipline and he or she is the only person within the College with the authority to exclude or to expel a student. Where the Principal has a conflict of interest in determining an expulsion, the decision rests with the Chair of the Board of Trustees.

8.40 In all cases where a person has responsibility under this procedure for any action, they may appoint a designate in their place, except in the case of a decision to expel a student, which only the Principal may determine (see previous paragraph).

8.41 See also 8.26 and section 11.

h. Precautionary Protective Measures (PPM)

8.42 Where applicable, the College will put protective measures in place to protect parties to a disciplinary procedure. For example, when a student feels they are being stalked or threatened by another student.

8.43 A PPM is a non-judgemental action and has no bearing on the outcome of a disciplinary investigation or judgement.

8.44 PPM could include but is not limited to: a temporary non-contact order, moving a student to alternative accommodation, restricting access to College facilities at certain times and/or changing a student's study mode from a Campus Access Learner to a Remote Access Learner.

i. Interim Suspension Measure (ISM)

8.45 Where applicable, the College may feel it has no alternative but to suspend a student temporarily i.e. by applying an ISM. This could be, for example, while a serious concern is investigated e.g., by the police.

8.46 An ISM may only be applied by a member of the senior leadership team.

8.47 An ISM may be applied where the College reasonably considers that it is necessary in order to manage one or more of the following risks:

- The safety and well-being of either the student or others;
- Improper interference with the conduct of an investigation;
- ongoing disruption to the College's business;
- ongoing damage to the College's reputation or property.

8.48 An ISM is a non-judgemental, neutral action and has no bearing on the outcome of a disciplinary investigation or judgement, nor is it to be used as a sanction before any judgement is made.

8.49 The College will do what it can to facilitate the student's ability to continue studying while an ISM is in place but cannot guarantee to do so. An ISM will be kept to as brief a period as possible to facilitate the student's studying (whilst still allowing enough time for proper investigation) and must not be for an indefinite period. The maximum period for an ISM to be applied is for 2 weeks, but the College reserves the right to extend this period for further periods if necessary.

j. Police Investigations/Judicial Proceedings

8.50 Accusations of the most serious misconduct may necessitate taking legal advice or involve the police (for example where there is a concern relating to potential criminal activity, sexual or other extreme violence or potential or actual terrorism) or any offences that could put others at risk.

8.51 Where a student discloses or reports a Concern that could constitute a criminal offence, the Reporting Party will be asked whether they wish to report it to the police. The College may choose to report directly to the Police if it is a particularly serious offence (and they are given legal advice to do so) or if there may be a risk to the safety of individuals.

8.52 If a report of a Concern under a disciplinary procedure is also subject to police investigation, the reported student should keep the Compliance and Training Administrator updated as to the progress of the police case.

8.53 The College reserves the right to either suspend or continue with the disciplinary process in cases where a police investigation is ongoing, or has been suspended or discontinued. The

College also reserves the right to proceed with the disciplinary process when a student has been acquitted in criminal proceedings.

- 8.54** If a student is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, the College reserves the right to make a decision based on the available evidence.
- 8.55** A decision by the Police or Crown Prosecution Service (or other law enforcement agency) to take no further action in relation to a criminal matter, or an acquittal at a trial, does not preclude or negate the outcome of the College's investigation and/or disciplinary action. Where the trial has completely exonerated the subject of the complaint and it has been found that the Reporting Party has made a malicious, misleading or vexatious complaint, the College may revisit any disciplinary sanction issued to the Responding Party and may consider disciplinary action against the Reporting Party, if they are a College student or employee.
- 8.56** An internal investigation is focused exclusively on whether a breach in College policies or regulations has occurred particularly whether a breach of this policy and/or the [Bullying, Harassment and Sexual Misconduct policy](#) has occurred. The internal process may therefore be considering different issues from a Police investigation or criminal prosecution. This is why it may, depending on the circumstances, be possible to proceed with an internal investigation at the same time as a criminal process.
- 8.57** Where a student is convicted of a criminal offence or accepts a Police caution in relation to behaviour that falls within the scope of this policy or the College's [Bullying, Harassment and Sexual Misconduct policy](#), they must declare this to the College. The Safeguarding team will conduct a risk assessment to determine what mitigation is required and is achievable, and what support is possible, to enable the student to resume their place in the College community (Section 8.4 [Admission policy](#) 22-23). The conviction/caution will be taken as conclusive evidence that the behaviour took place, and no further investigation shall be required by the College. Appropriate measures may be taken (if they have not already) under the Student Disciplinary Procedure.

k. Confidentiality and Record keeping

- 8.58** Confidentiality is very important in dealing with cases of alleged unacceptable behaviour. The Reporting Party, the Responding Party and staff handling the case should only divulge information to relevant people on a 'need-to-know' basis and in accordance with the College [Data Protection Policy](#).
- 8.59** The Designated Safeguarding Lead will be informed of all cases of alleged abusive behaviour. If there is a conflict of interest with the DSL, the Deputy DSL will be informed instead.
- 8.60** On the conclusion of a hearing, the panel will ask permission from the Responding Party to let the Reporting party know the outcome of the hearing if appropriate, with any sensitive data redacted.
- 8.61** The College may record disciplinary hearings to ensure the accuracy of the minutes of the meeting or for the purpose of the ongoing investigation. These recordings will be kept confidentially in line with our Data Protection and Data Retention policies.
- 8.62** Records of student disciplinary processes and outcomes will be kept securely in accordance with the College's [Data Protection policy](#). A disciplinary outcome will remain on a student's file only for as long as the period decided by the hearing panel unless required to be held longer in order to comply with the college Data Retention Schedule (e.g., for cases involving sexual abuse). Copies of relevant information will be shared with other members of College staff, or external parties as appropriate, on a strictly need-to-know basis. The College may in its reasonable discretion decide to refer to a student's disciplinary record in response to a request for a reference but will take into consideration all relevant information including the seriousness of the disciplinary record, the nature of the position which is the subject of the

reference request and the passage of time that has elapsed since the disciplinary outcome was recorded on the student's file.

- 8.63** The College may share information about a student disciplinary matter with third parties, including for example, the Student Loans Company or the police, where the third party has a legitimate or legal interest in the matter and there is a lawful basis for the sharing of that information.
- 8.64** A formal panel hearing may request permission from all parties to release a statement to the College community on the conclusion of an investigation but only with the prior permission of all parties.

I. Impact on fees

- 8.65** No refund of tuition fees will be given where a student has been excluded or suspended under this procedure. A partial refund of accommodation fees already paid may be possible, at the reasonable discretion of the College, depending on when in the academic year the accommodation is vacated by the student and only if the College has been able to re-let the student's accommodation following their withdrawal. It is the student's responsibility to inform themselves about the potential impact of an exclusion or suspension on any financial assistance which they may receive.

m. Malicious or Vexatious Reporting of Concerns

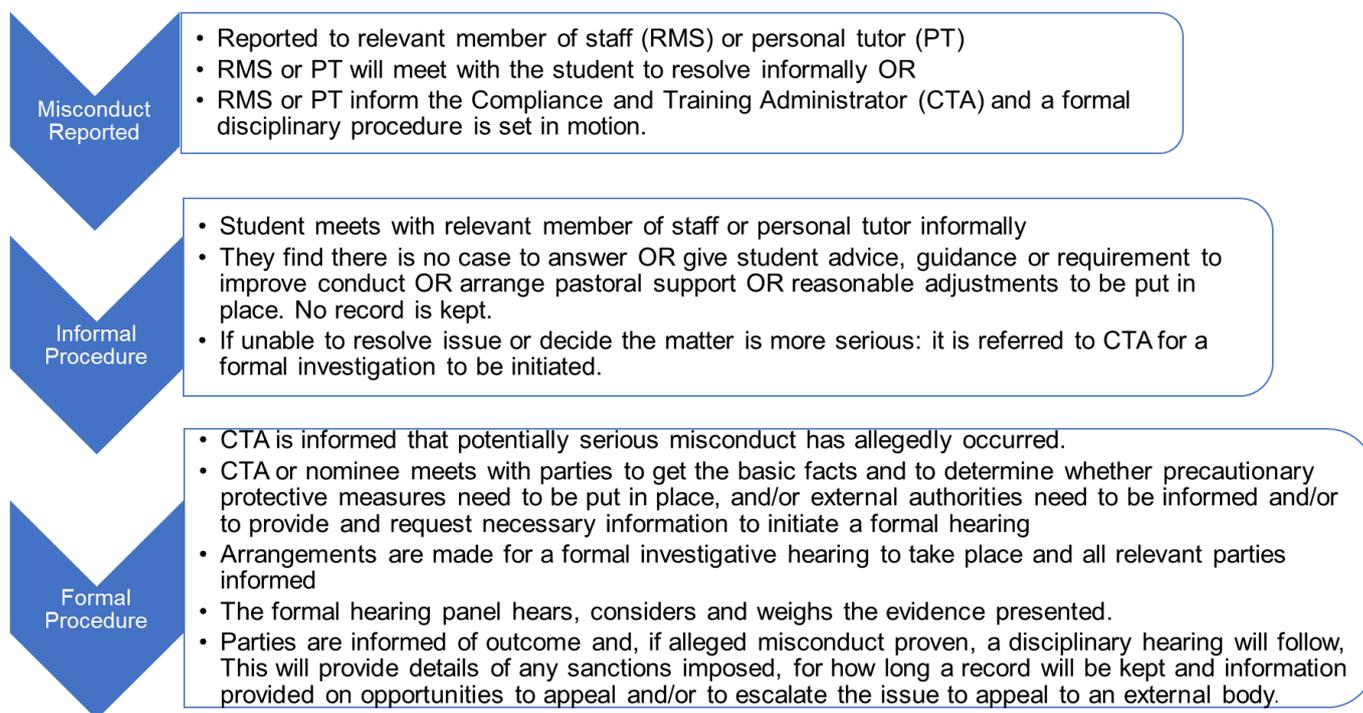
- 8.66** Vexatious or malicious accusations may result in action against the Referring Party or Reporting Party (see section 6 for definitions)

n. Reporting Concern of Misconduct

- 8.67** A Concern of misconduct by student can be reported by another student, a member of College staff, or a person external to the College.
- 8.68** A student who wishes to raise a Concern of misconduct should discuss the issue with a personal tutor (typically, their own or that of the student concerned) or a member of the pastoral team. That person is then responsible for raising the matter with the CTA. Safeguarding concerns should always be raised with the Designated Safeguarding Lead or using MyConcern®.
- 8.69** The College will not usually investigate anonymous Concerns or anonymous Formal Concerns. If a Reporting Party or Referring Party has legitimate fears about their identity being made known as part of a disciplinary investigation, they should make those fears known in the process of reporting the misconduct Concern, so that the College can consider whether appropriate steps can be taken to safeguard the rights of the Reporting Party as well as Responding Party.
- 8.70** A Concern of misconduct relating to behaviour by a group of students may be reported as a single misconduct issue through the channels set out above. However, consistent with the students' rights to confidentiality and a fair process, the College will ensure that the situation of each student is investigated and determined on its own merits and that each student is entitled to attend individual disciplinary interviews and hearings. Where fairness permits, some aspects of the disciplinary process may be brought together, for example, a common investigator or panel chair may be appointed for all of the disciplinary hearings related to the same case.

9 ALLEGED MISCONDUCT INVESTIGATIVE PROCEDURES

a. Alleged Misconduct Investigative Procedures at a glance:



b. Informal Resolution

9.1 Following Biblical teaching in Matthew 18:15-17, except in cases of safeguarding concern, the College will first try to resolve a Concern of misconduct informally and privately with the student involved so that the matter may be resolved without recourse to any formal procedure. Cases of safeguarding concern will always be handled formally and in consultation with statutory authorities.

9.2 Therefore, the College would expect the member of staff most concerned with the alleged misconduct to deal with the issue (e.g., inconsiderate use of the laundry facilities to be dealt with by housekeeping etc) or the student's personal tutor.

9.3 This member of staff may:

- find there is no case to answer; or
- provide advice and guidance to the student on improving their behaviour and explaining the consequences should the behaviour be repeated; and/or
- offer appropriate support (should the cause of the behaviour be rooted in a pastoral issue or because reasonable adjustments need to be put in place for a student with a additional needs); or
- decide the matter is more serious (i.e. it is behaviour which, if found to be true, would be classified as serious misconduct. In this case the member of staff should encourage the Reporting Party to report a Formal Concern so that the formal procedure can be followed.

9.4 Informal action will not be recorded as disciplinary action on the student's record.

c. Formal Procedure

9.5 The Designated Safeguarding Lead will be informed of all cases of safeguarding concern behaviour without delay

9.6 A reported Formal Concern of misconduct will be brought to the attention of the CTA for consideration of whether a formal disciplinary investigation and hearing should take place, if any of the following situations occur:

- issues remain unresolved at an informal stage;

- the same or other unacceptable behaviour continues;
- there are multiple Reporting Parties;
- a reported concern of alleged serious misconduct is received.

- 9.7** Where relevant, a meeting will be held with the Responding Party and the Reporting Party separately and as soon as possible to determine:
- Whether there is a case to answer (to be determined by the CTA in consultation with a member of senior management.)
 - Whether interim non-prejudicial precautionary protective measures (PPM) need to be put in place immediately (see 8h);
 - whether the Responding Party and the Reporting Party need to give evidence from separate room;
 - whether an interim suspension measure (ISM) should be actioned while a serious concern is investigated e.g., by the police (See 8i)
 - whether an external authority e.g. the police, need to be informed.
- 9.8** The Reporting Party and where relevant the Referring Party will be asked to provide:
- a written statement of the concern;
 - any evidence to support the concern;
 - the names of any witnesses to the alleged incident(s) that occurred;
 - the name of anyone they would like to support them during the investigation.
- 9.9** The Responding Party will be informed of the concern and be given 7 days to provide:
- any evidence which will support their defence of the concern;
 - the names of any witnesses they wish to bring to speak on their behalf;
 - the names of anyone they would like to support them during the investigation.
- Consideration will be given if there are extenuating circumstances why they need longer than 7 days to provide this information.
- 9.10** The College will then determine:
- whether any external authority needs to be informed before the College can proceed with its own procedures;
 - which College procedure should be followed;
 - the names of the hearing panel who will hear the case; this shall comprise the Principal or his/her nominee and two other members of staff who are independent of the circumstances that gave rise to the concern, and who may or may not be members of the Senior Leadership Team. Where the Principal is a party to the issue, he or she would be replaced by the Chair of the Board of Trustees or another member of the Board as their nominee.
- 9.11** In consultation with the Reporting Party, the Responding Party and the hearing panel will agree a suitable date and location for the formal hearing to take place.
- 9.12** The Principal will then inform both parties in writing of the date and location of the hearing and the names of the panel, confirming the witnesses who will be called and, if applicable, any special arrangements which would be put in place (e.g., for the Responding Party and the Reporting Party to be interviewed in separate rooms). The Principal will also provide them with a copy of the concern raised and the policies and procedures which would be followed.
- 9.13** During the hearing, should any unexpected and unavoidable delay occur, all parties would be given a reason for the delay and an idea of how long the delay could take.
- 9.14** On the conclusion of the hearing, the Responding Party and the Reporting Party will be informed when the hearing panel will meet to determine the outcome.
- 9.15** The panel members will either meet immediately at the end of the hearing to reach a decision on the outcome or arrange a later meeting date to deliberate their findings. The outcome will be based on the balance of probabilities and having considered all relevant evidence together with any relevant aggravating or mitigating factors (see 9d).

9.16 The potential outcomes are that:

- The concerns are dismissed with no further action being taken;
- The concerns are upheld and the appropriate sanction is determined (see 9f for possible sanctions).

d. Outcome

9.17 If the concerns are not upheld the matter will be dropped. The decision will be communicated in writing and/or verbally (according to the wishes of the parties involved), no later than 7 working days after the determination of the panel.

9.18 Where an investigation was undertaken but the concerns were not upheld or malicious, a record will be made on the student's file stating:

- that a concern was raised (but not the nature of the concern)
- the date it was raised
- that the concern was fully investigated
- that the outcome was found to be malicious or not upheld
- no further action was taken.

9.19 Regardless of the outcome, a record of safeguarding concerns would always be kept in line with the College Data Retention Schedule.

9.20 If proven, the hearing panel will call a disciplinary hearing at which a summary of the outcome will be communicated to the Responding Party, in writing and/or verbally (according to the wishes of the Responding Party), no later than 7 working days after the determination of the panel. The outcome letter will include the reasons for the decision(s) reached, what record will be kept on their student file and for how long, and details of any sanctions applied with any time limits imposed. The letter will also include information about the appeal procedures open to them.

9.21 If appropriate, the panel will seek permission from the Responding Party to release the outcome decision to relevant third parties e.g. the Reporting Party. If permission were given, the redaction of any information would be agreed at the same time e.g. sensitive data. In any event, the Reporting Party will receive their own outcome letter.

9.22 Given the unique nature of the community at All Nations Christian College and bearing in mind the impact any serious misconduct had had on the whole community, the hearing panel may feel it is in the community's best interest that a statement about the case should be made to the whole community. In this case they would seek permission from all parties involved to break confidentiality by releasing a statement. If all agree to the releasing of a statement, the wording, timing and method of doing so would also be agreed before the community would be informed. No announcement would be made without the agreement of all parties.

e. Sanctions

9.23 The panel will seek to choose sanctions which are relevant and proportionate to the misconduct.

9.24 The panel will also consider the student's personal circumstances and whether there are any mitigating or aggravating factors which should be taken into account.

9.25 An **Aggravating Factor** is something which makes an incident more serious or the Responding Party more culpable. For example, this could be:

- Prior history (e.g. prior history of misconduct; previous history of misconduct involving the same or similar types of behaviour or cumulative breaches, for example repeatedly causing a noise disturbance in the early hours of the morning)
- Repeated breach against the same individual(s)
- Misconduct was motivated by discrimination towards others
- Use of violence/force/threats/intimidation
- Awareness of the vulnerability of the Reporting Party

- Premeditation
- Abuse of power and/or a position of trust
- Trying to blame the Reporting Party, despite clear evidence of the guilt of the Responding Party
- Multiple Reporting Parties

9.26 A **Mitigating Factor** is an extenuating circumstance in relation to the Responding Party or circumstances of an incident. For example, this could be:

- A first offence
- Admitting the conduct at the earliest opportunity
- Taking responsibility for their actions and expressing sincere remorse or intention not to do it again
- Lack of intent – the misconduct was committed accidentally, by mistake or was unintentional
- Evidence of provocation
- Evidence of an attempt to make amends following the misconduct

9.27 Sanctions may include but are not limited to one or more of the following:

- Written warning (copy on the student's file for an agreed period) with time for improvement or change in behaviour; failure to comply could result in a more serious sanction.
- Final written warning (copy on the student's file for an agreed period) with improvement or change in behavior; failure to comply could result in termination of a student's registration.
- Written rebuke or reprimand (copy on student's file for an agreed period).
- A behavioural contract or undertakings from the student relating to their behaviour.
- A requirement to submit a verbal or written apology.
- Payment of damage repair costs
- Community service to the College relevant to the behaviour.
- Temporary or permanent non-contact order with another student
- Temporary or permanent restricted access to college facilities for a specified period
- Temporary exclusion from the College
- Suspension or Termination of College bursary,
- Temporary or Permanent Restricted access to college services or parts of the premises
- Requirement to vacate College accommodation within an agreed number of days either temporarily (for a specified period) or permanently.
- Permanent Expulsion i.e., termination of a student's registration
- To be deemed 'not in good standing with the College', which means they cannot be readmitted to the College.

10 APPEALS:

a. To the College

10.1 A simple disagreement with the outcome is insufficient grounds for requesting a review of a decision. The only valid grounds are:

- if the Responding and/or Reporting Parties felt they were treated unfairly/impartially, or
- if a Party have material information, they were unable or, with valid reason, unwilling to divulge to the hearing panel when it reached its decision.

10.2 To appeal/request a review a student must:

- Submit a signed and completed Formal Appeal form within 14 days of receiving the outcome. This form is attached as an appendix to this document and it can also be found in the Student Area/General College Information on the College VLE and on the website: www.allnations.ac.uk.
- Explain on the form how or why the College decision was unreasonable, beyond a simple disagreement with the outcome.

- Provide any additional supporting evidence with an explanation of why this was not submitted during the hearing. Without a reasonable explanation, further evidence will not be accepted.

10.3 The appeal will be heard by someone who was not involved in the original investigation and the review investigation will report its findings within 60 calendar days of receipt of the completed form and supporting evidence. The student will be informed in the event that there is any unavoidable delay with reasons given.

10.4 The appealing party will be informed of the outcome of the appeal in writing, and with the reasons given. They will also be informed of any further appeal process which is still available to them.

b. To Appeal to The Open University:

10.5 The Open University accredits All Nations Christian College and validates the undergraduate and postgraduate programmes. Please see The Open University's current Handbook for Validated Awards: Appendix 1: Student Complaints and Appeal Procedure to find out the timescales, admissible grounds and procedures for appealing to them after the conclusion of the College disciplinary hearing and review procedures.

10.6 Or contact them:

- By writing to The Director, Open University Validation Partnerships, The Open University, Walton Hall, Milton Keynes, MK7 6AA U.K.
- By email to: OUVP_Director@open.ac.uk
- By phone: 01908 332840

10.7 To Appeal to the Office of The Independent Adjudicator for Higher Education:

- The Office of the Independent Adjudicator (OIA) was set up under the Higher Education Act 2004 to provide 'an independent student complaints scheme'. All Higher Education Institutions in England and Wales are required to comply with the scheme, which is free to students.
- The OIAHE can only consider unresolved complaints from students after the College's and The OU's own complaints and appeals procedures has been concluded and the student has been given a Completion of Procedures letter by The Open University (see the previous paragraph).
- Full details on the OIAHE scheme can be found at: www.oiahe.org.uk.

11 ROLES, RESPONSIBILITIES, POLICY APPROVAL AND REVIEW

11.1 The **Board of Trustees** have legal oversight and responsibility for all College policies, providing leadership and active support for them and are responsible for ensuring:

- A legally compliant and fit for purpose student disciplinary policy is in place and approved by the Senior Leadership Team.
- Satisfactory arrangements are made for its effective implementation, including the provision of resources.
- They chair a disciplinary hearing panel where the Principal/CEO is the person against whom a complaint has been made.
- The management of the appeals process.
- They receive details from the Senior Leadership Team of any serious incident or one which could be of reputational risk to the College which should be reported to either the Office for Students and/or the Charity Commission.

11.2 The **Principal/CEO and Senior Leadership Team** are responsible for:

- The implementation, management and approval of this policy; ensuring that procedures are implemented consistently and with clear lines of authority and actively and visibly leading the College's student disciplinary policy and practice.

- The initial investigation to consider whether there is a case to answer and, if so, the seriousness of any apparent offence.
- The appointment of an investigator/hearing panel.
- Chairing or nominating a chair of a hearing panel.
- Ensuring this policy is continually improved in consultation with students and staff.
- Ensuring any investigations are managed appropriately by the Principal/CEO and in line with this policy.
- Ensuring complaints brought under the terms of this policy are managed in line with this policy.
- Ensuring decision making complies with all relevant regulatory bodies.
- Reporting details to the Board of Trustees of any serious incident or one which could be of reputational risk to the College.

11.3 Personal Tutors and Members of Staff most concerned with alleged minor misconduct are responsible for following the informal Misconduct Procedure in section 9. Personal Tutors are also responsible, where appropriate for offering support to a tutee who is going through a disciplinary procedure.

11.4 The Principal/CEO, Senior Leadership Team, and all department heads, are responsible for ensuring that the spirit of this policy is implemented through:

- Incorporating it into all aspects of student management,
- Exploring what can be learned from incidents when occur.

11.5 Through their ongoing regular meetings, the **Head Students** and the **Principal/CEO** are responsible for using this meeting to raise and resolve issues of mutual concern with the student body and/or The Senior Leadership Team/Board of Trustees as relevant.

11.6 Any person covered by the scope of this policy, if involved in an investigation or hearing panel in any capacity, is responsible for ensuring:

- where relevant, they present their case with integrity and in a timely fashion and/or
- they comply with any investigation and the procedures in this policy.

They are also responsible for:

- familiarising themselves with this policy on appointment/at induction/orientation
- demonstrating active commitment to this policy by:
 - following the College Code of Conduct
 - supporting anyone involved in a disciplinary investigation if appropriate.

11.7 Complaints Training Administrator or Administrator assigned to a disciplinary hearing case is responsible for the administration of disciplinary investigations/hearings and appeals processes.

11.8 The College entrusts **all individuals across the institution** to take a pro-active role in improving the College's policy and practice regarding disputes (whether between students, staff or between students and staff, and student disciplinary offences).

12 POLICY COMMUNICATION

12.1 This policy and all other policies mentioned in this document can be found in the student area on the College VLE and on the College website [here](#).

12.2 The **Staff Disciplinary Procedure** can be found in the Additional Staff Policies & Procedures on the P Drive and is also obtainable from the HR Lead.

12.3 The College General Administrator will make every effort to respond to any request to provide this policy in a different format. Such requests should be sent to info@allnations.ac.uk

12.4 This policy will be included in staff induction.

13 RELATED DOCUMENTS

This policy has been developed in accordance with the following regulations, policies and procedures. This list is not exhaustive:

- All Nations Christian College [Equality and Diversity Policy](#)
- All Nations Christian College [Data Protection Policy](#)
- All Nations Christian College [Complaints Policy](#)
- All Nations Christian College [Admissions Policy](#)
- All Nations Christian College [Academic Appeals Policy](#)
- All Nations Christian College [Bullying, Harassment & Sexual Misconduct](#)
- All Nations Christian College [Safeguarding Policy](#)

APPENDICES

1. Examples of Minor and Serious Misconduct
2. Concern Report Form
3. Appeal/Review Form

APPENDIX 1

EXAMPLES OF MINOR AND SERIOUS MISCONDUCT

The following are examples of conduct which are not acceptable to the College community, and which may lead to action by the College according to the student disciplinary procedure.

Minor Misconduct are all those actions which could cause minor offence to the College and its members and which are not serious enough to constitute serious misconduct under this policy. They could include but are not limited to the following:

- a. Antisocial behaviour which causes disturbance, upset or distress to other individuals
- b. Behaviour that is in breach of health and safety guidance and/or that puts others at risk
- c. Accidental damage to property i.e. without malicious intent
- d. Minor breach of College regulations, policies or procedures
- e. Failure to follow the reasonable instructions or requests of College representatives in the best interests of the student or other individuals.
- f. Insulting or abusive behaviour towards other individuals, including College staff, which is not discrimination within the meaning of the Equality Act 2010 and is not otherwise criminal behaviour
- g. Entering a restricted area without permission
- h. Causing noise or other disturbance
- i. Allowing unauthorised guests in your accommodation
- j. Inappropriate interference with College facilities

Serious Misconduct could include but is not limited to the following:

- a. Behaviour that brings the College into disrepute (excluding legitimate complaints or whistleblowing)
- b. Serious breach of College policies, rules and regulations.
- c. Conduct that does or is liable to cause, violence to a person or damage to property. Please note that in exercising freedom of speech or academic freedom, no-one is permitted to commit acts of violence or terrorism.
- d. Majorly interfering with, or unreasonably impeding members of the College in carrying out their duties.
- e. Bribery, theft, fraud or misapplication in connection with funds or property of any kind.
- f. Refusal or failure to comply with any sanction (subject to any right of appeal applicable) imposed by the College.
- g. All forms of discrimination, bullying, harassment, sexual misconduct, hate motivated conduct, online misconduct or victimisation. If this has been alleged, please see the College '[Bullying, Harassment and Sexual Misconduct Policy](#)' for added information.
- h. Victimisation or retaliation of a student or staff member or employee who has, in good faith, made, supported or assisted in the making of a complaint – even if the complaint is not upheld – provided the action was taken in good faith.
- i. Misuse of e-mail, social media, computer facilities, or any aspects of College communications networks.
- j. Dishonesty in relation to dealings with the College, its staff members, visitors and associates and other students.
- k. Actions which may be seriously injurious to the health, safety and welfare of any person.
- l. A criminal offence.
- m. Moral misconduct as defined by the College's Statement of Faith and the Biblical teaching referred to therein.

APPENDIX 2

ALL NATIONS CHRISTIAN COLLEGE CONCERN FORM

Expressions of minor concerns (other than for safeguarding disclosures) should be raised verbally with a member of the pastoral team, your personal tutor or the personal tutor of the individual who is the subject of your concern and will be treated informally.

This form is to be used to report a more serious concern or to initiate a formal investigation that an individual has behaved in a way that is contrary to the College Student Disciplinary Policy, Staff Disciplinary Policy, Bullying, Harassment and Sexual Misconduct Policy or Fitness to Study Policy **or to inform the Safeguarding Lead of ANY Safeguarding concern.**

Your Details:

Name:

Phone:

Email:

Details of the concern:

Date(s) and Time(s):

Person(s) concerned about:

Concern Type:

1. Click 'Choose an item' box
2. Click on arrow head for options to appear
3. Click on suitable option

Choose an item.

Location of incident:

Details of your concern:

Actions already taken:

Action sought: *Describe what actions you want the College to take. While the College cannot promise to do what you ask, it would be helpful to understand what you are seeking.*

Date and time concern submitted:

The College will treat your data carefully and in accordance with the College's data protection policy (available [here](#)). The College cannot guarantee to keep the facts and details of your concern confidential if it is necessary and proportionate to share your data in order to review and resolve your concern or refer safeguarding concerns to statutory authorities.

Submit your concern to the:

- **Safeguarding Lead:** safeguarding@allnations.ac.uk [Concern type = 'Safeguarding' or 'Prevent'] OR
- **HR Lead:** HR@allnations.ac.uk [Concern type = 'Staff/MIR/Volunteer conduct'] OR
- **Compliance Training Administrator:** CTA@allnations.ac.uk [for all other concern types]

IMPORTANT: Do NOT delay in submitting safeguarding concerns to the Safeguarding Lead.

You should usually expect to receive an acknowledgement of receipt of this form within 7 working days of submission (1 working day for safeguarding concerns), but please note that if you submit the form outside of College term times, it may take a little longer for you to receive an acknowledgement.

Admin only: Concern received by:

Time and Date received:

ALL NATIONS CHRISTIAN COLLEGE REVIEW REQUEST FORM

Your Details:

Name:

Phone:

Email:

Details of the decision against which you are appealing:

Date of Decision (you must appeal within 3 months of receiving the outcome of your complaint:

Appeal relates to:

State the decision about which you are seeking a review.

Grounds for Complaint:

A simple disagreement with the outcome is an insufficient reason to make an appeal. There are only three valid grounds for requesting a review of the decision (listed below).

Complete the applicable section(s) below:

1. I am making this appeal because the College did not follow its procedures correctly:

State clearly which part(s) of the procedure used in the original investigation was/were not followed correctly.

2. I am making this appeal because I believe I was treated unfairly/impartially.

Give specific examples to show how were treated unfairly or impartially

3. I am making this appeal because I have new evidence I was unable to provide in the original investigation:

State the evidence and explain your valid reason(s) why you were unable or unwilling to mention these in your complaint and/or the original investigation

Where new evidence is provided, list here the documents you are including with this appeal, if applicable:

Date and time review request submitted:

The College will treat your data carefully and in accordance with the College's data protection policy (available [here](#)). The College cannot guarantee to keep the facts and details of your concern confidential if it is necessary and proportionate to share your data in order to review and resolve your concern or refer safeguarding concerns to statutory authorities.

Submit your concern to the administrator who dealt with your initial concern, or who sent you the outcome of the investigation into that concern:

- **Compliance Training Administrator:** cta@allnations.ac.uk [for all other concern types]
- **Safeguarding Lead:** safeguarding@allnations.ac.uk [Concern type = 'Safeguarding' or 'Prevent'] OR
- **HR Lead:** HR@allnations.ac.uk [Concern type = 'Staff/MIR/Volunteer conduct'] OR

You should usually expect to receive an acknowledgement of receipt of this form within 7 working days of submission

Admin only: Concern received by:

Time and Date received: