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# Student Disciplinary Policy and Procedure

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## 1. Introduction

- 1.1 This Policy and Procedure relates to non-academic misconduct. Academic misconduct, such as plagiarism, is addressed within UCQ's Academic Misconduct Policy.
- 1.2 The Principal of UCQ are ultimately responsible for maintaining discipline among students of UCQ, and in this, students can expect the Principal to be assisted by all UCQ staff.
- 1.3 The discharge of this responsibility in respect of managing student conduct is delegated by UCQ's Principal to the UCQ Senior Leadership Team ("the Disciplinary Officers").
- 1.4 The burden of proof of the allegations of misconduct lies with the person or persons alleging the misconduct. The judgement of the allegation/s will be based on balance of probabilities.
- 1.5 The seriousness of the offence will be taken into account in assessing the cogency, weight and quality of evidence presented.
- 1.6 UCQ will not investigate anonymous allegations.
- 1.7 The disciplinary procedure has an informal stage and four formal stages. Any stage in the process may be invoked immediately, depending on the nature and severity of the behaviour. However, it is expected in most cases a progressive, staged approach to student discipline will be implemented.
- 1.8 Before invoking a formal disciplinary process, any member of UCQ staff may use their professional judgement and issue verbal warnings informally. The formal process is to be implemented if the severity of the conduct means that an informal verbal warning is not sufficient.

## 2. Procedure

- 2.1 A broad summary of the progressive staged approach is outlined below:
  - 2.1.1 **Stage 1** Verbal warning confirmed formally in writing to the student
  - 2.1.2 **Stage 2** Written warning
  - 2.1.3 **Stage 3** Final written warning
  - 2.1.4 **Stage 4** Suspension from attendance on the UCQ programme for a specified period or while an investigation takes place, which may lead to expulsion
- 2.2 Verbal warnings can be issued by:
  - 2.2.1 Lecturing Staff, Professional Development Assessors, HE Admissions Manager, Quality Manager, Senior Leadership Team or full members of the UCQ Academic Council

2.3 Written warnings can be issued by:

2.3.1 UCQ Senior Leadership Team

### 3. Procedural stages

#### 3.1 Severity of misconduct

3.1.1 The nature of the misconduct and surrounding circumstances may result in any of the following four stages being implemented with immediate effect.

3.1.2 All formal warnings will be recorded in the student's file.

3.1.3 Notice of all warnings will be recorded the UCQ Student Behaviours Log.

#### 3.2 Stage 1 – Verbal warning confirmed formally in writing

3.2.1 In most cases, a student will have received an informal warning before receiving a formal verbal warning.

3.2.2 Verbal warning: This is actioned by an approved staff member (2.2) and countersigned by a Curriculum or Line Manager. Some examples of behaviour that may warrant a verbal warning are:

- 3.2.2.1 Unauthorised use of mobile technology devices in class
- 3.2.2.2 Use of intimidating/unwelcome discriminatory language or behaviour
- 3.2.2.3 Any behaviour that disrupts learning
- 3.2.2.4 Littering

3.2.3 After the formal verbal warning takes place, details of the nature of the warning will be confirmed in writing to the student and their employer. This will be countersigned by a Curriculum or Line Manager.

#### 3.3 Stage 2 – Written warning

3.3.1 In most cases, a student will have received a verbal warning before receiving a formal written warning.

3.3.2 Written warning: This is actioned by a member of the Senior Leadership Team and countersigned by another member of staff. Some examples of behaviour which may warrant a written warning are:

- 3.3.2.1 Use of intimidating/unwelcome discriminatory language or behaviour
- 3.3.2.2 Illegal Internet Access/ transmission of offensive materials or statements
- 3.3.2.3 Damage to UCQ property
- 3.3.2.4 Smoking outside a designated area
- 3.3.2.5 Persistent disruption to learning

3.3.3 After the formal written warning takes place, details of the nature of the warning will be given or forwarded to the student and their employer.

### **3.4 Stage 3 – Final written warning**

- 3.4.1 In most cases, a student will have received a written warning before receiving a final written warning.
- 3.4.2 Final written warning: This is actioned by a member of the Senior Leadership Team and countersigned by another member of staff. Some examples of behaviour which may warrant a written warning are:
- 3.4.2.1 Use of intimidating/unwelcome discriminatory language or behaviour
  - 3.4.2.2 Suspected malpractice
- 3.4.3 After the formal final written warning takes place a letter detailing the nature of the warning will be given or forwarded to the student and their employer.

### **3.5 Stage 4 – Suspension from the UCQ programme for a specified period or while an investigation takes place, which may lead to expulsion**

- 3.5.1 A student is likely to have received a final written warning before reaching this stage.
- 3.5.2 Suspension/Expulsion: If a student is suspected of gross misconduct, the Senior Leadership Team may suspend them immediately to allow an investigation to take place prior to further action. Student suspension can be actioned only by a member of the Senior Leadership Team.
- 3.5.3 Student expulsion can be actioned only by the Principal or Vice Principal.
- 3.5.4 Some examples of behaviour considered to be gross misconduct and warranting suspension/expulsion are:
- 3.5.4.1 Being under the influence of alcohol and/or illegal drugs
  - 3.5.4.2 Committing a criminal act e.g. vandalism, assault
  - 3.5.4.3 Contravening UCQ's Equality and Diversity, Safeguarding or Health and Safety policies
  - 3.5.4.4 Any other conduct that is deemed to be gross misconduct
- 3.5.5 After the student has been advised of their suspension/expulsion and when a formal suspension/expulsion meeting takes place, details of the nature of the incident will be given or forwarded to the student.

### **3.6 Readmission following expulsion**

- 3.6.1 Any student seeking readmission to a UCQ course following an expulsion should apply through the normal UCQ application process.

## 4. Appeals

### 4.1 Right of appeal

- 4.1.1 All students have the right to appeal a disciplinary action at each stage of the disciplinary process if there are extenuating circumstances or additional evidence or information that is relevant but not known by the member of staff at the time of the disciplinary action.
- 4.1.2 All non-academic disciplinary appeals will follow the appeals process below and considered by the Academic Council. All academic and admission appeals will follow AC-001 Appeals Procedure.
- 4.1.3 An appeal should be submitted in writing to UCQ within ten working days from the day the decision was received by the student.
- 4.1.4 An appeal hearing will be arranged as soon as possible, but not later than ten working days from the receipt of the appeal. If the student fails to appear at the appeal hearing it will be presumed that the student has withdrawn their appeal unless a medical certificate has been submitted to UCQ within 2 days of the appeal hearing date.

### 4.2 Lodging an appeal

- 4.2.1 For an appeal to be formally considered by the Academic Council the appeal must be made, in writing, on the prescribed form (appendix A) and submitted to the appeals officer (appeals@ucq.ac.uk). The information provided must include:
  - 4.2.1.1 the student's full name, student number and signature
  - 4.2.1.2 the result or decision for which the appeal is made
  - 4.2.1.3 the ground(s) of appeal
  - 4.2.1.4 evidence in support of the appeal
  - 4.2.1.5 list of any other person(s) who has (have) relevant information

### 4.3 Evidence

- 4.3.1 It is important that the student or applicant submits evidence to support their appeal. It is the appellant's responsibility to obtain the required evidence. UCQ will not contact doctors or others on the student's behalf. Evidence must be new and not already submitted and considered by the Disciplinary Officers. The evidence must be objective and authoritative and if not provided in English, a certified English translation must be provided at the time of submission.

### 4.4 Initial review

- 4.4.1 The Appeals Officer or nominee from the Academic Council will issue the appellant with a receipt (either electronic or printed) within 10 working days of the written application for appeal being submitted by the appellant. Should the appeal not meet the conditions of eligibility as set out below, the appellant will be notified in writing, along with their receipt.

4.4.2 To meet the threshold conditions for an eligible appeal, the appeal must:

- 4.4.2.1 have been made in writing on the appropriate form, and bear all of the information requested on the form
- 4.4.2.2 identify the grounds of appeal
- 4.4.2.3 have been received within the identified time limit
- 4.4.2.4 have evidence and grounds which are reasonably arguable

#### **4.5 Consideration of the appeal**

- 4.5.1 Should the appeal meet the conditions of eligibility it will be submitted to the Academic Council for consideration. The Academic Council will appoint an investigating member, who has no conflict of interest with the appeal, who will review the evidence available, consider whether further information is required and generate a written report of the outcome.
- 4.5.2 The investigating member must reach a decision within four working weeks and inform the student orally and provide a copy of the written report with the identified outcome.

#### **4.6 Outcome**

- 4.6.1 The Academic Council member shall find either:
  - 4.6.1.1 that the appeal be dismissed, and the consequent action be implemented/processed as normal; or
  - 4.6.1.2 uphold the appeal, in whole or in part, and stipulate specific actions to be taken

#### **4.7 Action following appeal procedures**

- 4.7.1 The appellant will be sent a written statement setting out the decision that has been made and the reasons for reaching that decision, together with any actions required by the appellant or UCQ to follow up and implement that decision. The written statement will also include details of any further right of appeal available to the student if they remain dissatisfied with the final outcome of the institution's procedures. This will include, where applicable, the right to appeal to The Open University.

#### **4.8 Escalation to Awarding Organisation**

- 4.8.1 If the appellant remains unhappy after following UCQ's own internal appeals procedure, they can contact the Awarding Organisation directly. Contact details of the Awarding Organisation can be found on their website. If you would like to confirm who the Awarding Organisation is, please contact the UCQ Student Services Team on 0191 275 5015 or review your Individual Learning Plan (ILP).
- 4.8.2 Should the appellant address their appeal to the relevant Awarding Organisation and remain unhappy with the outcome they may then raise their appeal to the relevant qualification regulator. Either a representative of UCQ or the Awarding Organisation will be able to offer you guidance on the appropriate qualification regulator in each instance and provide contact details.

#### **4.9 Appeals to The Open University**

4.9.1 For those studying on the Chartered Manager Degree Apprenticeship the Awarding Organisation is The Open University. There shall be a final right of appeal to The Open University against a decision of the UCQ Academic Council only if the appeal meets the following criteria:

- 4.9.1.1 the appeal relates only to a programme that has been validated by The Open University;
- 4.9.1.2 all appropriate internal procedures at UCQ have been exhausted;
- 4.9.1.3 there are reasonable grounds to believe that the UCQ's internal procedures and regulations for dealing with appeals were not implemented correctly or fairly.

#### **4.10 Office of the Independent Adjudicator for Higher Education (OIA)**

4.10.1 UCQ subscribes to the independent scheme for the review of student complaints. Once you have exhausted UCQ's internal procedures, if you are dissatisfied with the outcome you may be able to apply for a review of your appeal to the Office of the Independent Adjudicator for Higher Education (OIA) (<https://www.oiahe.org.uk>) providing that the complaint that you take to the OIA is eligible under its Rules.

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## Appendix A - UCQ Appeals Form

### **Applicant Appeal**

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Name of applicant: \_\_\_\_\_

Student No. (if applicable): \_\_\_\_\_

Applicant signature: \_\_\_\_\_

Relevant course/programme: \_\_\_\_\_

Date of decision: \_\_\_\_\_

### **Section 1: Result or decision for which the appeal is being made**

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### **Section 2: The ground(s) for appeal**

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### **Section 3: Evidence in support of the appeal**

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### **Section 4: Information of any other person(s) who has/have relevant information**

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