



Student Conduct and Discipline Policy and Procedure

Valid from: October 2022

Last update June 2023 (minor)

1. Introduction

- 1.1 Metanoia Institute actively encourages all students, staff and visitors to engage positively and participate fully in the life of the Institute. This Policy is designed to support students, staff and visitors by providing a mechanism through which behaviour or actions contrary to the Institute's expectations on conduct can be addressed. Metanoia Institute is an adult learning and social environment and we treat all our students as independent and mature individuals who are expected to act responsibly and appropriately. Our aim is to provide a safe and secure learning environment; therefore, if any of our students behave in a way that adversely affects the comfort and safety of others, we will take action to protect the wider community.
- 1.2 The Institute remains committed to providing a high-quality academic work environment where all are welcomed, respected and treated in a consistent and non-discriminatory manner. Staff and Students are expected to conduct themselves appropriately at all times. Examples of misconduct are outlined below and include but are not limited to the following:
- Physical misconduct
 - Abusive behaviour
 - Sexual misconduct
 - Damage to property
 - Unauthorised use or taking of property
 - Causing a health and safety concern
 - Failure to follow published procedures
 - Reputational damage

2. Scope

- 2.1 The purpose of this Policy is to enable Metanoia Institute to fulfil its obligations relating to the care of, and responsibility for staff, students and visitors. The Policy applies to any person defined as a student of the Institute, including but not limited to applicants; registered students; students on a break in study, undertaking reassessment without attendance and writing up; and alumni (including students who did not complete their studies). The Institute reserves the right to use these procedures for students who withdraw while the disciplinary process is in progress.
- 2.2 The Student Discipline Policy and Procedure applies to any action of misconduct occurring on Metanoia Institute premises or in the context of relevant, associated activities, including off-site events such as placements and programme residential activity; including social media, where the alleged victim is a student or member of staff at the Institute or others visiting, working or studying at the Institute, or where damage, including to the reputation of Metanoia Institute occurs as a result of the student's actions. Registration as a student of the Institute shall carry with it an obligation and an undertaking on the part of the student to conduct themselves in a manner compatible with the Institute's principles (code and ethos) and all relevant published policies and regulations. Breaching these principles may result in disciplinary action being taken under this Policy.

Separate procedures apply where an allegation of academic misconduct is made or where an allegation of misconduct is made against a member of staff or others visiting to the Institute.

- 2.3 Where there is a concern that a student's mental health, illness or disability may have directly affected behaviour and/or conduct, the relevant Faculty Head (or nominee) will be consulted as to whether it would be more appropriate to consider the matter under the Fitness to Study Policy as an alternative to disciplinary action. The Institute, however, strongly believes that inappropriate conduct is unacceptable regardless of the circumstances and will take action where required.

3. Support

- 3.1 Complainants and the subjects of complaints are entitled to be supported throughout the disciplinary process. Support for those involved in disciplinary proceedings may vary depending on the nature of the allegation and could include but not be limited to: ongoing access to a form of wellbeing service/ support channel; provision of further information about the disciplinary process; the ability to bring a companion to disciplinary meetings; referral to external specialist support services.
- 3.2 Where a student's ability to continue with their studies is affected as a result of disciplinary procedures, consideration will be given to how best to support them in managing their studies during the procedures or returning to their studies following completion of procedures.
- 3.3 As with other procedures, reasonable adjustments will be considered for students with disabilities or other health issues; students will be actively encouraged to advise the Institute of any adjustments that may be helpful. Advice may be sought from Safeguarding Officers or other professionals, including but not limited to medical practitioners, in determining the adjustments that can be put in place.
- 3.4 The Institute acknowledges that the support provided for reporting/affected parties and responding parties may need to continue beyond the outcome of any disciplinary proceedings. A review of support needs will be undertaken at regular points during and after disciplinary proceedings to ensure all parties are receiving fair and equal treatment.
- 3.5 Students involved in the disciplinary process may wish to consult with the following sources of advice; personal tutor or Director of Studies; Faculty Head; Registrar; Quality Standards and Support Manager. Members of staff involved in the disciplinary process who need support can consult with the HR Officer or their line managers in the first instance.

4. Allegations

- 4.1 Any student whose conduct is incompatible with the codes, rules and regulations of the Institute may be subject to the disciplinary proceedings laid out in this Policy.

- 4.2 Any member of the Institute may make an allegation of misconduct against a student under these provisions. Where the allegation is made by a student, this normally would be considered under the Student Complaints Policy first. Where the allegation is made by a person unconnected with the Institute, consideration will be given by the Registrar or nominee as to whether it would be appropriate to conduct an investigation. Where the allegation is from a member of staff, the processes set out in Stages One or Two should be followed (see below).
- 4.3 Where an allegation of student misconduct made to the Institute is an offence committed against the Institute and could be considered a criminal offence, the CEO or nominee will determine whether the incident should be reported to the Police. The Institute may seek advice from other regulatory or sector bodies as to whether external reporting is appropriate. Decisions will be made on a case-by-case basis and will be based on factors including the nature and seriousness of the case and whether there is any risk to the health, safety and well-being of the complainant or others.
- 4.4 Where an allegation of student misconduct made to the Institute could be considered a criminal offence but not an offence against the Institute, the Registrar or nominee will allow the complainant to determine whether they will report the incident to the Police. Only in exceptional circumstances will the Institute report an alleged crime to the police against the wishes of the complainant, where it has determined that reporting the incident is necessary to protect Institute members from harm or prevent a further crime occurring. Any such decision would be communicated to the complainant and would take in consideration the Institute's responsibilities under the Data Protection Act/ GDPR compliance. The Institute will follow the latest government and judicial guidance in determining any exceptions to this process. This includes where the Institute has a legal responsibility to report alleged crimes relating to money laundering and terrorist activity.

5. Criminal / Legal Proceedings

- 5.1 Allegations of criminal behaviour of students (on or off-site) may come to the Institute's attention in three ways:
- Allegations by another member of the Institute community (i.e. student, staff or visitor)
 - Allegation by an external party (e.g. alumni, member of public)
 - Report/enquiry from the police or equivalent body
- 5.2 In all cases, the Registrar should be informed; they will be able to provide advice on liaising with the police or equivalent bodies and on next steps. The assessment of risk to students, staff and visitors will be conducted via the Institute's Safeguarding Policy.
- 5.3 Any student who is the victim of an alleged criminal act is encouraged to report without delay the crime to the police. Where a matter reported to the Institute has also been reported to the Police, the criminal process will take priority. Where an Institute process is started which relates to civil or criminal proceedings, usually it will be put on hold until such time as the external process is at an end. A decision to defer proceedings does not prevent the Institute from taking necessary precautionary action, such as a suspension, until such time that the internal procedure restarts. Where the disciplinary proceedings are based on facts and matters which are different to those being dealt with under

concurrent criminal proceedings, the Institute can decide to pursue the investigation without waiting for the outcome of the criminal investigation. The Institute may liaise with the relevant external authorities in determining whether to undertake internal disciplinary procedures while external proceedings are under way.

- 5.4 Where an allegation of misconduct is made which could be the subject of criminal proceedings but where a decision is made not to prosecute or where a prosecution does not result in a conviction, the Institute will follow its normal procedures as outlined in this Policy to determine whether disciplinary proceedings should be enacted. It is noted that the burden of proof for disciplinary proceedings is the balance of probabilities; this differs from the requirement for proof beyond reasonable doubt which is used in the criminal courts. If a student is convicted of a criminal offence then the conduct or behaviour they have been found to have committed can be relied upon to establish a disciplinary offence; the focus of any disciplinary process in this case will be to determine the impact and effect of the criminal offence in order to determine the sanction(s) (if any) to be applied by the Institute. Reference should be made to Criminal Convictions disclosure processes if a student's criminal status changes at any point during a disciplinary investigation.
- 5.5 Where an allegation of misconduct is made which could be the subject of criminal proceedings, the complainant will be advised by the Registrar or nominee of the range of options open to them, including but not limited to:
- Reporting the incident to the police
 - Not reporting the incident to the police but requesting consideration of the incident under the Student Discipline Policy
 - Taking additional time to make a decision (where a complainant chooses this option, advice will be given about access to external services which enable the collation and retention of evidence, including forensics, without requiring further investigation at this stage)
 - Taking no further action
- 5.6 Where a complainant is considering whether or not to report an allegation of misconduct to the police, basic advice can be provided upon request by the Registrar or nominee on the difference between criminal proceedings and Institute disciplinary proceedings. A complainant will not be coerced to follow a particular course of action. Should the Institute determine it has sufficient evidence to proceed with a disciplinary investigation without the consent of the complainant, it will undertake a risk assessment to judge whether it is in the best interests of all parties, including in relation to the Institute's legal responsibilities, to proceed. If this occurs, the complainant will be made aware of the decision but will not be required to participate in the process.
- 5.7 In all instances, the Institute will take any necessary precautionary actions once an allegation of misconduct has been made to exercise its duty of care to all students, staff and members of the Institute community. This duty of care extends to all parties involved in this process.

6. Deadlines

- 6.1 Anyone wishing to notify the Institute of a complaint regarding a student are normally required to inform the Registrar directly within 3 months of the event to which it relates (or, if it relates to a series of events, within 3 months of the last event in the series).

7. Reasonable adjustments

- 7.1 Students who have a disability and need additional support or a reasonable adjustment to the disciplinary policy and procedure, are advised to contact the Registrar to request support through this process.

8. Confidentiality

- 8.1 Disciplinary cases will be dealt with in a confidential manner. Everyone involved in the procedures for investigating and managing disciplinary cases through Institute processes has a duty to maintain confidentiality. For an allegation of misconduct to be investigated fully and action taken it may be necessary to disclose the identity of the students involved to others involved in the process. Where something is disclosed that could have a safeguarding impact the Institute reserves the right to liaise with appropriate professionals; this will usually be with the consent of the relevant party but on occasion the Institute may need to take action without their consent.

9. Record Keeping

- 9.1 Written documentation (electronic and/or paper) relating to disciplinary cases will be kept for at least two years after the conclusion of a disciplinary process, in line with the Institute's Data Protection Policy. Records will be stored confidentially. Those involved in the disciplinary process will be advised that where the case relates to possible criminal activity or becomes subject to legal action that any documentation relating to the case may be requested by the police as part of criminal proceedings. In addition, documentation may be requested in line with the Data Protection Act/ GDPR compliance.

10. Student Discipline Procedure

- 10.1 The Institute's internal student discipline procedure consists of up to three stages:
- Stage One disciplinary procedures (minor)
 - Stage Two disciplinary procedures (major)
 - Stage Three Review stage
- 10.2 The entire procedure will normally be completed within 90 calendar days. If this time limit will be unavoidably exceeded, the student will be informed and will be kept updated on progress.
- 10.3 Once the internal procedures are exhausted, students have the option to appeal to the Office of the Independent Adjudicator for Higher Education. Information and eligibility rules are available at: www.oiahe.org.uk or students can write to: Office of the Independent Adjudicator for Higher Education, Second floor, Abbey Gate, 57-75 Kings Road, Reading, RG1 3AB, United Kingdom enclosing a copy of the final decision of Metanoia Institute and stating the reasons for seeking redress from the OIAHE.

11. Disciplinary Procedures (minor) – Stage One

- 11.1 The Institute aims to resolve most concerns about conduct within the Programme/ Faculty. Where a concern has been raised, an investigation will be carried out by a staff

member who is not directly involved. When a concern is considered to be a major breach of student discipline, the Director of Studies/ Faculty Head may request for the case to go directly to Stage Two.

11.2 Where a minor breach is resolved and any sanction is made, a summary of the case and the outcome should be sent to the Registrar to be retained on the student's record.

11.3 If the student disagrees with the outcome of the Stage One process, the case should be referred to Stage Two.

12. Disciplinary Procedures (major) – Stage Two

12.1 If the alleged breach of the Student Discipline Policy is serious enough to warrant possible suspension or termination, or if the case is unresolved after Stage One, the case will be adjudicated under the Stage Two process. The case will be heard by a panel consisting of one Faculty Head, one Director of Studies and one other staff member.

12.2 The panel will hear evidence from the Investigator and the student in turn. They may also hear from witnesses. Anyone appearing before the panel may bring one other person with them in a supporting capacity. This person may not be a legal practitioner nor act in that capacity. Only the panel members may question those appearing before them.

12.3 The panel will decide on whether there has been misconduct or not. They will also decide on any sanction or penalty to be imposed on the student. The outcome will be given to the student in writing and copy will be sent to the Registrar to be added to the student's record.

13. Review stage – Stage Three

13.1 If the student has grounds to believe the Stage Two outcome was not in accordance with these procedures then they can request a review, the appeal must be submitted to the Registrar registrar@metanoia.ac.uk within 10 working days of the outcome of Stage 2 of the procedure. This review stage is not an automatic reconsideration of the issues raised but of the operation of the process at Stages 1 and 2. It will be conducted by the CEO or their nominee and that person will have had no prior involvement in the case. The student will be provided with a written outcome at the conclusion of this stage; a Completion of Procedures letter will be issued at this stage. This letter will include details of how the student may appeal to the OIAHE.

14. Indicative offences and sanctions

14.1 Please note that this list is not exhaustive and the Institute can bring action in relation to any actions or behaviours which are considered to have breached the Policy. The following table is intended to provide guidance on the types of offences which are covered under this policy and on the possible sanctions that may be imposed if a breach of the Policy is proven. Previous offences may be taken into account when determining sanctions. Each case will be considered individually and will take into account all factors considered relevant by the Institute and its representatives during the disciplinary process.

Physical Misconduct (Pushing; shoving; pulling hair; slapping; biting; punching; kicking)

- Formal written warning; written apology from the student; mandatory engagement with relevant workshops/support services; restrictions or conditions (for example; issuing a

non-contact order); suspension of studies; termination of registration with or without a specified period of non-re-enrolment.

Abusive Behaviour (Use of inappropriate language; making unwanted remarks, gossip or jokes about another person; acting in an intimidating and hostile manner, including following, stalking or spying on another person; cyberbullying; making abusive comments related to a protected characteristic (sex, sexual orientation, religion or belief, pregnancy/maternity, marriage/civil partnership; gender reassignment, disability, age, or race); generating and/or sharing offensive material; seeking advantage over another person by threatening or pressuring them; threatening to hurt another person)

- Formal written warning; written apology from the student; mandatory engagement with relevant workshops/support services; restrictions or conditions (for example; issuing a non-contact order); suspension of studies; termination of registration with or without a specified period of non-re-enrolment

Sexual Misconduct (Making persistent unwanted remarks of a sexual nature; inappropriately showing sexual organs to another person; touching inappropriately through clothes without consent; kissing without consent; sharing private sexual materials of another person without consent; attempting to engage in sexual intercourse or a sexual act without consent; engaging in sexual intercourse of a sexual act without consent)

- Formal written warning; written apology from the student; mandatory engagement with relevant workshops/support services; restrictions or conditions (for example; issuing a non-contact order); suspension of studies; termination of registration with or without a specified period of non-re-enrolment

Damage to Property (Causing minor damage to Institute or Institute-related property; causing minor damage to the property of students or staff of the Institute or visitors to the Institute)

- Formal written warning; written apology from the student; mandatory engagement with relevant workshops/support services

Major damage to Property (Causing significant damage to Institute or Institute-related property or that of students or staff or visitors to the Institute)

- Requirement to make good the damage caused at the student's expense; restrictions or conditions (for example, issuing a no-entry order); suspension of studies; termination of registration with or without a specified period of non-re-enrolment

Unauthorised use or taking of property/ misuse of Institute or Institute-related property (for example, computers/ library)

- Formal written warning; written apology from the student; mandatory engagement with relevant workshops/support services; unauthorised entry onto or use of Institute or Institute-related premises; taking property belonging to the Institute or another person without permission; requirement to pay for the replacement of property and/or compensation; restrictions or conditions (for example, issuing a no-entry order); suspension of studies; termination of registration with or without a specified period of non-re-enrolment

Causing a Health or Safety Concern (engaging in an act or omission that did or could cause a health and safety concern or serious harm on Institute or Institute-related premises)

- Formal written warning; written apology from the student; mandatory engagement with relevant workshops/support services); restrictions or conditions (for example, issuing a no-entry order); suspension of studies; termination of registration with or without a specified period of non-re-enrolment

14.2 Additional considerations include:

Failure to follow Institute procedures;

Improper interference with Institute activities (including academic, administrative, social) on Institute or Institute-related premises

Improper interference / disruption with the functions, duties or activities of any student, member of staff or authorised visitor to the Institute

Refusal to identify yourself to Institute staff or using false ID

Making acts, omissions or statements intended to deceive

Misrepresenting your relationship to the Institute or documentation provided to you by the Institute.

Engaging in behaviour that has damaged or could have damaged the reputation of the Institute

In all cases the following sanctions will be considered:

- Formal written warning; written apology from the student; mandatory engagement with relevant workshops/support services); restrictions or conditions (for example, issuing a no-entry order); suspension of studies; termination of registration with or without a specified period of non-re-enrolment.

15. Additional guidance

15.1 Should you have any questions in relation to this Policy, please contact the Student Support Officer: Ade Banjoko Ade.Banjoko@metanoia.ac.uk

16. Additional Guidance for Safeguarding Policy / Action Planning Precautionary Action

16.1 Where the nature of the alleged disciplinary offence suggests that there may be risk to the safety of others, or where the student accused of the offence may be at risk of harm, the Safeguarding Officer (DSO) will undertake a risk assessment which may result in action including but not limited to:

- The student may be required to comply with specific conditions, for example agreeing not to contact another student or member of staff;
- The student may be prevented from enrolling on specific modules;

- The student may be suspended from classes and/or excluded from any part or all of the Institute's facilities, grounds and premises until such a time as any criminal proceedings and/or Institute disciplinary proceedings have been concluded;
- The student may be suspended from their studies, including being prohibited from accessing the virtual learning environment, submitting assessments and/or receiving feedback or grades.

16.2 Written confirmation of any precautionary action taken by the Institute will be provided to the student within three calendar days.

16.3 A precautionary suspension and/or exclusion should not be regarded as a penalty and does not indicate that the student is presumed to have committed the alleged offence. Precautionary measures will be undertaken on the basis of a risk assessment carried out by the DSO and will be made on a case-by-case basis. Where the student is the recipient of bail conditions relating to ongoing criminal proceedings, these will be considered carefully as part of any decisions around suspension and/or exclusion.

16.4 A review of precautionary suspensions and/or exclusions will take place at least every four weeks until such times as criminal proceedings and/or Institute disciplinary proceedings have been concluded. The consequence of any breach of these conditions may result in additional precautionary action being taken and may be taken into account in disciplinary proceedings.

16.5 A student who is subject to precautionary action has the right to appeal the decision. This appeal should be made in writing and submitted to the Registrar in accordance with the Appeals Policy.

16.6 There may be occasions where interim precautionary action is put in place as a result of a specific incident witnessed by staff. All members of staff have the authority to manage disorder and to take action to deal with a potential and/or actual breach of the Student Discipline Policy. This may include giving a student an oral warning or requiring a student to leave a particular area of the Institute's premises such as a lecture room or library for a specified period (not exceeding two hours or the end of the teaching day (whichever is longer)). As this is a short-term measure, there is no right of appeal against a member of staff's decision.

POLICY INFORMATION

All policies to go through MI governance.

Section 1 - to be completed by policy proposer and forwarded to Committee Servicing Officer.

Policy Title:	Student Disciplinary Policy
Author:	Head of Academic Quality
Rationale: <i>Outline the purpose of the policy, and its scope e.g. credit-bearing provision</i>	Add narrative
Consultation undertaken: <i>List all groups and/or committees where consultation was undertaken e.g. students, administration, external advisor, QSC, etc.</i>	Add narrative
Resource implication: <i>Outline the potential financial, human and technological resource implication of the policy</i>	Add narrative

DOCUMENT CONTROL

Section 2 - to be committed by receiving committee

Recommending Committee:	Choose an item.
Circulated to:	Choose an item.

Approved:	2023	Date for adoption:	2023-24
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Version and Document Code:	DD-MM-YY	Date for review:	DD-MM-YY
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Proposed document code: Committee acronym + year of approval e.g. QSC2019/2