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Registered Charity no: 1050175

STUDENT DISCIPLINARY PROCEDURE

Metanoia Institute

Version Control

Document title: STUDENT DISCIPLINARY PROCEDURE		No of pages: 10
Version Number:	Date first published: -	
Approved by: Academic Board	Last review date: July 2025	
Date originally approved: -	Due for next review: July 2027	

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1. Definitions

- 1.1 Conduct of Concern - for the purposes of this procedure it is any behaviour that is likely to be considered a breach of the Student Code of Conduct, the Sexual Harassment and Misconduct Policy, the Freedom of Speech and Freedom of Expression Policy or other relevant non-academic policy.
- 1.2 Confidentiality – any Report of Conduct Cause for Concern will be treated with sensitivity and discretion. Information will only be shared with individuals directly involved in the case, but anonymity of reporters and witnesses cannot normally be guaranteed.
- 1.3 Reporter - refers to the person who makes the Report of Conduct Cause for Concern.
- 1.4 Disciplinary Panel - is a meeting whereby a student will be required to discuss allegations against them in front of a panel and answer questions relating to the allegation of misconduct.
- 1.5 Evidence - refers to any statement and other supporting information received from the reporter; or any statement and other supporting information received from the respondent; or any statements and other supporting information received from witnesses.
- 1.6 Exclusion - involves selective restriction on attendance at, or access to the Institute, or forbidding carrying out the functions or duties of any office or committee membership or the attendance at a placement. The exact details of any exclusion will be specified in writing.
- 1.7 Termination of Registration - involves the withdrawal of the student from their programme of study and all activities concerned with the Institute.
- 1.8 Independent - refers to a person who has no prior knowledge of the student nor the circumstances of the case.
- 1.9 Investigator- refers to the independent individual conducting the investigation under Stage Two of these proceedings in the event that the nature of the misconduct warrants this.
- 1.10 Misconduct - for the purposes of this procedure, refers to any non-academic behaviour which is likely to be in breach of a non-academic Metanoia Policy. Further guidance on relevant policies is contained in the Student Code of Conduct.
- 1.11 Respondent - refers to the person who is alleged to have engaged in behaviour which would constitute misconduct under a relevant Metanoia Policy.
- 1.12 Review Team - refers to the team conducting the suspension/exclusion review meeting in the event that the nature of the alleged misconduct warrants suspension/exclusion from any or all aspects of training during the investigation. It will be comprised of an independent Head of Programme and a Member of the Senior Management Group of the Institute.

- 1.13 Risk-based approach - is an assessment carried out in consultation with the Designated Safeguarding Lead (or their nominee), to evaluate what if any risks there might be in allowing a student to continue all or part of their training during the Student Misconduct Procedure.
- 1.14 Suspension - involves forbidding attendance at/or access to any parts of the Institute and any participation in Institute activities. The suspension may be subject to qualification, such as permission to attend for the purposes of assessment. The exact details of the suspension will be specified in writing.
- 1.15 Temporary Suspension - is when a student is temporarily suspended while an investigation is carried out.
- 1.16 Temporary Suspension Review Meeting - is a meeting whereby a student will be invited to discuss only the substantive allegations against them, in front of a Review Panel as they relate to the temporary precautionary measures taken whilst the investigation is taking place.
- 1.17 Working day - refers to a day in which the Institute is normally open and the majority of staff are working, it excludes Saturday, Sunday, Bank Holidays or other designated periods of closure.

2. Introduction

- 2.1 Metanoia provides guidance to students on the expectations of conduct in its non-academic policies. Information about conduct expectations and relevant policies are contained in the Student Code of Conduct.
- 2.2 Where very minor matters of conduct arise, it is expected that Metanoia staff will bring the conduct to the attention of the student as soon as possible and the matter can be resolved informally by the student correcting their behaviour without referral to the procedure contained in this policy. Matters considered as very minor might include, but are not exclusively, behaviours such as littering, rudeness to staff or other students, slamming a door etc.
- 2.3 The Institute's Student Disciplinary Procedure begins when the Registrar (or their nominee) refers a Report Conduct Cause for Concern to this procedure as set out in the Student Code of Conduct.
- 2.4 The Institute's Student Disciplinary Procedure consists of up to four stages:
- a. Stage One – Facilitated Meeting
 - b. Stage Two – Formal Investigation
 - c. Stage Three – Disciplinary Panel
 - d. Stage Four – Review

- 2.5 The Institute will aim to conclude investigation of the alleged non-academic misconduct normally within 40 working days of the start of the **Stage Two – Formal Investigation**. If this time limit is unavoidably exceeded, the student will be informed and will be kept updated on progress.
- 2.6 Where a student engages in any activity which may constitute misconduct under the Institute's Student Code of Conduct or other relevant non-academic policy, the following procedures shall apply.
- 2.7 If the reporter is a staff or student of Metanoia, they should complete a Report of Conduct Cause for Concern. Further information about reporting alleged misconduct is contained in the Student Code of Conduct.
- 2.8 If the reporter is a person unconnected with the Institute, where possible they will be requested to complete a Report of Conduct Cause for Concern, but the Registrar (or nominee) may accept letters or emails in place of the Report at their discretion.

3. Scope

- 3.1 The purpose of this procedure is to enable the Institute to fulfil its obligations relating to the care of, and responsibility for staff, students and visitors and the orderly running of the Institution. This procedure applies to any person defined as a student of the Institute, including but not limited to, registered students, students on a break in study undertaking reassessment or deferred assessment without attendance or writing up.
- 3.2 This procedure does not stand alone and should be considered alongside these other policies and procedures:
- a) Student Sexual Harassment and Misconduct Policy
 - b) Dual Relationship Policy
 - c) Ethics Handbook
 - d) Student Code of Conduct
 - e) Fitness to Study Procedure
 - f) Fitness to Practice Procedure
 - g) Safeguarding Policy and Procedure
 - h) Freedom of Speech and Freedom of Expression Policy
- 3.3 This procedure is not used to address academic misconduct. Matters related to academic misconduct are addressed in Metanoia's academic regulations.
- 3.4 The Registrar (or nominee) may at their discretion refer reported misconduct to the Fitness to Study or Fitness to Practice procedure where this is considered most appropriate on the

basis of the information provided in the Report Conduct Cause for Concern or where this is recommended by the investigator as set out in section 4.7.1 below. Further details of this are in the Student Code of Conduct.

- 3.5 In the case where more than one respondent is reported for involvement in the same incident the matter will normally be managed within this procedure as a single case. The Registrar has the discretion to determine where such reports should be handled as separate incidents for the purposes of this procedure.
- 3.6 In the case where multiple Report Conduct Cause for Concern are received about the same respondent for the same or similar incidents, the Registrar has the discretion to manage the matters within this procedure as a single case.
- 3.7 When a Report of Conduct Cause for Concern is received, the Registrar (or nominee) will determine the likely level of misconduct and the appropriate Stage to which the matter should be referred. The Registrar (or nominee) will then inform the respondent of the receipt of the Report Conduct of Concern, the level of misconduct assigned and the Stage of the procedure to which it has been referred within 10 working days of the receipt of the Report of Conduct Cause for Concern.
- 3.8 Making a Report of Conduct Cause for Concern where the reporter knows or reasonably should have known the allegations were false or where there is evidence that a report is vexatious or retaliatory the reporter may themselves be subject to action under this procedure.

4. Levels of Misconduct

- 4.1 The Institute categorises non-academic misconduct by consideration of the severity of misconduct. When aggravating factors are present the category of misconduct may be increased and therefore, subject to more severe sanctions. Where mitigating factors are present, this may lead to less severe sanctions being applied than are normally indicated within that category.
- 4.2 **Minor misconduct** involves allegations which, whilst breaching Metanoia policy, do not seriously affect or cause serious damage to the Institute and/or to its staff, students, visitors or other third parties. Examples of minor misconduct might be taking or damaging property of small value or making a single sexually inappropriate comment to another student. Minor misconduct may be considered at Stage 1 Early Resolution by Facilitated Meeting or Stage 2 Formal Investigation.
- 4.3 **Major misconduct** involves allegations that either do, or have the potential to, seriously affect or cause serious damage to the Institute and/or to its staff, students, visitors or other

third parties. Examples of major misconduct might be bullying of another student, attempting sexual contact without consent, failure to pay tuition fees. Major Misconduct is considered more serious in nature and warrants an investigation and Disciplinary Panel Hearing as set out in Stage 2 and Stage 3 of this procedure.

4.4 Major misconduct may also include instances where minor misconduct is frequent or repeated or the student fails to comply with disciplinary decisions or sanctions previously reached at lower levels or fails to comply with the terms of a precautionary action.

4.5 Examples of misconduct are outlined in Appendix A (this list is indicative and not exhaustive). The Institute can instigate this procedure in relation to any reported actions or behaviours which, if proven, would breach a non-academic policy. Appendix A is intended to provide guidance on the types of offences which are covered under this procedure and on the possible sanctions that may be imposed if a breach of a non-academic policy is proven. Previous offenses may be taken into account when determining sanctions.

4.6 The Registrar or their nominee, will determine, on the basis of the information contained in the Report of Conduct Cause for Concern, whether the matter(s) reported are likely to constitute minor or major misconduct and to then refer the case to the appropriate stage of this procedure.

5. Criminal Matters

5.1 Where an allegation of student misconduct made to the Institute could be considered a criminal offence, the Registrar or nominee will normally allow the reporter 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 reporter, 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 reporter and would take into consideration the Institute's responsibilities under relevant data protection legislation. The Institute will follow the latest government and judicial guidance; this includes where the Institute has a legal responsibility to report alleged crimes relating to money laundering and terrorist activity.

5.2 Where a matter is reported to the Police, the internal Metanoia procedure will normally be paused to await the outcome of the Police investigation and any criminal proceedings. However, Metanoia may still undertake a precautionary suspension or exclusion as set out below.

6. Precautionary Suspension/Exclusion

- 6.1 There may be occasions where short-term interim precautionary exclusion is put in place as a result of a specific incident witnessed by the member of 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 Code of Conduct. This may include requiring a student to leave a particular area of the Institute's premises such as a teaching room or library for a specified period (not exceeding to the end of the teaching day). As this is a short-term measure, there is no right of appeal against a member of staff's decision. Following an incident where a short-term exclusion is enacted the staff member will normally complete a Report Conduct Cause for Concern so that the matter may be considered more formally.
- 6.2 Where the nature of an alleged disciplinary offence in a Report Conduct Cause for Concern 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 Registrar will inform the Academic Registrar who will request that the Designated Safeguarding Lead (or nominated Safeguarding Officer) undertake a risk assessment to inform a decision by the Academic Registrar, or their nominee, which may result in action including but not limited to:
- a) the student may be required to comply with specific conditions, for example agreeing not to contact another student or member of staff;
 - b) the student may be prevented from enrolling on specific modules;
 - c) the student may be suspended from classes and/or excluded from any part or all of the Institute's facilities, grounds and premises;
 - d) 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 or attending placements;
 - e) Any other conditions or restrictions as considered appropriate and proportionate in the circumstances to safeguard students, staff and/or the respondent.
- 6.3 The Designated Safeguarding Lead or nominee may seek information from the student's Head of Programme, the placement team or any other programme or service lead in order to understand the context of the situation and the practicality and/or impact of any conditions or restriction under consideration.
- 6.4 The Designated Safeguarding Lead or nominee will then make a report to the Academic Registrar, or their nominee of their assessment of risk. The Academic Registrar will make the final decision about any precautionary conditions, suspension or exclusion action taking into consideration the available information.

- 6.5 Written confirmation of any precautionary action will be provided to the student by the Registrar (or nominee) by email to their Metanoia student email address as soon as is reasonably practicable and within one working days of the decision being taken.
- 6.6 A precautionary action should not be regarded as a penalty and does not indicate that the student is presumed to have committed the alleged offence. Precautionary actions will be undertaken on the basis of the information available at the time, including the Designated Safeguarding Lead risk assessment and will be made on a case-by-case basis. Where the respondent 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.
- 6.7 A review of precautionary actions will take place by the Academic Registrar, or nominee at least every 20 working days until such times as criminal proceedings and/or Institute disciplinary proceedings have been concluded. The Academic Registrar may amend the precautionary action, with or without consultation with the Designated Safeguarding Lead in the event that further relevant information comes to light during the criminal/court action or internal investigation. The consequence of any breach of these conditions may result in additional precautionary action being taken and may also be taken into account in the disciplinary proceeding.
- 6.8 A respondent who is subject to precautionary action has the right to request a review of the decision. The request for a review should be made in writing and clearly set out the reasons why it is felt the precautionary actions imposed are inappropriate. The request for review should be submitted to the Registrar who will refer the request to a Review Team which will be constituted as set out in 1.12 above.
- 6.9 A respondent who requests a review of the decision to suspend or exclude as a precaution during a police/criminal process or Institute investigation into their conduct will have the opportunity for a suspension/exclusion review meeting by a Review Team within 10 working days from the date of their requesting a review of their precautionary suspension/exclusion.
- 6.10 The Review Team will normally conduct a paper-based review of the precautionary actions taken. However, at their discretion, they may request to meet with the respondent and Academic Registrar in order to clarify issues raised in the request for review. In the event that the Review Team choose to speak to the respondent they must not enter into discussion about the substance of the allegations or potential outcomes whilst the police investigation, criminal process or Metanoia investigation are ongoing.
- 6.11 At a suspension/exclusion review meeting, the Review Team will consider:
- a) The initial Report of Conduct Cause for Concern;
 - b) the Designated Safeguarding Lead's risk assessment;
 - c) the correspondence from the Academic Registrar to the respondent implementing/ or revising the action;

d) The respondent's request for review.

6.12 It is the Review Team's responsibility to determine the outcome of the suspension/exclusion review and to decide one or more of the following options:

- a) to lift a suspension, exclusion and/or conditions in full.
- b) to lift a suspension and instead impose exclusions.
- c) to amend the imposed exclusion and/or conditions.
- d) to keep the existing suspension/exclusion/conditions in place.

6.13 The Registrar will contact the student in writing thereafter regarding the Review Team decision. The decision of the Review Team is not open for further appeal. However, in the event that new, compelling information become available, the Academic Registrar, at their discretion, may approach the Review Team for further consideration of this information and the Review Team may revise their decision.

7. Stage One – Early Resolution by Facilitated Meeting

7.1 Where a matter which is considered to be minor misconduct is raised in the Report Conduct Cause for Concern and/or where it appears that the matter(s) in the cause for concern has arisen from a personality clash or misunderstanding, the Registrar may choose to refer the matter to Stage 1 of the procedure to enable a facilitated meeting in order to allow the parties the opportunity to find a mutually agreeable resolution. Conduct which is considered to be major misconduct is not eligible for resolution at Stage 1 of this procedure and should be referred directly to Stage 2.

7.2 All parties, the respondent and the reporter, must agree to participate in the facilitated meeting. If any party does not agree to participate in the facilitated meeting, then Stage 1 cannot take place and the matter will be referred to Stage 2.

7.3 A facilitator will be appointed by the Registrar from outside of the student's programme and, if the issue is related to a service, from outside of the service area. The role of the facilitator is to bring together the respondent and the reporter in order to facilitate a dialogue to support the parties to find a resolution to the issues raised in the cause for concern.

7.4 The role of the facilitator is to arrange the facilitated meeting and to support and assist the parties to have a productive conversation. The facilitator may ask questions and make suggestions to help the parties reach their own agreed resolution. The facilitator will not act as an arbitrator and is not able to propose or impose an outcome. There should be no record or recording made of the discussions themselves.

- 7.5 The facilitator has the discretion to end the meeting at any time should they consider it appropriate, for example where the parties continually talk over each other or where one or more of the parties becomes highly distressed. In this case the facilitator will inform the Registrar that Stage 1 resolution has been unsuccessful, and the matter should be referred to Stage 2.
- 7.6 If after discussions the parties are unable to reach a resolution, the facilitator should discuss with them whether or not they would be satisfied to end the matter at this stage. If both parties agree to end the matter without an agreed resolution the facilitator will record this, with the signature of both parties, and notify the Registrar that the matter can be closed. Should either party not agree to the closure of the matter the facilitator will notify the Registrar that Stage 1 has been unsuccessful, and the matter should be referred to Stage 2.
- 7.7 Where an agreed outcome is reached by the parties, the facilitator will prepare a confidential summary of the agreed resolution which all parties and the facilitator will sign. The facilitator will provide the parties with a copy of the resolution agreement, which they should treat as confidential. A copy of the resolution agreement will also be provided to the Registrar to be held in the case file to document the successful resolution of the matter.

8. Stage Two – Formal Investigation

- 8.1 The Registrar when referring a matter to Stage 2 of the procedure will appoint an investigator. The investigator will be an appropriately trained independent member of managerial staff such as a Head of Programme or service manager. The Registrar will inform the investigator of whether the alleged behaviour, if proven would likely be considered as minor or major misconduct as set out above in Section 4.
- 8.2 The Investigator will commence the investigation by gathering information and collating evidence relating to the allegation of misconduct in the Report of Conduct Cause for Concern.
- 8.3 The Investigator may, during the course of their investigation, uncover information which calls into question the initial assessment of the misconduct as minor/major. The Investigator should inform the Registrar if they consider that the available information/evidence indicates that the level of misconduct assigned is inaccurate. The Registrar then has the discretion to amend the level of misconduct on the basis of this new information. Where this occurs the Registrar should inform the respondent.

Evidence

- 8.4 Evidence is likely to be, but not exclusively, in the form of the Report Conduct Cause for Concern; statements from other parties who witnessed the behaviour, for example, from a

member of staff or another student; reports from, for example, Facilities; other forms of evidence, such as CCTV footage, emails, text messages, messaging on social media, mobile phone screenshots.

8.5 In the event that the reporter asked for their identity to remain confidential or they refuse to cooperate with the investigation, they will be advised that this is likely to prevent the investigation of the matter. The Investigator will consult with the Registrar and a determination will be made as to whether or not there remains sufficient evidence or a compelling reason, such as evidence of a vulnerable person being at risk, to take forward an investigation or whether the case should be closed.

Investigatory Meeting

8.6 The Institute will consider any reasonable adjustments for investigatory meetings provided by the respondent or reporter not less than 2 working days prior to the meeting.

8.7 If an investigatory meeting is required, the reporter and/or the respondent will be requested in writing to attend.

8.8 At an investigation meeting, students are entitled to be accompanied by a student or staff member of the Institute or a Student Representative. Legal representation is not normally permitted. Requests for legal representation will be considered on a case-by-case basis by the Academic Registrar where good reason for requiring legal representation can be made.

8.9 The investigator may pose questions based on the available evidence. Depending upon the severity of the case, the Institute will aim to conclude investigations within 20 working days of the investigator being appointed. Parties will be updated if there is a delay in appointing an investigator or the timescale cannot be adhered to.

8.10 On conclusion of the investigation proceedings, if the matter is considered Minor Misconduct the Investigator will provide their report with a recommended outcome to the Academic Registrar or their nominee for endorsement. The Investigator, on the basis of their findings, may make one or more of the following recommendations:

- There was no misconduct and no further action should be taken.
- There was misconduct and the student should be issued with a written warning regarding their behaviour.
- There was misconduct and the student should be issued with a written reprimand.
- To order payment of an amount for the making good or restitution of damage or loss caused by the misconduct.
- Require the writing of a letter of apology.
- The respondents conduct raises concerns about their capacity to practice safely and the findings of the investigator are to be referred to the Fitness to Practice Procedure.

- 8.11 If the Academic Registrar endorses the Investigators report and conclusion, the student will be issued the outcome. Registry will retain a summary of the case and the outcome on the student's record. If the Academic Registrar disagrees with the investigator's report or recommendation the Investigator may be requested to review these. Where the Academic Registrar and Investigator cannot agree, the case will be referred to Stage 3.
- 8.12 On conclusion of the investigation, if the matter is considered Major Misconduct the Investigator will submit their report without any recommendations to the Registrar and the case will be adjudicated under the Stage Three process.

9. Stage Three – Disciplinary Panel

- 9.1 The Academic Registrar (or nominee) will aim to arrange a Disciplinary Panel within 20 working days of referral to this stage of the proceedings.
- 9.2 The Institute will consider any reasonable adjustments for disciplinary hearings provided by the respondent not less than 5 working days prior to the meeting.
- 9.3 The panel will be made up of independent stakeholders with the suitable expertise to consider the case fairly, impartially and carefully and will be comprised as follows:
- Chair (an independent Associate Director or nominee);
 - An independent Head of Programme;
 - An independent member of non-teaching staff;
 - A student representative from outside the student's programme;
 - A secretary will also be appointed from a member of the Registry, Academic and Support Services team to support the Chair with any administration and to take notes of the Panel meeting.
- 9.4 The respondent will be advised in writing of their requirement to attend the Disciplinary Panel and will be given **10 working days** prior notice. A copy of all available documentary evidence to be considered by the Disciplinary Panel will be provided in this notification, thus granting the student the opportunity to present their version of events and comment on the documentary evidence presented to them. The respondent may request that a third party individual(s) be called as witnesses to the Panel meeting. Such requests should be made to the Panel Chair at least 6 days prior to the Panel meeting.
- 9.5 Relevant third-party individuals involved in the proceedings at any stage may be invited to make representations to the Panel e.g. the reporter or witnesses. In such cases, they will be given 5 working days prior notice of the Panel meeting. The Chair of the Panel will make the decision as to who will be invited to speak to the Panel based upon their ability to provide

relevant information. Third-party individuals cannot be compelled to appear before the Panel. The investigator will normally be invited to the Panel.

9.6 The Panel will hear evidence as applicable from the investigator and/or witnesses who have been invited and the respondent in turn. Anyone appearing before the panel may bring one other person with them in a supporting capacity; this person may not normally be a legal practitioner nor act in that capacity. Supporters are not normally permitted to participate directly in the meeting or answer questions. Only the Panel members may question those appearing before them.

9.7 Students are entitled to be accompanied by a student or staff member of the Institute. Any other representation is not normally allowed except with express permission by the Chair of the panel where good reason can be given. Legal representation is not normally permitted. Requests for other representation must be made not less than **5 working days** prior to the meeting.

9.8 The Panel meeting will normally be closed. Observers will not be permitted, and witnesses will attend only as required to answer questions from the Panel.

9.9 The respondent should normally be permitted to attend for the full Panel hearing until the Panel retires for its deliberations. At the discretion of the Chair, the Panel may speak to witnesses in private where there is considered to be a compelling reason to do so, such as evidence of a potential safeguarding risk. Where this occurs, the respondent should be advised of the substance of the matters discussed so that they are able to respond.

9.10 The Panel may meet in person or virtually as determined by the Chair.

9.11 Should the respondent choose not to attend the meeting, they have the opportunity to address the panel through a formal written statement in which they specifically address the allegations. The written statement must be submitted to the Panel via registrar@metanoia.ac.uk clearly marked 'Statement for Disciplinary Panel' in the subject line no later than **5 working days** prior to the date of the meeting. The panel meeting shall continue in the student's absence.

9.12 At the disciplinary panel, the panel will consider:

- the evidence presented before them including the investigator's report;
- the student's response to the allegation;
- any witness statements, including those provided to the panel in person;
- the gravity of the misconduct.

9.13 It is the panel's responsibility to determine whether or not misconduct occurred on the basis of balance of probabilities and to decide on one or more of the following options:

- a) That misconduct did not occur, and to take no further action.
- b) That misconduct did occur and to take one or more of the following actions:
- c) To issue a written reprimand.

- d) To impose sanctions, which may include:
 - restricting or barring access to particular Metanoia facilities
 - requiring the writing of a reflective essay
 - Require engagement with specific services or attendance at training
 - Any other action deemed appropriate and proportionate.
- e) To order the making good or restitution of damage or loss;
- f) The misconduct raises questions about the respondent's capacity to practice safely and the findings of the Panel will be referred to the Fitness to Practice Procedure.
- g) To suspend or exclude the student;
- h) To revoke Alumni benefits;
- i) To terminate the student's registration.

9.14 A risk-based approach may be used to inform any of the above outcomes after taking advice from the Designated Safeguarding Lead.

9.15 Where there has been previous findings of misconduct by the respondent, the Panel will be informed of this only if they reached a decision that misconduct has occurred on this occasion. The previous misconduct will then be disclosed in order that the Panel may take this into consideration when determining any sanctions to be imposed for the present case.

9.16 A summary of the case and the outcome will be sent to registrar@metanoia.ac.uk to be retained on the student's record.

9.17 The respondent will normally be informed of the panel's decision within **5 working days** of the panel hearing.

9.18 The reporter will normally be provided with an indication of the outcome but with limited details. Witnesses will not normally be informed of the outcome of a disciplinary procedure. However, where the matter could reasonably be considered to have had a significant impact on the witness, they may exceptionally, at the discretion of the Academic Registrar, be informed of the outcome.

10. Stage Four – Review

10.1 The Respondent shall have the right of appeal to the Director of Education (or nominee) by submitting their appeal in writing through registrar@metanoia.ac.uk within **10 working days** of the date of the Stage Two or Stage Three outcome letter, giving their grounds for the appeal, if:

- a) The student considers that the procedures were not followed properly;
- b) The decision reached was unreasonable;

- c) The student has new material evidence that they were unable, for valid reasons, to provide earlier in the process;
 - d) There is bias or reasonable perception of bias during the procedure;
 - e) The penalty imposed was disproportionate, or not permitted under the procedures.
- 10.2 If the Director of Education (or nominee) considers for any reason that the investigator's decision at Stage 2 or the panel's decision at Stage 3 needs further consideration (for example, if the student provides new material evidence or there is evidence of bias during the disciplinary procedures), the Director of Education (or nominee) may refer the matter back to the Academic Registrar (Stage 2) or Chair of the Disciplinary Panel (Stage 3) to consider the evidence and to advise whether or not it would likely have resulted in a change to the outcome.
- 10.3 The Director of Education (or nominee) may seek clarifications from any relevant staff to enable them to make a decision on whether to uphold or amend the decision. The purpose of the clarifications would not be to consider any new evidence; rather it would be to help them to understand any information from the earlier stage process that is not clearly understood.
- 10.4 The Director of Education (or nominee) shall consider the appeal and decide whether to uphold or amend the decision made. The decision of the Director of Education (or nominee) shall be final.
- 10.5 A summary of the case and the outcome will be sent to registrar@metanoia.ac.uk to be retained on the student's record.

11. Office of the Independent Adjudicator for Higher Education

- 11.1 Following the conclusion of the procedure the respondent will be provided with written confirmation of the outcome and a Completion of Procedures letter, opening the way for the student to approach [the Office of the Independent Adjudicator \(OIA\) for Higher Education](#).
- 11.2 Information and eligibility rules for review by the OIA are available at www.oiahe.org.uk. An appeal to the OIA should be made in writing to the address below within one year of the student receiving notification that the internal procedures of the Institute have been completed. Students should enclose a copy of the final decision of the Institute and state the reasons for seeking redress from the OIA.

Office of the Independent Adjudicator for Higher Education, Second floor, Abbey Gate,
57-75 Kings Road, Reading,
RG1 3AB,

12. Confidentiality

- 12.1 Disciplinary cases will be handled with privacy and discretion. Everyone involved in the procedures for investigating and managing disciplinary cases through Institute processes has a duty to maintain the privacy of all those involved and to handle all information with care and discretion.
- 12.2 For an allegation of misconduct to be investigated fully and fairly it is likely to be necessary to disclose the identity of the students involved to the respondent. Should the reporter or a witness wish for their identity to remain confidential, this may impair or prevent Metanoia from being able to conduct an investigation under this Procedure. However Metanoia may still proceed with a case where there is sufficient evidence and a legal basis to do so, such as where there are safeguarding concerns for a vulnerable person.
- 12.3 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 in order to meet its legal obligations.

13. Record Keeping

- 13.1 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.
- 13.2 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/ UK GDPR compliance.

Appendix 1

Category of offence	Description	Indicative sanctions
Abusive Behaviour	Use of inappropriate (violent, aggressive, abusive, threatening, defamatory) 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; seeking advantage over another person by threatening or pressuring them to take or refrain from specific actions; persistent unwanted contact via phone, on-line or on social media.	<ul style="list-style-type: none"> ▪ Written warning; ▪ Written reprimand ▪ Written apology from the student; ▪ Mandatory engagement with relevant workshops/support services; ▪ Requirement to write a reflective essay; ▪ Restrictions or conditions (for example; issuing a non-contact order); ▪ Suspension of studies for a defined period; ▪ Termination of registration
Causing a Health or Safety Concern	Engaging in an act or omission that did or reasonably could cause a health and safety concern or serious harm on Institute or Institute-related premises to include for example: damaging or removing health and safety equipment, tampering with smoke detectors; violation of smoking restrictions; failing to follow staff instructions during an alarm or other emergency; instigating a false alarm.	<ul style="list-style-type: none"> ▪ Written warning; ▪ Written reprimand ▪ Written apology from the student; ▪ Requirement to write a reflective essay; ▪ Payment of restitution for damages ▪ Mandatory engagement with relevant workshops/support services); ▪ Restrictions or conditions (for example, issuing a no-entry order); suspension of studies; ▪ Termination of registration
Minor 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.	<ul style="list-style-type: none"> ▪ Written warning; ▪ Written reprimand ▪ Written apology from the student; ▪ Requirement to write a reflective essay; ▪ Requirement of payment to make good damages
Major Damage to Property	Causing significant damage to Institute or Institute-related property or that of students or staff or visitors to the Institute	<ul style="list-style-type: none"> ▪ Requirement of payment to make good the damage; ▪ Restrictions or conditions (for example, issuing a no-entry order); ▪ Suspension of studies; ▪ Termination of registration
Physical Misconduct	<p>Any physically aggressive or violent behaviour such as pushing; shoving; pulling hair; slapping; biting; punching; kicking.</p> <p>Any physical touching such as poking, patting, hugging, kissing without expressed consent</p>	<ul style="list-style-type: none"> ▪ Written warning; ▪ Written reprimand ▪ Require a written apology from the student; ▪ Requirement to write a reflective essay; ▪ 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 or a sexual act without consent. (See the Sexual Harassment and Misconduct Policy for further information)	<ul style="list-style-type: none"> ▪ Written warning; ▪ Written reprimand ▪ Written apology from the student; ▪ Requirement to write a reflective essay; ▪ Mandatory engagement with relevant workshops/support services; ▪ Restrictions or conditions (for example; issuing a non-contact order); ▪ Suspension of studies; ▪ Termination of registration
Unauthorised use or taking of property/ misuse of Institute or Institute-related facilities	Taking any property belonging to Metanoia, staff or other students such as telephones, computers or other electronic devices, bags, purses, backpacks etc. Taking library books and other resources outside of the set borrowing procedure. Misusing institute facilities such as using Metanoia email to harass, bully, deceive or defraud others. Using Metanoia's name and/or logo without proper approval.	<ul style="list-style-type: none"> ▪ 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
Failure to pay tuition or other Metanoia fees	Failure to pay tuition or other Metanoia fees by the required deadline, including where payments are made but then rejected due to insufficient funds. Failure to abide by any payment plan agree with Metanoia Finance Team.	<ul style="list-style-type: none"> ▪ Imposition of conditions on future tuition or other fee payments; ▪ Suspension of studies; ▪ Termination of registration
Deceit and misrepresentation	<p>Making acts, omissions or statements which could reasonably be expected to deceive or mislead the Institution or member of staff including providing false/inaccurate information on applications for bursary, scholarship or support funds;</p> <p>Misrepresenting your relationship to the Institute or documentation provided to you by the Institute;</p> <p>Making false, vexatious or retaliatory complaints or reports, or providing</p>	<ul style="list-style-type: none"> ▪ Written warning; ▪ Written reprimand ▪ 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.

	false information during a Metanoia Procedure	
Others	<p>Additional considerations include:</p> <ul style="list-style-type: none"> i. Failure to follow Institute procedures; ii. Improper interference with Institute activities (including academic, administrative, social) on Institute or Institute-related premises; iii. Improper interference / disruption with the functions, duties or activities of any student, member of staff or authorized visitor to the Institute; iv. Refusal to identify yourself to Institute staff or using false ID; v. Engaging in behaviour that has damaged or could reasonably have damaged the reputation of the Institute. 	<ul style="list-style-type: none"> ▪ Written warning; ▪ Written reprimand ▪ 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.