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POLICY STATEMENT NO. 11a

TITLE: HIGHER EDUCATION STUDENT DISCIPLINARY PROCEDURE AND HE ACADEMIC MISCONDUCT POLICY & PROCEDURE

1 Introduction

- 1.1 Under the College's Policies and Procedures the Vice Principal Curriculum & Quality is ultimately responsible for the maintenance of student discipline and for the suspension or expulsion of students on disciplinary grounds. The Vice Principal Curriculum & Quality may delegate his or her authority to college managers with a level of seniority and experience appropriate to the circumstances of each particular situation.
- 1.2 Through the contract between higher education students and the College all enrolled students are required to observe and act in accordance with the duly constituted Code of Conduct for Higher Education Students and all associated codes and regulations. In addition, students on programmes validated by partner Universities may also be subject to Universities regulations and codes.
- 1.3 Conduct in relation to this code means conduct on College premises or during College activities, together with conduct that takes place elsewhere where the reputation of the College may be brought into disrepute.
- 1.4 Failure to observe these Codes may be regarded as a breach of discipline. Students found in breach of discipline will be subject to the procedures set out below.

2 General Principles

- 2.1 Disciplinary incidents may be identified by staff, students or members of the public. Any person who has reason to believe that a student has breached the Code of Conduct should notify the Programme Leader for that student's course or Learner Services.
- 2.2 All cases will be addressed as promptly and efficiently as possible and at the level appropriate to the nature of the offence.
- 2.3 All cases will be handled fairly and equitably with due regard to the individual circumstances of each case.
- 2.4 It is accepted that in addressing cases of student discipline, issues relating to pastoral care and welfare of the student may arise and that these will be handles with sensitivity.

2.5 If appropriate matters should be dealt with under the Cause for Concern Procedure initially.

3 Criminal Offences

3.1 Whether or not a student suspected of committing a criminal offence has been reported to the police (or other relevant authority), the College may deal with any offence against the Code of Conduct arising out of the same allegations in accordance with these Disciplinary Procedures.

3.2 The fact that the Police, Crown Prosecution Service or other relevant authority is unable or unwilling to proceed does not preclude the College from taking its own disciplinary action.

3.3 Notwithstanding the College's right to deal with any offence against the Code of Conduct, the College may defer action under these Disciplinary Procedures if to proceed might in any way hinder a criminal investigation or prejudice the fair trial of the student concerned. The decision to defer an investigation shall be made by the Vice Principal Curriculum & Quality or Director of Learning after consultation with the relevant external authorities. The College recognises that any offence which may attract a community penalty or custodial sentence should normally be dealt with initially by the courts.

3.4 Where a student is charged with a criminal offence, s/he is required to report the matter formally and immediately to the Programme Leader or Director of Learning. The matter will then be dealt with in accordance with these Disciplinary Procedures.

3.5 Following a court conviction, if it has not already done so, the College may then continue with its own hearing. The court's verdict shall be accepted in so far as it is relevant: the disciplinary hearing shall not become a re-run of the trial. There is no impediment to the imposition of a penalty by the College following a court conviction; however, the penalty imposed by the court shall be taken into consideration by the College in deciding its own penalty.

3.6 Where the College becomes aware that an enrolled student has been convicted of a criminal offence which is not already subject to a disciplinary investigation, for example an offence which took place off campus which has been reported in the press, the College will take action as follows.

3.7 Where the Courts have imposed a custodial sentence the student is immediately suspended by the Vice Principal Curriculum & Quality or nominated deputy pending a review of written submissions. The Vice Principal Curriculum & Quality will decide what penalty, if any, is imposed, taking into account any written statements in mitigation. Exclusion would be the normal penalty in cases where the Vice Principal Curriculum & Quality believes the offence has rendered the student unfit to be a member of the College community. Exclusion would be automatically imposed if the student failed to make written representations within a set timescale unless there

were good reasons, accepted by the Vice Principal Curriculum & Quality, why the student could not do so.

3.8 Where the Courts have imposed a non-custodial sentence, the relevant Director of Learning will provide a case report to the Vice Principal Curriculum & Quality. The Vice Principal Curriculum & Quality will decide whether the case should be referred to a Stage 2 hearing, in which case s/he will consider whether a suspension should also be imposed.

3.9 Such students would retain the usual right of appeal.

4 Health and Disability Issues

4.1 If it appears to those considering an allegation of misconduct that the student presents visible signs of mental health difficulties, psychological, personality or emotional disorders, the proceedings may be adjourned in order that a medical report may be obtained.

4.2 Those considering the case may decide to proceed with the disciplinary action if the student does not engage with the support offered and the misconduct continues, or if the misconduct is of a serious nature.

4.3 Where it becomes apparent that a student's disability may be contributing to the alleged misconduct the College shall consider whether any reasonable adjustments can be made to the student's educational or welfare provisions, which may include a referral to the appropriate external agencies and or a permanent or temporary suspension of disciplinary action.

4.4 If any student involved with the operation of this procedure is disabled, or has any other special needs, care should be taken to ensure that these needs are met and /or reasonable adjustments are made to ensure that they can participate in this procedure on an equal basis. It is the responsibility of any person who is disabled or has any special needs, to make these known beforehand to the College to enable individual needs to be met and /or reasonable adjustments made.

5 Procedure

5.1 When the Code of Conduct is breached, the appropriate Director of Learning shall consult with the Vice Principal Curriculum & Quality to determine whether or not the breach shall be pursued as a level 2 or as a less serious breach, level1.

6 Level 1 Disciplinary Offence

6.1 Level 1 breaches are those of a lesser kind and have a small impact on the life or reputation of the College and include breaches of the Code of Conduct, the Prevent Duty or of any other College Regulation. Where there is an allegation and/or evidence of racial, sexual, disablist, ageist or homophobic words or behaviour the matter will be referred to Level 2 subject to the approval of the Vice Principal Curriculum & Quality.

- 6.2 These offences will be dealt with by a Director of Learning. This will normally be the person in whose area of responsibility the breach of the code of conduct occurred. The Director of Learning may deal with offences.
- 6.3 At the meeting:
- 6.3.1 The Director will outline the offence, provide details of any supporting evidence in relation to the allegation and may call witnesses. The Authorised Officer may ask questions of the student or any witness for the clarification of matters of fact.
- 6.3.2 The student will have an opportunity to make representations and to question the Director. The student may call witnesses. During these discussions the student may be accompanied by a friend who may also speak on the student's behalf.
- 6.3.3 The Director of Learning has the discretion to postpone, continue or adjourn the case where there are reasonable grounds for doing so, which may include the need to seek further evidence or advice, or to consult the Registrar on whether the evidence gathered supports a referral to a Disciplinary Panel as a Level 2 offence.
- 6.3.4 The Director of Learning shall consider the allegation and advise the student whether the allegation has been upheld or not.
- 6.4 A Director may impose one or more of the penalties set out below. Penalties shall be just and fitting to the offence for which they are imposed.
- A formal written warning, which will be kept on file for three full terms. This will be most appropriate in cases which can be resolved relatively informally, where the accused student admits the charge, expresses regret at having committed the offence and where the complainant is satisfied that the matter has been satisfactorily resolved.
 - A requirement that the student makes an apology to any named person or persons (usually the complainant). This may be in writing or verbally, depending on the circumstances of the case, wording to be approved by the Director.
 - A requirement to make good the cost, in whole or in part, of any damage caused or replacement required.
 - Withdrawal of privileges for a specified period of time.
- 6.5 If the student fails to attend the meeting, without reasonable excuse, the Director may deal with the case in his/her absence. The Director will then advise the student in writing within 5 working days of his/her decision with regard to the allegations and any penalty.
- 6.6 A record of both the incident and the penalty shall be recorded on the student file. The Director will formally notify the student in writing of the outcome of the

meeting. Any fine or repair costs imposed shall also be reported to the Head of Finance.

6.7 The student shall be informed of the right to appeal. A student may appeal in writing to the Vice Principal Curriculum & Quality. Such appeals must be made within ten working days and may only be made on the following grounds:

- unfairness of the nature or extent of the penalty imposed
- that the meeting did not permit the student fully to state their case
- that new material has come to light since the meeting

6.8 On receipt of such an appeal the Vice Principal Curriculum & Quality shall review the matter within ten working days. The Vice Principal Curriculum & Quality may:

- uphold the appeal and/or amend the penalty
- refuse the appeal

6.9 In the case of a minor all reasonable steps shall be taken to inform the parents or carers at all stages of the proceedings.

7 Level 2 Disciplinary Offences

7.1 Serious breaches are those that significantly impact upon the life and reputation of the College. Examples would include substantial criminal damage or assault. Repeated minor offences may be regarded as constituting a serious breach. Such cases will be heard by the Vice Principal, Curriculum and Quality.

7.2 The Rules governing the Level 2 procedure shall be as follows:

In the case of students who are minors, all reasonable steps shall be taken to inform the parents or guardians at all stages of the proceedings.

Penalties imposed under the major offences disciplinary procedure may be

- Suspension
- Expulsion (Termination)
- Other as determined by the Vice Principal Curriculum & Quality

7.3 The Principal is empowered to suspend temporarily a student for good cause on disciplinary grounds pending consideration of his or her case by the Vice Principal Curriculum & Quality. The student concerned shall be informed in writing immediately of the temporary suspension and the grounds therefore. In the case of such temporary suspension the Vice Principal Curriculum & Quality shall meet as soon as practicable to consider the matter.

7.4 Prior to the hearing the matter may require investigation. This will be conducted by an investigator appointed by the Vice Principal Curriculum & Quality. Where the matter relates to harassment or discrimination, the matter shall be referred to the Equality and Diversity Officer for advice.

- 7.5 All parties will be given at least seven working days to prepare for the hearing. The student will be given notice of the charge and the names of any witnesses that will be called. They will be advised of their right to be supported by a friend and to call their own witnesses. The student will be required to advise the Vice Principal Curriculum & Quality who they will be calling as witnesses. If the student does not wish to attend they are entitled to make a written statement and the case may be heard in absentia.
- 7.6 The appropriate Director of Learning who raised the matter will present the case and may call witnesses as necessary. The Director and any witnesses may be questioned by the student or his/her representative.
- 7.7 The student may call witness on his/her behalf. The student and any witnesses may be questioned by the Director or the Vice Principal Curriculum & Quality.
- 7.8 A record of the proceedings of the hearing shall be made and a report of the proceedings shall be drawn up by the Vice Principal Curriculum & Quality.
- 7.9 Upon conclusion of the hearing of the parties as provided above the Vice Principal Curriculum & Quality shall consider the matter in the absence of the parties. Their decision, with reasons, will be sent to the student in writing within three working days.
- 7.10 When a penalty is imposed by the Vice Principal Curriculum & Quality, the nature of the offence and the decision of the Panel shall be recorded in the student's personal file

8 Right of Appeal against the decision of a Vice Principal Curriculum & Quality

- 8.1 Any appeal must be made within ten working days of the day on which the decision of the Vice Principal Curriculum & Quality was made by notice in writing to the Principal stating the grounds of such appeal. Such appeals may be made on the following grounds:
- unfairness of the nature or extent of the penalty imposed
 - that the discussion conducted at the hearing did not permit the student fully to state his/her case.
 - new material has come to light since the hearing
- 8.2 In the event of an appeal, the decision of the Disciplinary Panel will not be carried out until the appeals procedure is concluded. This does not affect the right of the Vice Principal Curriculum & Quality to suspend a student.
- 8.3 An appeal will be considered by the Principal. The Principal may uphold the decision, reverse the decision or impose a different penalty.
- 8.4 Following completion of all College procedures a student has a right of appeal is to the Office of the Independent Adjudicator. Appeals to the Office of the

Independent Adjudicator must be made within the time limits prescribed in their regulations.

9 Suspension

- 9.1 The College reserves the right to suspend a student who is the subject of a disciplinary investigation arising from an allegation that he/she has committed a level 2 (major) offence.
- 9.2 A suspended student is prohibited from entering the College premises and from participating in College activities. Suspension may be qualified, such as permission to take an examination. The terms of suspension will be notified to the student in writing.
- 9.3 Only the Vice Principal Curriculum & Quality or nominated deputy has the power to suspend a student from the College or to require that the student have no contact with a named person or persons if there is good and sufficient cause. This may include students against whom criminal charges are pending or who are the subject of police investigation. The decision shall normally be taken following receipt of a report from the Director of Learning.
- 9.4 A student may be suspended where the student's continued presence as a member of the College community:
- Represents a threat to the safety or well being of students, staff or visitors to the College, or
 - Represents a potential hazard to sustaining the College's policies on Health and Safety, or
 - Would be prejudicial to the student's best interests, or
 - Would disrupt or interfere with the academic, administrative or other activities of the College, or
 - Is liable to bring the College into disrepute
- 9.5 Written reasons for the decision to suspend shall be recorded and made available to the student who may make written representations requesting that the suspension be rescinded and providing evidence to support the request.

Higher Education Code of Conduct for Student Behaviour and Non-Completion of Assessment

1.1 Statement of Principle

New College Stamford, as an institution of education, exists as a community for the acquisition and advancement of knowledge, skills and understanding. This code is designed to protect the rights of all members of that community, whether staff, students or visitors, to participate freely in the purposes of the institution, both formally and informally.

1.2 Responsibilities of Students

1.2.1 All students are expected to conduct themselves with due regard for their own legal responsibilities as students of New College Stamford as an Institute of Further and Higher Education and to conduct themselves so as to preserve and enhance its good name and reputation.

1.2.2 Signing the enrolment form, attendance or otherwise partaking of College services confirms that they are willing to comply with this Code and the College's rules and regulations and procedures.

1.2.3 Students are under an obligation to keep themselves familiar with general College regulations, those relating to their programme of study, and with this Code.

1.3 Breach of the Code of Conduct

A student will have breached the College's Higher Education Code of Conduct if he/she has:

1.3.1 engaged in any conduct which prevents, obstructs or disrupts:

- teaching, learning or research carried on within the College or as part of the College's approved programme of teaching, learning (including work-based learning) or research on field-work and industrial placements.
- the administration, proper functioning or activities of the College.
- the discharge of the duties of any member of the College staff.
- the holding of, or the orderly conduct of, any lawful meeting or other lawful group within the College.

1.3.2 obstructed or attempted to obstruct access of staff, students or members of the public (entering with the permission of the College authorities) to any building or premises within the College environs;

1.3.3 assaulted or harassed any fellow student, member of the College staff or visitor to the College or engaged in any other form of harassment or discrimination relating to a person's race, colour, ethnic or national origin,

gender, sexual orientation, age, religious or political beliefs, disability or marital status or any other individual or group characteristics. This includes verbal abuse towards fellow students, staff or visitors.

- 1.3.4 attempted to bribe, for personal gain, another student, member of staff or third party during the application process or whilst registered on a College programme of study;
- 1.3.5 deliberately misused or damaged any learning materials, equipment, furniture, fittings or property belonging to or under the control of the College or the property of any student or member of the College staff;
- 1.3.6 misappropriated any funds or assets of the College;
- 1.3.7 invaded or abused or attempted to abuse the security, integrity or privacy of any files or confidential material (including those held within the College's computerised data banks);
- 1.3.8 been found guilty whilst a student of the College of any criminal offence such as will damage the good name of the College, or behaved in such a way on the premises of the College as would be deemed to amount to a criminal offence had such behaviour occurred in a public place or otherwise conducted themselves in the College or elsewhere connected with the College, in a manner calculated or likely to bring the College into disrepute;
- 1.3.9 accrued an unacceptable level of financial debt to the College as determined by the Head of Finance;
- 1.3.10 provided misleading, fraudulent or untrue information to gain admission to the College;
- 1.3.11 provided misleading information with regard to the determination of Fee Status or of financial support administered by the College;
- 1.3.12 been found to have fabricated or attempted to fabricate academic references or qualification papers;
- 1.3.13 portrayed themselves or provided inaccurate and/or misleading information about themselves or the College; shared confidential information online; distributed sexually explicit material or attempted to bully or intimidate other students or staff through any medium, including social networking sites, which is deemed to undermine the operation of the College or brings into question their suitability for continued registration on their programme of study.
- 1.3.14 engaged in such other conduct as might be deemed unacceptable by the Principal.

Consequences of Breaching of the Code of Conduct

1.3.1 Any breach of this Code of Conduct may be dealt with under the College Disciplinary Procedure at the discretion of the Vice Principal Curriculum & Quality. Breaches of other codes of conduct and regulations relating to behaviour including:

- Professional Misconduct/Fitness to Practice
- Academic Misconduct
- Financial Regulations
- Examination Regulations
- Information Services Regulations

will be dealt with in accordance with the procedure set out in the relevant code. This may include a matter being referred through the Higher Education Student Disciplinary Procedure.

1.4.2 Where a student complaint relating to the behaviour of another student is upheld the Student Disciplinary procedure will apply.

1.4 Burden of Proof

1.5.1 In matters relating to misconduct, the case against the student will be deemed proven if it is substantiated on the balance of probabilities.

2 Completion of Assessed Work on Higher Education Programmes

2.1 It is presumed that all students will complete work by the date indicated.

2.2 If a student is having difficulty in completing work on time for personal reasons they must discuss this with the module tutor who has the discretion to extend the date by one week.

2.3 If a student is unable to complete an assessment on time because of serious illness or serious personal issues they must complete a Mitigating Circumstances Form which will be considered by the Programme Leader and if appropriate an extension of time will be allowed.

2.4 Otherwise, if a student does not complete work on time they will have failed that module. If a student believes they have been treated unfairly, they can apply to the next Examination Board who will decide whether the student can repeat that module assessment.

2.5 This is subject to any overriding validating University procedures.

Higher Education Cause for Concern (CfC): Guidance for Staff

The Cause for Concern (CfC) policy and procedure is intended to provide a mechanism to identify and then re-engage those students who are failing to engage fully with their programme of study. It might be that the student has not been attending regularly, has not submitted coursework or has not attended a personal tutorial. In fact there are many reasons why a tutor might be concerned about a student and tutors should not be limited to only initiating the CfC when students do not attend.

There are no sanctions applied through use of CfC. Sanctions, however, will be applied if course assessment is not completed on time. There are two stages:

Stage 1

Tutors can identify students who have not attended personal tutorials, group work sessions or two consecutive weeks of classes without notice, or whose progress is a general source of concern.

Stage 1 will only be initiated when an email is sent from the Programme Leader to the student. The message provided to the student at Stage One will be one of concern, emphasising that “We want to help you get back on track and help you catch up on any work that you may have missed”. Students will be asked to arrange a meeting with the Programme Leader.

Stage 2

If there are continued concerns about a student's progress or engagement, if the situation is not improving or if the student doesn't respond to Stage 1, Stage 2 will be initiated. This applies if:

- Continued non-attendance at personal tutorials, group work sessions or two consecutive weeks of classes.
- Module Leader may identify students whose progress is still a general source of concern.

The student will be given an appointment to attend a meeting with the Head of HE accompanied by the Programme Leader. This meeting is designed to identify issues that may be hampering a student's learning.

If a student does not attend the Stage Two meeting, a final communication will be sent, this will summarise the situation and the implications of a lack of engagement. It will include information on the sanctions that may be applied to a student should they fail components of their year.

At both stages the attached Cause for Concern form will be completed and one copy given to the student and the other retained by the Programme Leader.



Cause for Concern (CfC): Guidance for Higher Education Students

When you enrol on a course you are expected to participate in all the learning activities that are involved in it.

Sometimes however personal, financial or other difficulties may hinder your learning and may have a profound effect upon your chances of being successful at the end of the academic year. We want to help you to achieve the best results you can, the CfC process is designed to support your recovery and get you “back on track” It is essential that you act on this immediately and remedy your difficulties.

If you are experiencing difficulties you should discuss these with the module leader or programme leader.

There are two stages to the CfC process. If you are finding it difficult to fully engage with your course, the CfC process will be initiated. The things that indicate you are not engaging with your course are:

- If you haven't attended a personal tutorial, group work sessions or two consecutive weeks of classes or any ten days in a twenty day period
- If your progress is a general source of concern.

The first thing that will happen is that you will receive an e-mail or text requesting you to go and talk to the programme leader within 7 days. Make sure that you do this.

If the tutor continues to be concerned about your engagement you will immediately be referred to Stage 2. This involves you being sent a letter specifying a date and time for you to meet with the programme leader to explore the reasons for your difficulties and agree on a resolution.

This meeting is very important and you should prioritise it. If you are unable to make it you must contact your programme leader and agree an alternative date and time.

You will be required to commit to a programme to recover the situation and a record will be kept of this agreement.

ACADEMIC MISCONDUCT TARIFF FOR HE STUDENTS

		<u>DECISION MAKER</u>
1	Grade for assignment reduced by one grade (e.g. from B+ to C+)	Director of Learning
2.	Grade for assignment reduced to bare pass	Director of Learning
3.	Grade for assignment reduced to fail (F+, F,F- , G)	Director of Learning
4	Grade for assignment reduced to fail (F+, F,F- , G). Resit rights removed	Director of Learning
5	<i>Grade for module reduced to fail (F+, F, F-)</i>	AMP
6.	Grade for module reduced to G.	AMP
7.	Grade for module reduced to G, repeat module grade capped at bare pass	AMP
8	Grade for module reduced to G. Right to repeat module withdrawn.	AMP
9.	Grade for module reduced to G. Right to repeat equivalent credits withdrawn.	AMP
10.	Termination of studies	AMP

HE Academic Misconduct Policy & Procedure

1. Policy

A respect for truth and honesty in academic endeavour and assessment is a core value at New College Stamford. Submitting assessments that are not honestly produced forms the foundation of academic misconduct. The College looks gravely upon all academic misconduct and is empowered to recommend the imposition of severe penalties on students who are found culpable of academic misconduct.

This policy ensures that higher education students are given adequate guidance about the importance of academic misconduct and that cases of academic misconduct are dealt with promptly in a transparent and consistent manner.

2. Definitions

Academic misconduct is defined by the college as either an attempt by a student to gain an unfair advantage in an assessment, or to assist another student to do so. Examples include:

- **Cheating:** behaving in a dishonest way to gain an academic advantage;
- **Collusion:** an agreement between people acting together in order to deceive or cheat;
- **Fabrication:** making up data, information, or references;
- **Impersonation:** assuming a student's identity with intent to provide an advantage for the student;
- **Plagiarism :** passing off someone else's work as your own, whether intentionally or unintentionally;
- **Self-Plagiarism/duplication:** submitting work that has already been used for assessment purposes.
- **Cheating in examinations:** examples include:
 - taking notes or other unauthorised material into an examination, or temporarily leaving the examination to refer to such material;
 - the use of an unauthorised dictionary;
 - obtaining an advance copy of an 'unseen' examination paper;
 - taking away paperwork designated 'not to be removed from an examination.

3. Scope and Principles

This policy applies to all students who submit assessed work and all staff at New College Stamford who are involved in the assessment processes. This policy empowers staff to deal with suspected cases of academic misconduct.

3.1 Student guidance

All students must be given guidance in relation to academic misconduct before submitting their first assignment.

3.2 The Process

All cases of academic misconduct will be dealt with initially by the Director of Learning for that area, to whom decisions on simple cases will be devolved. Where cases are thought to be serious, where they are of a repetitive nature, or when the Director of Learning feels unable to make a judgement they will be empowered to refer cases to an Academic Misconduct Panel (AMP).

3.3 Tariff

A tariff will be issued as guidance on the level of penalty which should be applied to students found culpable of academic misconduct. Directors of Learning and Academic Misconduct Panels may take extenuating circumstances into account only when deciding on the appropriate penalty. Equity of the student experience will be ensured by strict adherence to the tariff, and will be moderated through meetings of the HE Quality and Development Group who will discuss and establish common practice.

3.4 Academic Misconduct Panels

An Academic Misconduct Panel will comprise:

- the Vice Principal Curriculum & Quality
- at least two other Directors of Learning who have had no previous involvement with the cases examined and are not involved with the student's programme of study;

4. Procedure

When a tutor suspects that academic misconduct has taken place (according to the above definitions), this Academic Misconduct Procedure must be initiated.

4.1 Stage 1

4.1.1 It is the responsibility of the tutor to refer the matter to the Director of Learning and produce a report.

4.1.2 The referring tutor must include documentary evidence of the grounds for the allegation. Ideally, the evidence will be an annotated copy of the work, the allegation may also be supported by a report on a *viva voce*, which should be undertaken by a subject specialist (e.g. marking tutor/programme leader) and another tutor. The report must include firm conclusions reached about the allegation.

- 4.1.3 In the case of an examination irregularity, the Director of Learning will need to consider any report made by the invigilator.
- 4.1.4 Where the Director of Learning considers that there is sufficient evidence available to support the allegation, s/he will invite the student to attend an interview and send them the evidence. The student will be given advance notice (at least two working weeks from date on letter) and will be notified of the right to bring a friend or relative for support. Legal representation is not permitted.
- 4.1.5 The Director of Learning may be accompanied at the interview with the student if this is appropriate. If another member of staff will be present, the student must be advised accordingly.
- 4.1.6 Notification of the interview should be via e-mail and a second means of communication (letter, text or telephone) depending on the individual situation.
- 4.1.7 Following the interview, the Director of Learning will decide that:
- there is no validity to the allegation;
 - a minor offence has taken place and a penalty will be applied in accordance with the College tariff for minor cases;
 - the case should be referred to stage 2, because either a serious offence has occurred or the case has complicating factors.
- 4.1.8 If the student fails to attend the interview this should not prevent the Director of Learning making a decision on the evidence presented.
- 4.1.9 In determining the validity of the allegation the Director of Learning will exercise a judgment on the balance of probability. Extenuating circumstances will not be considered in determining culpability, but may be considered in determining the penalty imposed.
- 4.1.10 Having made a decision within four days, the Director of Learning will log the outcome, communicate with the student (using an e-mail and letter) and place the paperwork (referral form and evidence) on the student's file.
- 4.1.11 Appeal against a Director of Learning decision must be made in writing to the Vice Principal Curriculum & Quality within five working days. Grounds for appeal are:
- the decision arrived at by the Director of Learning is wrong in fact;
 - the severity of the penalty imposed is not warranted by the offence.
- 4.1.12 Appeal will be heard by an Academic Misconduct Panel (AMP). In reviewing the Director of Learning's decision reached the AMP has the authority to increase the penalty.

4.2 Stage 2

- 4.2.1 All cases referred to level 2 will be heard by an Academic Misconduct Panel, which will be constituted in accordance with the above Policy. Students must have undertaken a Stage 1 interview before the case is escalated to Stage 2.
- 4.2.2 In all cases the student will be invited to attend a panel hearing. The student will be given advance notice, will be provided with the documentation that the panel will consider and will be entitled to bring a friend or relative for support. Legal representation is not permitted.
- 4.2.5 Extenuating circumstances will not be considered in determining culpability, but may be considered in determining the penalty imposed.
- 4.2.6 After hearing the case and considering all the evidence the panel will decide that:
- there is no validity to the allegation;
 - a minor offence has taken place and a penalty will be applied in accordance with the College tariff for minor cases;
 - serious academic misconduct has occurred.
- 4.2.7 In determining the validity of the allegation the panel will exercise a judgment on the balance of probability. Extenuating circumstances will not be considered in determining culpability, but may be considered in determining the penalty imposed.
- 4.2.8 Where serious academic misconduct has occurred then the panel must determine the penalty in accordance with the tariff for serious offences. The panel may at this stage take account of any previous offences.
- 4.2.9 If the panel determines that course termination should be applied then it must make a suitable recommendation for consideration by the validating university.
- 4.2.10 The Vice Principal Curriculum & Quality will advise the student of the panel's decision in writing within five working days.
- 4.2.11 If the AMP hearing is held to consider an appeal against a Director of Learner's decision then there is no internal appeal against the decision of the Academic Misconduct Panel: the panel's decision marks the end of the College's process in relation to Academic Misconduct.
- 4.2.12 The written outcome will include a 'Completion of Procedure' letter, which details the applicant's right to apply for a review to the validating university and/or Office of the Independent Adjudicator for Higher Education.

4.3 Records

4.3.1 A copy of the records of all academic misconduct cases will be placed on the relevant student file. Where a case is not dismissed, all documentation will be removed and shredded.

4.3.2 The College will hold an electronic record of all allegations of academic misconduct; this data will inform the review processes.

5. **The effect of Academic Misconduct upon Examination Boards**

5.1 Except for noting the outcomes of this policy and process, Examination Board shall take no account of allegations of academic misconduct: the Board will apply any penalty determined through this procedure. The Board has no authority to vary the penalty.

5.2 Where the penalty allows resubmission or reassessment, the work required will to be determined by the Board in the usual way.

5.3 Examination Boards will be notified of every case where a decision on an academic misconduct allegation is pending, and will not confirm an outcome for the relevant assessment until the decision is known. The element of assessment will be clearly identified and a 'deferred decision' will be recorded.

QAA QUALITY CODE:

This policy has been designed to meet the requirement of the QAA Quality Code and particularly: Expectation A3.2 Expectation B5 B6 Expectation C.

IMPACT ASSESSMENT:

This policy has been assessed and considered for impact upon people who share the following protected characteristics and factors: race, gender and gender identity, disability (including learning difficulty), religion and belief, sexual orientation, age, pregnancy, maternity and marital status.

EQUALITY IMPACT ASSESSMENT SUMMARY:

This policy has been impact assessed and has identified the following:

- Negative impacts (N)
- Appropriate actions/mitigations to address the negative impacts have been put in place (N/A)
- Positive impacts (Y)

For further detail of the impacts and associated actions, please see the EIA which is attached to the filed copy of this document.

LINKED POLICIES:

MONITORING PROCEDURE:

These procedures will be monitored by the HE Quality and Development Group.

RESPONSIBILITY:

Head of HE

ENDORSED BY SLT:

J. Meenan

Principal

7 December 2017

Date

Higher Education Cause for Concern Report Form

This form should be used if necessary at both stages of the Cause for Concern process.

Stage 1

Reason for Cause for Concern

Actions to be carried out by the student

Signed Programme Leader:..... Student:

Date:

Stage 2

Reason for Cause for Concern

Actions to be carried out by the student

Signed Head of HE : Student:

Date:

A copy of this form will be given to the student and a copy retained by the programme leader.