

# Student Disciplinary Process

## Summary

We want to ensure that studying at the College is a very good experience for you. We aim to work in partnership with you and will highlight our duties to you and what we expect from you as a College of Legal Practice student under the [Student Contract](#) and [Student Charter and Code of Conduct](#) (“the Contract and Charter”). There may be occasions when we need to highlight for you conduct or behaviour which may have breached our regulations. On these occasions we will seek to be fair and clear in all we do in following our disciplinary process. A simple guide to the Student Disciplinary Process for both academic and non-academic misconduct is set out below.

## Student Disciplinary Process for Non-Academic Misconduct

A disciplinary process may start if you are charged or convicted of a criminal offence (Section 3) or are alleged to have committed misconduct under the Contract and Charter



We will investigate any allegations or charges with your knowledge and it may be decided there is no breach or there may be an informal resolution of the matter



If it is considered there has been a breach, a Disciplinary Officer will be appointed as an investigator and will discuss with you in a formal disciplinary meeting the allegations and the relevant evidence.

You will be given the opportunity to respond to the allegation(s) before any decision is made



A decision could involve

- a formal warning
- apologies or undertakings
- a formal hearing and sanctions



Following any decision by in this process, you have a right to appeal. If you feel dissatisfied with the outcome of the appeal, you can apply to the Office of the Independent Adjudicator for Higher Education.

## Student Disciplinary Process for Academic Misconduct

A disciplinary process may start if you are suspected of having committed academic misconduct as referred to in the Contract and Charter



We will investigate any allegations or charges with your knowledge and it may be decided there is no breach or there may be an informal resolution of the matter



If it is considered there has been a breach, the Programme Leader will commence an investigation and will discuss with you in a formal disciplinary meeting the allegations and the relevant evidence. You will be given the opportunity to respond to the allegation(s) before any decision is made



A decision could involve

- a formal warning
- apologies or undertakings
- a formal hearing and sanctions



Following any decision by in this process, you have a right to appeal (Section 6). If you feel dissatisfied with the outcome of the appeal, you can apply to the Office of the Independent Adjudicator for Higher Education

## Student Disciplinary Process

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### Introduction

- 1.1 The College of Legal Practice seeks to enhance the careers of legal professionals through the delivery of innovative, practice-focused legal education and training. In meeting this objective, the College actively partners with students, individually and collectively, to ensure and maintain the quality of their education experience and to enable them to achieve academic, professional and personal objectives.
  - 1.2 In partnering with students, the College sets out expectations it places on itself (through the Student Partnership Framework), but also the expectations placed upon students (these are found in the [Student Contract](#) and the [Student Charter and Code of Conduct](#)).
  - 1.3 On occasions, the level of service which the College offers may fall below what may reasonably be expected of a student. Where this may be the case, then students are directed to the [Student Complaints Policy](#).
  - 1.4 It is recognised too, that there may be occasions where a student acts in a manner contrary to the Student Contract or Student Charter of Code of Conduct. Where this is alleged to be the case, the College may implement this Student Disciplinary Process to investigate, consider and determine an alleged breach of the Student Charter and Code of Conduct by a student of the College.
  - 1.5 The College shall at all times be entitled to uphold and protect its good name and reputation and, therefore, reserves the right to take disciplinary action against students where there is reason to believe that they may have breached College regulations or brought the College into disrepute through their behaviour.
  - 1.6 This process applies to all students from the moment of registration and when a contract between the College and the student is formed. The process applies at all times and is not restricted to conduct during term-time or during College activity. Equally, this process may apply to graduates of the College where this disciplinary process would have commenced were the individual still registered as a student of the College. (This may be – but is not limited to – related to matters leading to the revocation of an award of the College).
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- 1.7 This process does not apply to disputes between students, rather is reserved for occasions to address allegations that a student has breached the Student Contract by failing to comply with the Student Charter and Code of Conduct.
- 1.8 Where a student is still being considered under this process, the College may withhold a final award until the matter is concluded.
- 1.9 In exceptional cases the College may, at any stage, vary the procedures set out in this process in the interests of fairness and/or health and safety.
- 1.10 This process is informed by the Office of the Independent Adjudicator's Good Practice Framework on Disciplinary Procedures (October 2018).
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## Principles

- 2.1. It is recognised that a procedure under this process is likely to be stressful and worrying for the student(s) concerned. As such, throughout this entire process the College will ensure the following principles are adhered here:
- 2.1.1. **Accessibility and Clarity:** The process will be clearly outlined on the online portal and where a student needs assistance in interpreting the process, the Student Services Manager will be able to provide support.
- 2.1.2. **Fairness:** The process will be run in accordance with this document and will be managed following the general principle of fairness.
- 2.1.3. **Independence:** Where a matter requires investigation, it will be investigated by a member of College staff who has no previous involvement in the matter.
- 2.1.4. **Standard of proof:** In determining whether there has been a breach of the Student Code of Conduct, the standard of proof used shall be 'on the balance of probabilities'.
- 2.1.5. **Confidentiality:** The conduct of this process will adhere to principles of confidentiality and the data held as part of this will be managed in line with the College's [Privacy Policy](#) and the Data Protection Act 2018. That said, the College may deem it necessary
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to share information gathered under this process with third parties such as employers, placement providers, or professional statutory and regulatory bodies. In the same way, the College may have a legitimate interest to share information of a matter under this process with the individual who made the allegation. In making this determination, the College will balance the impact of disclosure on the student who has been accused of misconduct against whether the disclosure is necessary to safeguard the health and well-being and security of the individual who made the allegation along with the proper working and reputation of the College. The student who has been accused of misconduct will be informed if a disclosure is to be made the person who has made the allegation or experienced the misconduct.

2.1.6. **Timeliness:** The College will seek to conclude a matter under this process as swiftly as possible and within 3 calendar months for cases which require the involvement of the College Disciplinary Panel. Where this is not possible (perhaps due to police involvement or legitimate absence of key individuals), the student will be kept informed of the amended timescales.

2.1.7. **Reasonable Adjustments:** Throughout this process, the College will remain mindful of its obligations under the Equality Act 2010.

2.2. A student is entitled to have a supporter with them at all stages of this process. The role of the supporter is to provide emotional support and is not to take on an advocacy role and cannot be a witness to the allegation. The supporter shall normally be a student of the College or an individual from the student's place of work and not a family member or qualified legal practitioner. The College provides the Student Services Manager as a member of staff who can support and guide the student through the process. The Student Services Manager however sits outside of the process and, as such, cannot be a formal supporter to the student who is the subject matter of this process.

2.3. If a student fails to engage in this process, or fails to attend a meeting of hearing convened under this process without good reason, the College may continue the process in the absence of the student. Meetings may either be held in person or remotely and a student may make representations in writing.

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- 2.4. Evidence which has been obtained in good faith and by reasonable means will be able to be used in any considerations.
- 2.5. The Programme Committee shall be provided with an annual report providing a break-down of cases brought under this process. No student names or other identifiers will be included in this report.
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## Reporting of Criminal Offences

- 3.1 Where a student is charged with or convicted of a criminal offence, he or she is required to report the matter formally and immediately to the Registrar.
- 3.2 It will be a matter for the absolute discretion of the Registrar as to whether to commence a disciplinary process against the student under section 4.
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## Non-Academic Misconduct Procedure

- 4.1 A student Where there is an allegation that a student has committed an act, which may be classified as misconduct under the Student Charter and Code of Conduct (Part 5), the Registrar must be informed as soon as practicably possible.
- 4.2 On receipt of the allegation, the Registrar has absolute discretion to determine:
- 4.2.1. that the allegation does not constitute non-academic misconduct, or that
  - 4.2.2. there is no case to answer, and take no further action (in which case, no entry regarding the matter will be entered on the student's record);
  - 4.2.3. that the matter does constitute a breach of the Student Charter and Code of Conduct, but due to the nature of the breach considers the breach to be minor allowing for an informal resolution to the matter.
  - 4.2.4. that the matter requires formal consideration under this process and appoint an individual to investigate the matter; or
  - 4.2.5. refer the matter for consideration under a different College regulation, policy or procedure.
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- 4.3 An informal resolution under section 4.2.3 may be appropriate where the allegation is very minor, or the student has no previous history of misconduct or their involvement in an incident is not clearly established. Equally, an informal resolution may be appropriate where a student has committed a more serious act of misconduct, but they have admitted to the breach and have demonstrated remorse. Where this section is applied, the Registrar may issue a reasonable sanction to the students, such as a verbal or written first warning, a requirement on the student to apologise and/or to give an undertaking as to his or her future behaviour.
- 4.4 Where the Registrar is in receipt of evidence that suggests an offence may have been committed and that the nature of the breach is serious and/or it is not a first offence, and/or the student is not prepared to accept a sanction imposed at the informal stage, then they may appoint an individual to investigate the matter.
- 4.5 Where the Registrar appoints an investigator, the student concerned will be informed of this along with the name of the member of staff who will be carrying out the investigation.
- 4.6 The role of the investigator is to investigate all the material matters relating to the alleged breach. It is recognised that the investigator does not have the investigative abilities of the law enforcement agencies, but evidence which has been obtained in good faith and by reasonable means will be able to be used. The Investigator should hold one at least formal conversation with the student who is alleged to have committed the breach. At this meeting, the investigator should discuss the allegation of non-academic misconduct and present the evidence which has been collected as part of the investigation to the student and give them an opportunity to respond. The student should normally be given at least 5 working days' notice of this meeting.
- 4.7 At the end of the investigation, and having conducted the formal disciplinary meeting, the Disciplinary Officer will determine one of the following:
- 4.7.1. that there is insufficient evidence to conclude that a breach of the Student Charter and Code of Conduct has occurred (in this case the allegation will be dismissed);
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4.7.2. that there is sufficient evidence to conclude that a breach of the Student Charter and Code of Conduct has occurred. In this case, the Investigator has the ability to issue one or more of the following sanctions:

4.7.2.1. A formal warning;

4.7.2.2. Requiring the student to write a letter of apology to the affected person(s);

4.7.2.3. Requiring the student to provide an undertaking about their future behaviour;

4.7.3. that the matter is of sufficient seriousness for it to be referred to a College Disciplinary Panel.

4.8 A College Disciplinary Panel is an *ad hoc* panel convened on the authority of the Chief Executive Officer. The Panel is convened on the referral of a matter under this process by an investigator appointed by the Registrar. The Panel will be made up of a senior member of the College team, another member of staff (ideally an individual with experience in investigations) and a Student Representative (ideally from a different programme to the student against whom the allegation is made). A student should normally be given 5 working days' notice of the date of the panel hearing.

4.9 The order of proceedings for a College Disciplinary Panel will normally be as follows:

4.9.1. The Chairperson of the Panel will introduce the proceedings;

4.9.2. The Investigator will present the allegation, and outline the evidence they have collated;

4.9.3. The Investigator will answer any questions from the Panel and the student;

4.9.4. The student may present their response to the allegations,

4.9.5. The student will answer questions from the Panel and the Investigator;

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- 4.9.6. The Investigator will make a closing statement;
  - 4.9.7. The student may make a closing statement
  - 4.9.8. The Panel will deliberate in private and make a decision.
- 4.10 At the end of the panel hearing, the panel will determine one of the following outcomes:
- 4.10.1. that there is insufficient evidence to conclude that a breach of the Student Charter and Code of Conduct has occurred (in this case the allegation will be dismissed);
  - 4.10.2. that there is sufficient evidence to conclude that a breach of the Student Charter and Code of Conduct has occurred. In this case, the Panel has the ability to issue one or more of the following sanctions:
    - 4.10.2.1. A final warning;
    - 4.10.2.2. Requiring the student to write a letter of apology to the affected person(s);
    - 4.10.2.3. Requiring the student to provide an undertaking about their future behaviour;
    - 4.10.2.4. Suspension from the College for a set period of time determined by the panel;
    - 4.10.2.5. Permanent exclusion from the College.
- 4.11 The Student will be notified of the outcome of the panel within 5 working days of the panel hearing.
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## Academic Misconduct Procedure

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- 5.1 Where it is suspected that a student may have engaged in academic misconduct (as outlined in Section 4 of the Student Charter and Code of Conduct), a Supervisor should in the first instance refer the matter to the relevant Programme Leader.
  - 5.2 The Programme Leader has absolute discretion to determine:
    - 5.2.1 that the allegation does not constitute academic misconduct and in which case the work will be marked on its merit, or that
    - 5.2.2 there is no case to answer, and take no further action (in which case, no entry regarding the matter will be entered on the student's record);
    - 5.2.3 that the matter does constitute a breach of the Student Charter and Code of Conduct, but due to the nature of the breach considers the breach to be minor allowing for an informal resolution to the matter at module / programme level.
    - 5.2.4 that the matter requires formal consideration under this process; or
    - 5.2.5 refer the matter for consideration under a different College regulation, policy or procedure.
  - 5.3 An informal resolution under section 5.2.3 may be appropriate where the allegation is very minor, or the student has no previous history of misconduct or their involvement in an incident is not clearly established. Equally, an informal resolution may be appropriate where a student has committed a more serious act of misconduct, but they have admitted to the breach and have demonstrated remorse and evidence of how they intend to enhance their academic practice in the future. Where this section is applied, the Programme Leader may issue a reasonable sanction to the students, such as a verbal or written first warning and/or to give an undertaking as to his or her future behaviour. In these circumstances the work should be marked on its academic merits.
  - 5.4 Where the Programme Leader is in receipt of evidence that suggests an offence may have been committed and that the nature of the breach is serious and/or it is not a first offence, and/or the student is not prepared to accept a sanction imposed at the informal stage, then the
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Programme Leader may commence a formal investigation into the matter. If this is the case, then the student will need to be informed.

5.5 As part of the formal investigation, the Programme Leader should hold one at least formal conversation with the student who is alleged to have committed the breach. At this meeting, the investigator should discuss the allegation of academic misconduct and present the evidence which has been collected as part of the investigation to the student and give them an opportunity to respond. The student should normally be provided with 5 working days' notice of this meeting.

5.6 At the end of the investigation, and having conducted the formal disciplinary meeting, the Programme Leader will determine one of the following:

5.6.1 that there is insufficient evidence to conclude that a breach of the Student Charter and Code of Conduct has occurred (in this case the allegation will be dismissed);

5.6.2 that there is sufficient evidence to conclude that a breach of the Student Charter and Code of Conduct has occurred. In this case, the Investigator has the ability to issue one or more of the following sanctions:

5.6.2.1 Require the student to remedy the elements of the work that were produced through misconduct and then resubmit for a capped or uncapped mark;

5.6.2.2 Award the student a mark of 0 for the work and require the work to be resubmitted for an uncapped mark;

5.6.2.3 Award the student a mark of 0 for the work and require the work to be resubmitted for a mark capped at the minimum pass mark;

5.6.2.4 Award the student a mark of 0 for the work and require the work to be resubmitted, with the module result capped at the minimum pass mark

5.6.3 that the matter is of sufficient seriousness for it to be referred to a College Disciplinary Panel. Normally a referral to a College

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Disciplinary Panel will be for the most serious cases of academic misconduct or for occasions where allegations of academic misconduct have previously been found against the student.

5.7 A College Disciplinary Panel is an *ad hoc* panel convened on the authority of the Chief Executive Officer. The Panel is convened on the referral of a matter under this process by a Programme Leader. The Panel will be made up of a senior member of the College team, another member of staff (ideally an individual with experience in investigations) and a Student Representative (ideally from a different programme to the student against whom the allegation is made). The student will normally be provided with 5 working days' notice of the date of the panel hearing.

5.8 The order of proceedings for a College Disciplinary Panel will normally be as follows:

5.8.1 The Chairperson of the Panel will introduce the proceedings;

5.8.2 The Programme Leader will present the allegation, and outline the evidence they have collated;

5.8.3 The Programme Leader will answer any questions from the Panel and the student;

5.8.4 The student may present their response to the allegations,

5.8.5 The student will answer questions from the Panel and the Programme Leader;

5.8.6 The Programme Leader will make a closing statement;

5.8.7 The student may make a closing statement

5.8.8 The Panel will deliberate in private and make a decision.

5.9 At the end of the panel hearing, the panel will determine one of the following outcomes:

5.9.1 that there is insufficient evidence to conclude that a breach of the Student Charter and Code of Conduct has occurred (in this case the allegation will be dismissed);

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5.9.2 that there is sufficient evidence to conclude that a breach of the Student Charter and Code of Conduct has occurred. In this case, the Panel has the ability to issue one or more of the following sanctions:

5.9.2.1 Any sanction listed in 5.6.2 above;

5.9.2.2 A final warning;

5.9.2.3 Suspension from the College for a set period of time determined by the panel;

5.9.2.4 Permanent exclusion from the College.

5.9.2.5 Where the matter relates to a retrospective matter following a student's graduation, revoke and rescind any award previously granted by the College.

5.10 The Student will be notified of the outcome of the panel within 5 working days of the panel hearing.

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## Appeals Process

- 6.1 A student may appeal a decision made by an Investigator or College Disciplinary Panel under the non-academic misconduct process (section 4) or a Programme Leader or College Disciplinary Panel under the academic misconduct process (section 5).
  - 6.2 Students who wish to appeal need to do so on the basis of one or more of the following grounds:
    - 6.2.1. There is relevant new material which was not reasonably available at the time of the original decision;
    - 6.2.2. There has been a failure of due process at any stage;
    - 6.2.3. That the decision was unreasonable and/or a disproportionate sanction has been allocated.
  - 6.3 This appeal will not normally consider issues afresh or involve a new investigation. A complaint must have been considered and concluded at the formal stage before it can be escalated to this appeal process.
  - 6.4 A student who wishes to commence an appeal, must do so within 14 days of the date of notification from the investigator (non-academic misconduct) or Programme Leader (academic misconduct) or College Disciplinary Panel. The appeal must be sent in writing by the student to the Student Services Manager. The appeal should include the ground(s) for appeal listed in 6.2 above and provide a clear explanation of why the ground for appeal applies and the evidence in support.
  - 6.5 An appeal by a student will normally be dismissed and not considered if it is not submitted within 14 days. An appeal submitted outside of this timeframe will only be considered where the student provides a good reason, supported by evidence, for the delay. The College will determine what constitutes a good reason for the purposes of this paragraph.
  - 6.6 On receipt of a valid appeal under this Stage, the Student Services Manager will acknowledge receipt of the appeal within 5 days and forward the relevant documentation to the College's Chief Operations Director (or nominee) who will consider the appeal.
  - 6.7 The outcome of the appeal will normally be notified to the student(s) within 14 days of submission of the appeal.
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- 6.8 The appeal will determine whether the ground(s) for appeal have been established and whether any action needs to be taken by the College. The action that could be taken includes:
- 6.8.1. Upholding the earlier decision and sanction.
  - 6.8.2. Upholding the earlier decision and varying the sanction.
  - 6.8.3. Overturning the earlier decision and substituting a new decision and/or sanction.
  - 6.8.4. Set aside the decision and require the allegation of misconduct to be considered afresh.
2. 6.9 The notification of outcome to the student(s) concludes the Appeal Process and is the final stage of the appeals procedure available within the College. As such, a Completion of Procedures Letter will be issued at this point. The Completion of Procedures Letter will confirm that the College's internal appeals procedure has been exhausted.
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## Office of the Independent Adjudicator

7.1 Where a student has exhausted the College's internal appeals procedures the student has the right to request the Office of the Independent Adjudicator to review his or her case. A student may be able to apply for a review of the outcome of the process to the Office of the Independent Adjudicator for Higher Education (OIA) providing the complaint is eligible under its rules. Details about the OIA can be found on their website: <https://www.oiahe.org.uk/> and the Student Services Manager is able to provide advice if required.

7.2 In order to apply to the OIA, a student will require a Completion of Procedures Letter to show that internal appeals procedures have been exhausted. This letter will be automatically provided to students at the conclusion of the Review Process.

Further guidance about submitting a complaint to the OIA is available at their website: <https://www.oiahe.org.uk/students/how-to-complain-to-us/>.

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