

## Document

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| Brief Description of Policy | This document sets out the Navitas University Partnerships Europe (UPE) policy and procedure for Student Disciplinary. |

## Version Control

| Date         | Version | Summary of changes                                                                             | Approver            |
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| January 2023 | 2022/01 | <ul style="list-style-type: none"> <li>Initial policy version</li> </ul>                       | NUKH Academic Board |
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## Key Related Documents

| Document Name                        | Location                    |
|--------------------------------------|-----------------------------|
| QS09 Assessment                      | College Website, Policy HUB |
| QS09_2 Mitigating Circumstances Form | College Website, Policy HUB |
| QS13 Bullying & Harassment           | College Website, Policy HUB |

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## Introduction

This document sets out the Navitas University Partnerships Europe (UPE) policy and procedure for disciplinary action taken against students. Navitas UPE has, as part of its Corporate Code of Practice, a commitment to continuous improvement and the UPE College\* network has demonstrated its adherence to this commitment through the implementation of a Student Disciplinary process in each College. Navitas UPE has a long history of, and commitment to, the provision of quality services and support to students. It recognises the importance of engaging students early in their learning experience and places immense value on the Student Voice. Working together with students, our teaching and support staff are committed to providing an education and student experience that is shaped, reviewed and enhanced in the spirit of partnership and co-determination.

*\*Please interpret 'College' as 'Campus' where applicable*

## Purpose

This Student Disciplinary Policy outlines how Navitas UPE Colleges support a safe, respectful, and inclusive learning environment for all students and staff, while also protecting the integrity and reputation of each College.

The policy sets out a clear and fair framework for responding to disruptive, inappropriate, or unacceptable behaviour. Where necessary, the College will take proportionate action in accordance with the procedures outlined in this document.

Each College has the authority to take disciplinary action, including the suspension or expulsion of students for good reason, and always in consultation with the relevant University Partner.

The College Director/Principal (CDP) holds overall responsibility for student discipline at their College, including taking action where urgent disciplinary matters arise. This may involve suspension or expulsion on disciplinary or academic grounds, in consultation with the University Partner. The CDP may delegate disciplinary responsibilities to other appropriate staff members as needed.

This policy not only provides a mechanism for addressing unacceptable behaviour, but also supports students to reflect, improve, and re-engage positively with their studies and the wider College community.

The Policy applies to:

- All students enrolled in the College including those residing in its premises and/or participating in official activities outside College premises (for example, placements or visits)
- Students registered with the College who are alleged to have committed a disciplinary offence on the premises of the College or the University Partner

The Policy may be invoked to investigate allegations of academic or professional misconduct relating to former students or those who had interrupted their studies.

## General Principles

This Policy incorporates the principles of natural justice. It determines that:

- There will be consistency of treatment across the Colleges
- It is the responsibility of a College to prove the allegation. The standard of proof required is that of the balance of probability: it should be more likely than not that the student has committed the alleged misconduct
- Students will be given notice of allegations made about their behaviour and reasonable time to prepare a response
- Students have the right to request advice from the University Partner's Students' Union
- All parties should receive the same information and copies of written evidence at all stages of the process.
- Students have the right to be accompanied at any necessary panel hearing, but not to bring legal representation to any internal stage investigation meetings.
- Students will be given a fair and impartial opportunity to present their case.
- There will be a proportionate outcome to any offence committed informed by both the College and University Partner Academic Awarding Regulations.
- Students will be kept informed in writing of the progress of their case at all stages of the proceedings by the Investigating Officer (or the College SMT where appropriate).
- The College will keep records of all hearings and will inform the University Partner of any investigation outcome
- Students have a right of appeal to the Office of the Independent Adjudicator for Higher Education (OIAHE) when all stages of a College's Student Disciplinary process have been completed.

## Definition of a Disciplinary Offence

A disciplinary offence can include but is not restricted to:

- Behaviour which interferes with the functioning or activities of a College
- Behaviour that interferes with those who work or study in a College
- Action which otherwise damages a College or its reputation
- Academic misconduct (cheating) in any form of assessment **QS09 Assessment**

## Examples of a Disciplinary Offence

The offences outlined below are classed as disciplinary offences. The offences are categorised into general misconduct and academic misconduct **QS09 Assessment**. The lists are not exhaustive, and the College may determine that other behaviour constitutes misconduct for consideration in accordance with the Student Disciplinary Policy.

### General Misconduct

- Any conduct which constitutes a criminal offence
- Any form of violent, vindictive, indecent, disorderly or threatening behaviour or language, either written or spoken including any form of electronic communication
- Any form of discrimination, discriminatory language, action or behaviour, whether verbal, physical or written, that contravenes current, relevant legislation
- Possession of an offensive weapon on College or University Partner premises
- Bullying or harassment **QS13 Bullying & Harassment** of any student or member of staff of the College or University Partner or any visitor to the College or University Partner
- Fraud, deceit, deception or dishonesty in relation to the College or its staff, students or visitors or University Partner staff, students or visitors
- Making a fraudulent claim for funds or the re-imbursement of approved expenses
- Failure to respect the rights of others to freedom of belief and expression
- Failure to comply with a reasonable instruction related to discipline issued with the CDP's authority
- Theft, misappropriation or misuse of College or University Partner property or the property of College's or University Partner's staff and/or students
- Disruption or improper interference with the academic, administrative or other activities of the College or University Partner
- Obstruction or improper interference with the functions, duties or activities of any student or member of the staff of the College or University Partner or any visitor to the College or University Partner
- Misuse or undesignated use of the College or University Partner premises
- Damage to College or University Partner property or the property of the College's or University Partner's staff, students or visitors, caused intentionally or recklessly

- Action likely to cause injury or impair safety on College or University Partner premises
- Breach of the provisions of any College or University Partner code, rule or regulation
- Making unsubstantiated allegations about a member of staff or a student
- False or malicious complaints

### **Academic Misconduct - (see QS09 Assessment)**

Misconduct in examinations includes, but is not limited to:

- Attempting to access confidential information before an examination, including attempting to get sight of the examination paper before it is published
- Taking or attempting to take unauthorised material, including blank paper, electronic devices and mobile phones, into an examination room
- Communicating or attempting to communicate in any way with another student or any other person (other than the invigilator) during an examination
- Copying, or trying to copy, the work of another student
- Allowing or assisting another student to copy
- Impersonation - taking an assessment on behalf of, or pretending to be, another student, or allowing another person to take an assessment on behalf of a student
- Attempting to remove script books, including blank script books, from an examination room
- Using artificial intelligence of any kind to support or create answers during an examination.

Misconduct in other forms of assessed work includes, but is not limited to:

- Plagiarism - the submission of an item of assessment which, all or in part, contains work produced by another person(s) in such a way that it could be assumed to be the student's own work
- Collusion - the improper collaboration in the production of a piece of work when that work is submitted as entirely the work of an individual. Except where written instructions state that work for assessment may be produced jointly and submitted as the work of more than one student, students must not collaborate with other students to produce a piece of work jointly, copy or share another student's work, lend their work to another student or allow another student to copy their work

- Artificial Intelligence (AI) – in appropriate use, which includes importing content from, making a copy of or extensive use of AI-generated content and submitting this work without appropriate declaration
- Falsification of data or artefacts i.e., the invention or changing of material to support an argument
- Duplication - the submission of a piece of work in whole or in part that has already been submitted for assessment elsewhere, including concurrent submissions
- Employing or engaging with custom-writing services and essay mills of any kind.

Navitas UPE reserves the right to use detection software or viva-style examinations to identify any form of academic misconduct submitted in and form of assessment.

## The Process

The student disciplinary process is summarised in the flowchart in Appendix A.

*(Templates are provided to staff throughout to support the process)*

## Suspension

A student may be suspended from attendance at a College for alleged misconduct or other cause for a period of no more than **three weeks**.

Suspension is not a penalty but a precautionary measure which a College may use in order to exercise its duty of care or whilst necessary investigation takes place. The decision to suspend a student may only be taken by a member of a College Senior Management Team (SMT) in consultation with the University Partner if required. The student and/or guardian will be notified informally of the suspension within **24 hours** and formally within **three working days** by email the reasons for the suspension, the terms of the suspension and the right of appeal. The period of suspension cannot exceed **three weeks** unless an extension has been agreed by a member of the SMT having regard to the circumstances of the case. The student will be advised in writing if an extension is agreed and informed of the length of the extension. The College will seek advice and guidance from the Navitas UPE Academic Registry and Compliance Teams to ensure no detriment to the student if an extension to suspension is necessary.

## Investigating Officers

The CDP is responsible for nominating members of staff to act as Investigating Officers in matters related to student discipline. The College SMT should inform the student of the allegation and to advise them about the Student Disciplinary Policy and Process.

The Investigating Officer will be assigned to a case within **two working days**, they must be independent of the student, and the programme of study in question.

The responsibilities of the Investigating Officer are to:

- Be the first point of contact during the student disciplinary investigation
- Ensure that allegations are investigated properly and that full records are kept of the investigation and to determine whether there is a case to be heard
- Correspond with students, staff and the CDP regarding the progress of investigations into student disciplinary allegations, keeping navigate up to date
- Support hearings by College Student Disciplinary Panels when necessary and present details of allegations and investigations to these Panels
- Make recommendations about the penalty to be applied, in relation to academic misconduct

The investigation process must not exceed **five working days**. For any cases requiring a longer period of time, the student will be notified as soon as possible.

## Disciplinary Panels

College Student Disciplinary Panels are established to consider allegations of general and academic misconduct and to establish the facts and circumstances of a case before determining the outcome and, where appropriate, the penalty. The College Student Disciplinary Panel will be arranged within **five working days** upon conclusion of the investigation. The student will be notified and given details for submitting any mitigating circumstances. These must be received no later than **48 hours** prior to the Panel date.

Membership will comprise:

- College Director/Principal (or nominee) [Chair]
- College Staff x2 (ideally DASS & SEO)
- UPE Head of Education (or nominee)
- Secretary (non-involved staff)
- External representative where appropriate

College Student Disciplinary Panels have power delegated by the CDP and SMT to:

- Consider allegations of misconduct
- Decide whether an offence has been committed
- Establish whether there are mitigating circumstances which can be taken into account when determining the penalty
- Determine and apply an appropriate penalty
- Make additional recommendations to the student regarding their future conduct
- Make recommendations regarding changes to College processes where improvements are deemed necessary

Members of a College Student Disciplinary Panel should not have had any direct association with the student or prior knowledge of the case. A member of staff who believes they may have a conflict of interest in respect of a particular case should advise the Secretary to the Panel immediately. The Secretary will then determine whether the member of staff can serve on the Panel. If necessary, the Secretary will consult the Chair of the Panel for advice.

All members of the Panel must be present for the hearing to proceed.

Where the student presents mitigating circumstances for a matter relating to assessment **QS09\_2 Mitigating Circumstances Form**, the Panel will decide whether the circumstances are sufficient to mitigate the disciplinary penalty and to what extent. If it is concluded that the student has committed the alleged offence, the Panel must take into account any mitigating circumstances prior to determining the penalty to be imposed.

## Penalties for Misconduct

When determining the penalty to be applied, consideration should be given to:

- The seriousness of the misconduct
- The student's previous disciplinary record
- The conduct of the student subsequent to the act of misconduct
- Any other mitigating factors

Where allegations of misconduct are upheld, the following penalties are available:

- A verbal warning
- A written warning
- A final written warning
- Expulsion from the College

If appropriate, the Panel will also be asked to consider whether the outcome should be reported to the Disclosure and Barring Service (DBS).

Other penalties in addition to those listed above may be imposed, for example in relation to upheld allegations of cheating in an assessment. These include, but are not limited to:

- The removal of academic credit
- The withdrawal of access to a College's and University Partner's facilities and services
- A Notice to Quit (in relation to any College accommodation)
- Compensation (in cases of vandalism, damage by fire, etc.)

If the Panel determines that the allegation is not upheld, the student will be advised of the next steps.

If it is concluded that the allegation should be upheld, the Panel must determine the penalty that should be imposed after taking into account any mitigating circumstances.

It is the College SMT responsibility to clearly communicate to the student in a formal email, within **three working days**, the penalty and any actions that should be taken.

All outcomes relating to the above Stages of investigation should be recorded on Navigate. Please contact Navitas Academic Registry for further information.

## Appeals

The student disciplinary appeals process is summarised in the flowchart in Appendix B.

A student may appeal within **two months**, in writing, against the outcome or the penalty imposed by a College Student Disciplinary Panel.

Only the following constitute grounds for appeal:

- That there has been a procedural irregularity which has adversely impacted the outcome
- That there is new evidence which would demonstrably have affected the outcome and could not reasonably have been made available to the College Student Disciplinary Panel
- There is evidence of prejudice or bias in the decision made
- That the outcome is perverse given the facts of the case
- That the outcome is too severe bearing in mind the facts of the case

Students admitting to allegation(s) of misconduct may only appeal on grounds of the outcome being too severe bearing in mind the facts of the case.

The appeal must be put in writing to the Navitas UPE Academic Registry using this address: [upe.academicregistry@navitas.com](mailto:upe.academicregistry@navitas.com)

The Academic Registry will review the appeal within **one month**. They will decide on one of two outcomes:

- To uphold the appeal fully or in part and decide on what further steps and actions to be taken

OR

- Dismiss the appeal in which case the action or sanction identified at the College Student Disciplinary Panel will be fully enforced

## Length of Process

The process should observe these timelines:

| Action | Action                                                                                              | From        | To                                     | Process deadline          |
|--------|-----------------------------------------------------------------------------------------------------|-------------|----------------------------------------|---------------------------|
| 1      | Informal confirmation (verbal)                                                                      | College SMT | Student (and/or guardian with consent) | <b>24 hours</b>           |
| 2      | Formal notification (email)                                                                         | College SMT | Student (and/or guardian with consent) | <b>Three working days</b> |
| 3      | Period of suspension cannot exceed <b>three weeks</b> , unless agreed with Navitas UPE (Compliance) |             |                                        |                           |

|    |                                                                                    |                                        |                                        |                                                                         |
|----|------------------------------------------------------------------------------------|----------------------------------------|----------------------------------------|-------------------------------------------------------------------------|
| 4  | Investigating Officer assigned to case                                             | College SMT                            | Investigating Officer                  | Within <b>two working days</b>                                          |
| 5  | Investigation timeframe                                                            | Investigating Officer                  | College SMT                            | <b>Five working days</b>                                                |
| 6  | Panel notification: College Student Disciplinary Panel (CSDP)                      | College SMT                            | Investigating Officer & Panel Members  | Panel held within <b>five working days</b> of findings of investigation |
| 7  | Student notification – Student submitting mitigating circumstances to CSDP         | College SMT                            | Student (and/or guardian with consent) | <b>48 hours</b> before CSDP                                             |
| 8  | Informing the DBS after a CSDP (dependent on outcome – serious cases, immediately) | College SMT                            | DBS                                    | Within <b>three working days</b> of the CSDP Outcome                    |
| 9  | Student notification of CSDP outcomes                                              | College SMT                            | Student (and/or guardian with consent) | Within <b>three working days</b> of the CSDP Outcome                    |
| 10 | Student CSDP Outcome Appeal                                                        | Student (and/or guardian with consent) | Navitas UPE Academic Registry          | Within <b>two months</b>                                                |
| 11 | Student Appeal Hearing Outcome – student notification                              | Navitas UPE Academic Registry          | Student (and/or guardian with consent) | Within <b>one month</b> of receipt of Appeal                            |
| 13 | Student OIA deadline for Appeal                                                    | Student (and/or guardian with consent) | OIA                                    | Within <b>12 months</b> of receiving ‘completion of procedures’ letter  |

## Time Limits

Time limits should usually be met by all parties. Time limits may be extended by the Investigating Officer where necessary to ensure a fair outcome and all parties will be kept updated.

## Further Review (OIAHE)

If a student has completed the Navitas UPE Internal Appeals Process outlined above and they are still dissatisfied with the outcome, they may be able to refer their Appeal to the Office of the

Independent Adjudicator for Higher Education (OIA) providing that the Appeal is eligible under the OIA's Rules.

In such cases Navitas UPE Academic Registry will provide on request a letter stating that a student has completed the Navitas internal Disciplinary Appeals process. The letter will include information on the OIA and will comply with the OIA's guidance for a 'Completion of Procedures' letter.

Students have a maximum of **12 months** from the date of the 'Completion of Procedures' letter to bring their complaint to the OIA.

### **Behaviour which may be a Criminal Offence**

In circumstances where the allegation may constitute a criminal offence, the matter should be reported immediately to the CDP who should then inform the police, and at the same time notify a member of the University Partner and where appropriate Head of Security. The CDP, in consultation with the University Partner, will decide whether the College Disciplinary Process should continue or be suspended pending the outcome of any police investigation. Generally, it is advisable for the College to suspend its disciplinary process until any legal proceedings have been completed. If necessary, a student may be suspended pending the outcome of a police investigation and any court procedure.

Where a court has already sentenced a student in respect of the same matter, the Student Disciplinary Panel will take the court's penalty into account.

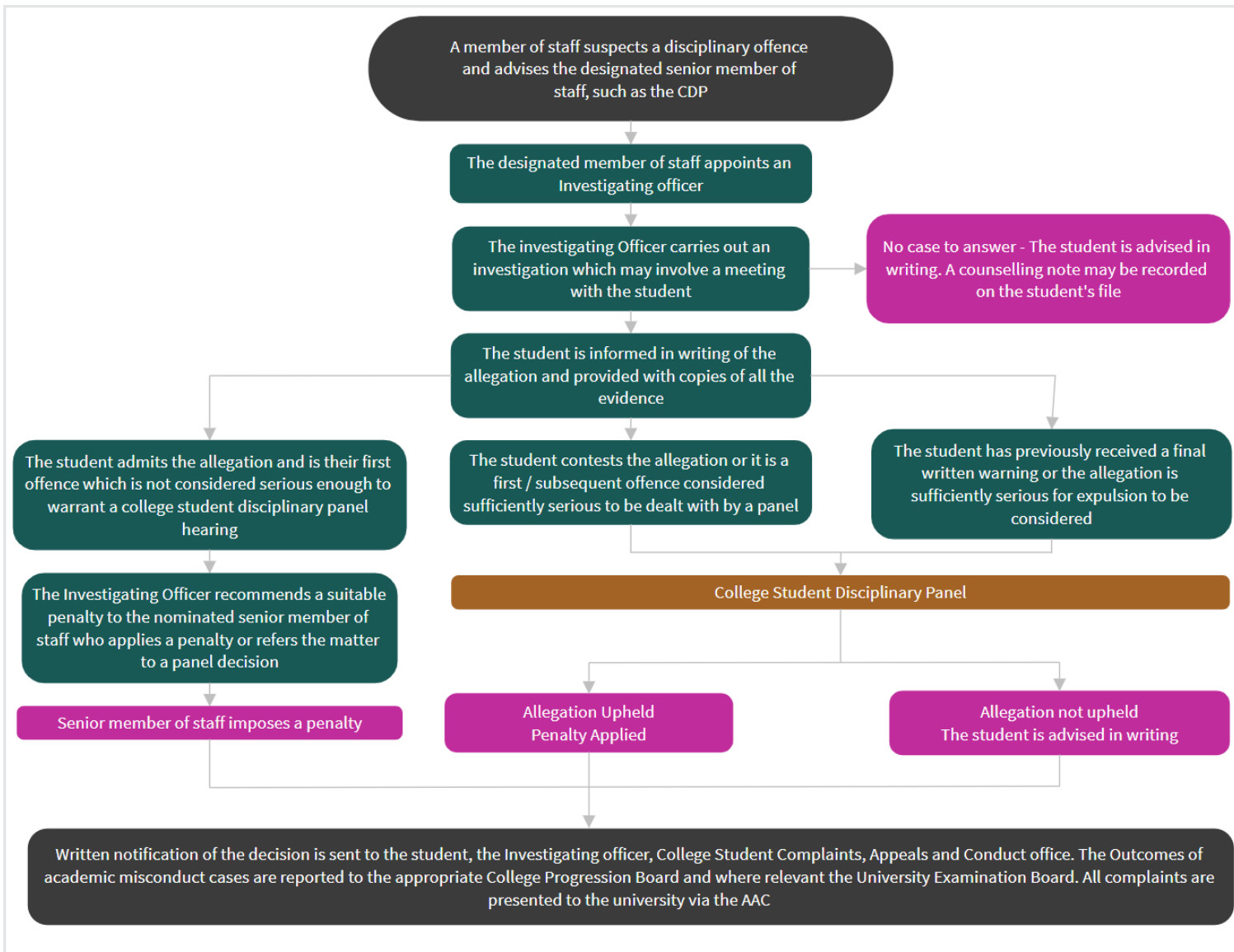
### **Returning to Study**

Where a student has been absent due to a disciplinary procedure and wishes/ and it is appropriate to return to the College, the College SMT may request that they have met certain conditions, e.g. revised timetable/examination. They may also recommend regular review meetings and possibly an action plan agreed between the student and a member of the College services team.

### **Policy Review**

This policy will be reviewed every two years unless there are internal or legislative changes that necessitate an earlier review.

## Appendix A: Process Flowchart



## Appendix B: Appeals Flowchart

