



European School
of Osteopathy

Student Disciplinary Policy and Procedures

Contents

	Page
A Student Disciplinary Policy	3
A.1 Introduction	3
A.2 Purpose of the Policy	3
A.3 Authority and responsibilities	3
A.4 General principles	4
A.5 Definition of a Disciplinary Offence	5
A.6 Scope of the policy	5
A.7 Suspension	5
A.7.1 Cases involving illness	6
A.8 Process	6
A.9 Burden and standard of proof	6
A.9.1 Penalties for misconduct	6
A.10 Appeals	7
B Student Disciplinary Procedures	8
B.1 Scope	8
B.2 Responsibilities of staff and students	8
B.3 Investigating an allegation of misconduct	9
B.4 The outcome of the investigation	10
B.5 Behaviour which may be a criminal offence	11
B.6 The purpose of Student Disciplinary Panels	12
B.7 Terms of Reference and membership of Student Disciplinary Panels and Student Disciplinary Appeals Panels	12
B.8 The hearing	12
B.9 The outcome of the hearing	13
B.10 Mitigating circumstances	13
B.11 Penalties	14
B.12 Notification of the decision of a Student Disciplinary Panel	14
B.13 Appeals	14
B.14 Related regulations, policies and procedures	15
C Auditing	16
D Contact Us	16

Appendices

Appendix 1	Examples of disciplinary offences	17
Appendix 2	Student Disciplinary Panels	19
Appendix 3	Student Disciplinary Appeals Panel	20

A. Student Disciplinary Policy

A.1 Introduction

This policy sets out the scope, authorities and responsibilities in relation to disciplinary action taken against students.

The policy is implemented by means of the accompanying Student Disciplinary Procedures (see Part A below).

Academic Misconduct is dealt with in accordance with the policies and procedures of the relevant university partner and not this policy and procedures.

A.2 Purpose of the Policy

The purpose of this policy is to enable the ESO to fulfil its obligations relating to the care of and responsibility for its members, and to protect its reputation.

Under this policy, the ESO has the power to discipline students and to suspend or expel any student for good cause.

The Student Disciplinary Policy and Procedures are designed to act as a deterrent by articulating a penalty for unacceptable behaviour, and to support improvement by discussion and positive action where behaviour falls short of required standards. It should be noted that our students are also student osteopaths and therefore must uphold the values, norms and behaviours of the osteopathic profession. Students must also comply with relevant rules, policies and codes of practice of the General Osteopathic Council and alleged or actual breaches may be dealt with by the ESO's Fitness to Study and/or Fitness to Practise Policies instead of this Policy and its Procedures.

A.3 Authority and responsibilities

The Academic Registrar is responsible for the maintenance of student discipline and, within the rules and procedures provided for within this policy, for the suspension and expulsion of students on disciplinary grounds or other urgent cause, as well as reporting any criminal activity to the police. The Academic Registrar may delegate responsibilities in relation to student discipline from time to time to appropriate members of staff. (Further information addressing responsibilities of staff and students can be found in Part A, Section 2 of the Procedures).

This policy and procedures define the responsibilities of staff authorised to take action in respect of disciplinary offences and the role of those authorised to investigate disciplinary allegations on behalf of the ESO.

In exceptional cases where it is considered urgent and/or critical the Academic Registrar, Chief Executive Officer (or nominees) may decide to accelerate the proceedings.

A.4 General principles

Below are the principles which influence the ESO's approach towards disciplinary matters:

- **Accessibility**, the policy and procedures are visible, obvious and easy to navigate.
- **Clarity**, there is a clear indication of unacceptable behaviour and how it may be dealt with.
- **Impartiality**, that the decision-making process is independent of any influencing factors.
- **Consistency and fairness**, that the decision-making is consistently in line with the procedures and is applied fairly across all cases, taking into account reasonable adjustments where necessary.
- **Confidentiality**, outcomes and proceedings are confidential and are only shared with individuals where required, in the interest of the security of staff and students or where it might help in behavioural development.
- **Timeliness**, that all cases are concluded as quickly as possible and never exceeding the allowed timeframes unless necessary and authorised as per the procedures.
- All stages of the process will accord with the ESO's Equality and Diversity Policy.
- Students will be given notice of allegations made about their behaviour and reasonable time (a minimum of 5 working days) to prepare a defence.
- All parties will receive the same information and copies of written evidence at all stages of the process. Written evidence may be anonymised if considered appropriate in order to protect the interests of individuals. If the facts stated identify individuals, then this will be considered before sharing the evidence.
- Students have the right to be accompanied by a friend or relative not acting in a legal capacity at any hearing conducted by a Student Disciplinary Panel or a Student Disciplinary Appeals Panel or the meeting held with a student.
- Students will receive an unbiased hearing.
- Every decision in the process will be informed by the evidence submitted/available.
- There will be a proportionate outcome to any offence committed.
- Students will be kept informed in writing of the progress of their case at all stages of the disciplinary proceedings.
- Academic Registry will keep confidential and secure records of all hearings held by Student Disciplinary Panels and Student Disciplinary Appeals Panels.

A.5 Definition of a Disciplinary Offence

In its general sense, any behaviour which interferes with the functioning or activities of the ESO and its partners or of those who work or study at the ESO, or action which otherwise damages the ESO or our reputation constitutes a disciplinary offence.

Examples of conduct likely to constitute a disciplinary offence are outlined in Appendix 1 to this policy.

A.6 Scope of the policy

This policy applies to all students enrolled at the ESO.

All allegations of academic misconduct (i.e. cheating) are normally dealt with in accordance with the policies and procedures of our relevant university partner and not this Policy and Procedures. These are covered in the Academic Misconduct Policy and Academic Regulations of our partner universities.

Exceptionally, this policy may be invoked to investigate allegations of academic misconduct relating to former students, for example where evidence of malpractice that has come to light after the award has been given.

Any incidents of alleged misconduct which may have a bearing on a student's Fitness to Study and or Practise or which raise questions about their suitability to be placed on the General Osteopathic Council's register after qualification will be considered under the Fitness to Practise and/or Fitness to Study Policy. The Academic Registrar may choose to utilise the Fitness to Practise or Fitness to Study Policy instead of the Student Disciplinary Policy and Procedures. The decision to hear a case under the Fitness to Practise or Study Policy will be made during the Preliminary Investigation stage as described in Section B.3.

A.7 Suspension

A student may be suspended from attendance at the ESO, and/or prohibited to engage with the VLE or other resources, for alleged misconduct or other good or urgent cause for a limited period of time. Suspension could be of two types where they are not allowed to attend but are allowed to engage with the VLE and other resources or both. This will depend on the extent and nature of the allegation and the element of proportionality.

Suspension is not a penalty but a precautionary measure which the ESO 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 the Chief Executive Officer or the Academic Registrar or their nominee. Before actioning a suspension and notifying a student, the Academic Registrar will seek ratification of the decision from the partner University. The student will be notified by letter of 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 the Chief Executive Officer, or Academic Registrar or their nominee. The length of the extension will be determined 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.

A student who wishes to appeal against a suspension should write to the Chief Executive Officer or Academic Registrar depending upon who made the original decision of suspension. The appeal will be considered by the Chief Executive Officer or Academic Registrar, provided they have not previously been involved in the case. The student will be issued with a response within five working days of receipt of the request to appeal.

A.7.1 Cases Involving Illness

In cases where illness of whatever nature is perceived to be the cause of misconduct which would normally warrant the Student Disciplinary Policy to be invoked, proceedings may be initiated under the Fitness to Study Policy or Fitness to Practise Policy.

Under the Fitness to Study Policy the ESO has the right to suspend the student until such time as the student can prove s/he is fit to resume attendance at the ESO. It may be made a condition of suspension that the student seeks medical treatment.

A.8 Process

The student disciplinary process is described in the Student Disciplinary Procedures (see section B).

A.9 Burden and standard of proof

It is the responsibility of the ESO to prove the allegation. The standard of proof required is that of the balance of probability i.e. it should be more likely than not that the student has committed the misconduct alleged.

A.9.1 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 mitigating factors.

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

- An initial written warning.
- A final written warning.
- Expulsion from the ESO.

Other penalties in addition to those listed above may be imposed. These include, but are not limited to:

- The withdrawal of access to the ESO's facilities and services and those provided by the ESO's partners and third parties.
- Compensation (in cases of vandalism, damage by fire etc.).

A.10 Appeals

A student may appeal in writing against the outcome or the penalty imposed by the Academic Registrar or a Student Disciplinary Panel. The arrangements for considering appeals are outlined in the Student Disciplinary Procedures in section B below.

Only the following constitute grounds for appeal:

- That there has been a material procedural irregularity which has demonstrably affected the outcome.
- That there is new evidence which would demonstrably have affected the outcome and could not reasonably have been made available to the Student Disciplinary Panel.
- That the decision 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 have the right to appeal on grounds of the outcome being too severe bearing in mind the facts of the case. They cannot appeal on any other elements or grounds.

Where grounds for appeal have been established, the appeal will be considered by a Student Disciplinary Appeals Panel. No member of the Panel will have had any prior involvement or knowledge of the case. The panel is established under the terms identified in Appendix 2.

B. Student Disciplinary Procedures

B.1 Scope

The Student Disciplinary Procedures describe how the Student Disciplinary Policy is applied.

They set out the:

- Responsibilities of staff.
- Procedures for investigating allegations of disciplinary offences.
- Purpose, terms of reference, membership and conduct of meetings of Student Disciplinary Panels. (These meetings are called hearings).
- Evidence required in relation to mitigating circumstances and how Panels should take account of mitigating circumstances.
- Matters to be taken into account when determining the penalty for a student disciplinary offence.
- Appeals process.

B.2 Responsibilities of staff and students

All members of staff have a responsibility to report a suspected disciplinary offence by a student. All students are encouraged to raise concerns to a member of the academic team, Student Services or Academic Registry where they might feel that an offence might have taken place.

Appendix 1 lists misconduct which is deemed to be a student disciplinary offence. Any behaviour which is thought to be a disciplinary offence should be reported as soon as possible. It is the responsibility of the member of staff bringing the allegation to provide supporting evidence.

The Academic Registrar is responsible for nominating members of staff to act as Investigating Officers in matters related to student discipline. The Investigating Officer assigned to a case must be independent of the student and the course in question.

The responsibilities of the Investigating Officer are to:

- Be the first point of contact regarding student disciplinary allegations.
- Inform the student of the allegation and to advise him/her about the Student Disciplinary Policy and Procedures.
- Ensure that allegations are investigated properly, that full records are kept of the investigation with copies passed to Academic Registry and to determine whether there is a *prima facie* case to be heard.
- Correspond with students, staff and the Academic Registry regarding the progress of investigations into student disciplinary allegations.
- Instigate hearings by Student Disciplinary Panels when necessary and to present details of allegations to these Panels.
- Make appropriate penalty recommendations to the Academic Registrar.

It is the responsibility of the Academic Registrar to:

- Determine, after consideration of a recommendation from an Investigating Officer, the penalty to be applied.
- Where the Academic Registrar declines to accept the recommendation of an Investigating Officer he/she may impose an alternative penalty or determine that the case is so serious as to require referral to a Student Disciplinary Panel.

It is the responsibility of the Chair of a Student Disciplinary Panel to ensure that:

- The Panel hearing is conducted in accordance with the expectations set out in the Student Disciplinary Policy and Procedures.
- Students are treated fairly.
- The reliability, strength and relevance of the evidence are taken into account by the Panel when reaching a decision.

The responsibilities of Members of Student Disciplinary Panels are to:

- Declare any personal interests in the matter being investigated.
- Adopt an unbiased approach when questioning staff, students and witnesses.
- Ensure they are familiar with the papers relating to the allegation prior to the hearing.
- Ensure that all matters relating to the allegation are taken into account in an impartial manner.

For Student Disciplinary Panels, a member of staff will be nominated by the Academic Registrar to act as Secretary to the Panel. The Secretary is not a member of the Panel but will:

- Provide the Panel with advice about the Student Disciplinary Policy and Procedures.
- Be responsible for making arrangements for meetings of the Panel, which shall include issuing the agenda and supporting paperwork to all attendees.
- Produce a written record of the hearing which will include details of the outcome and, where the allegation is upheld, details of any penalty imposed.
- Inform the student and relevant staff of the outcome and provide them with a copy of the record of the hearing.

The Academic Registry will maintain confidential records of meetings of all Student Disciplinary Panels. The Academic Registry will provide *ad hoc* reports to the Academic Board and provide support and guidance to ESO staff in matters related to the Student Disciplinary Policy and Procedures.

B.3 Investigating an allegation of misconduct

Within **10 working days** of receipt of the allegation, the Investigating Officer will write to the student to inform him/her of the allegation and that a disciplinary investigation has been instigated.

The evidence collected during a disciplinary investigation can come from a variety of sources and may include written and oral evidence.

In order to determine the facts of the matter, the Investigating Officer may need to meet with the student and/or the party (student or staff member) who raised the allegation. If this is the case the student will be advised in writing of the need for a preliminary meeting and given at least **5 working days'** notice of that meeting.

The student will have the right to be accompanied by a representative in the meeting. The representative may be a friend or relative who is not acting in a legal capacity. The role of this person is to support and advise the student. Normally, the representative may not speak on behalf of the student but can ask for an adjournment to the meeting. The only circumstances in which a representative may speak on behalf of the student, would be where we consider the student to be unable to speak for themselves. However, it is expected that the student will speak for him/herself during the meeting.

Any preliminary meeting undertaken as part of a disciplinary investigation is solely for the purpose of establishing whether there is a *prima facie* case to answer.

Notes and or recordings of preliminary or subsequent meetings should be taken by the Investigating Officer, agreed by the participants and passed by the Investigating Officer to Academic Registry. The Investigating Officer will offer the student copies of notes taken (and of recordings made) and agree with them on the accuracy of these.

The student should be advised that if it is subsequently decided there is a case to answer, details of the preliminary meeting may be presented to a Student Disciplinary Panel convened to consider the allegation.

Disciplinary Investigations and, if required, preliminary meetings are expected to be concluded **within 20 working days** from informing the student of the allegation. Should the Investigating Officer believe that this timescale cannot be met for good reason, then he/she will consult with the Academic Registrar for advice. If an extension of time is agreed, this will be communicated to the student by the Investigating Officer.

Action	Timescale
Notification of receipt of allegation and the commencement of the investigation	Within 10 working days of receipt of the allegation
Notice of preliminary meeting	Minimum of 5 working days
Conclusion of preliminary meetings and disciplinary investigation	Normally within 20 working days from informing the student of the allegation

B.4 The outcome of the investigation

Following the disciplinary investigation, the Investigating Officer will consider all the evidence and decide whether there is a *prima facie* case to answer. Within **10 working days** of the completion of the investigation the Investigating Officer will inform the student against whom an allegation has been made and the party (student or staff member) who raised the allegation of the outcome and the reasons for the decision.

If it is considered that there is no case to answer the matter will be closed. The Investigating Officer may decide that the student should be provided with advice about his/her future conduct. If this is the case, the Investigating Officer will meet the student and provide him/her with a written counselling note which will be forwarded to Academic Registry for retention on the student's file. A record will be kept for a minimum period of 2 years or one year after the course end date for any investigations regardless of the outcome of investigation.

Where it is considered that there is a *prima facie* case to answer, the Investigating Officer will seek the advice of the Academic Registrar to determine whether the allegation should be considered by the Investigating Officer or referred to a Student Disciplinary Panel. This decision will be based upon the findings of the investigation, the severity of the alleged offence and any previously proven misconduct by the student. The student will be advised of the Investigating Officer's decision and given written details of the allegation and copies of the evidence obtained during the investigation. The Investigating Officer will inform the Academic Registrar of the outcome of the investigation. If the allegation is not deemed to require referral to a Student Disciplinary Panel, the student will be asked to consider the evidence supplied and be given the option of contesting the allegation or admitting the offence. The student should be asked to confirm his/her decision in writing within **10 working days** of the date of the letter advising of the outcome of the investigation. A student who fails to respond within this timescale will be assumed not to be contesting the allegation.

Where a student admits an allegation, the Investigating Officer will recommend to the Academic Registrar the penalty to be applied.

If the student wishes to contest the allegation or the nature of the allegation as such that it requires consideration by a Panel, the case will be considered by the Student Disciplinary Panel.

Action	Timescale
Notification of the outcome of investigation to the student concerned and the party who raised the allegation	Within 10 working days of the completion of the investigation
Student's response to notification of the outcome of investigation contesting or admitting the offence	Within 10 working days from informing the student of the outcome of investigation

B.5 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 Chief Executive Officer, and the Academic Registrar. The Chief Executive Officer, or Academic Registrar should inform the police. The Chief Executive Officer or Academic Registrar will decide whether the Student Disciplinary Procedures should continue or be suspended pending the outcome of any police investigation. Generally, it is advisable for the ESO 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 student has already been sentenced by a court in respect of the same matter, the court's penalty will be taken into account by the Student Disciplinary Panel.

B.6 The purpose of Student Disciplinary Panels

Student Disciplinary Panels are established to consider allegations of general misconduct and to establish the facts and circumstances of a case before determining the outcome and, where appropriate, the penalty.

B.7 Terms of Reference and membership of Student Disciplinary Panels and Student Disciplinary Appeals Panels

The Terms of Reference and membership of Student Disciplinary Panels and Student Disciplinary Appeals Panels are outlined in section D.1 and D.2 of Appendix 2 below.

B.8 The hearing

The student must be given at least **10 working days'** notice of the proposed date for the Student Disciplinary Panel hearing. The Hearing Secretary will issue the notice and accompanying documentation. It is desirable that the student is present throughout the hearing. This is so that he/she can hear all of the evidence and provide a defence. Exceptionally, a hearing may proceed without the student if it is considered that he/she has sought to delay the hearing without good cause.

The student will have the right to be accompanied by a representative. The representative may be a friend or relative who is not acting in a legal capacity. The role of this person is to support and advise the student. Normally, the representative may not speak on behalf of the student but can ask for an adjournment. The only circumstances in which a representative may speak on behalf of the student, would be where we consider the student to be unable to represent themselves. However, it is expected that the student will speak for him/herself during the hearing. Students may also call witnesses to the incident. Any representative or witness being brought to the hearing must be advised by the student to the Hearing Secretary following being given notice and within 5 working days of the Hearing date.

If, during the hearing, the Panel feels that further information is required to reach a decision, the hearing may be adjourned. Depending upon the nature of information and its accessibility the length of adjournment will be between a few minutes to recommencement at a later time or date which is generally no longer than **2 working days**. The Investigating Officer will be responsible for collecting any additional information that is required and will provide copies to the Chair and student. The Chair will decide whether it is necessary to reconvene the hearing to consider any new information.

All parties will be supplied with all the papers relevant to the hearing, including:

- The date, time and location of the meeting.
- Details of the precise nature of the allegations to be examined.
- All documentary information which will be made available to the panel (including the Investigator's Report).
- A list of the panel members.
- An outline of the process of the meeting.

- Notification that the student is entitled to be accompanied by a friend or relative and that they may call witnesses.

Action	Timescale
Notification of the proposed date for the Student Disciplinary Panel hearing	Minimum of 10 working days prior to the proposed meeting date
Maximum length of adjournment	2 working days
The outcome of the hearing	Within 5 working days of the hearing*

* an extension can be sought from the Academic Registrar

B.9 The outcome of the hearing

If it is concluded that the student is guilty of the alleged offence, the Panel must recommend the penalty that should be imposed after taking into account any mitigating circumstances.

If the Panel determines that the student is not guilty of the alleged offence, the student will be advised and no further action will be taken.

If the panel determines that the student is not guilty, then the Panel will advise the relevant members of staff to ensure any restorative measures are taken to ensure that the student is not disadvantaged in any form, such as ensuring provision of catch up classes and/or extended submission deadlines.. The Panel must conclude its decision within **5 working days** of the hearing. If it cannot conclude the matter, then it must seek an extension from the Academic Registrar, and the student should be notified of the delay.

B.10 Mitigating circumstances

Where mitigating circumstances are presented by the student, they must be supported by documentary evidence (e.g. medical reasons must be supported by a doctor's note).

The student must explain the extent of the problems he/she was experiencing and their impact in relation to the allegation. Mitigating circumstances may be considered to be more relevant where:

- The student had little control over the circumstances or was unable to improve the situation.
- The circumstances were exceptional.
- The circumstances are not supported or provided for by the ESO's procedures and/or support services.

Where the mitigating circumstances could have been alleviated by the ESO's procedures and/or support services and the student did not take advantage of this, the student must explain why he/she did not do so.

Following the presentation of the mitigating circumstances, the Panel will decide whether the circumstances are sufficient to mitigate the disciplinary penalty and, if so, to what extent. If it is concluded that the student is guilty of the alleged offence, the Panel must take into account any mitigating circumstances prior to determining the penalty to be imposed.

B.11 Penalties

Penalties must be proportionate and take into account the following:

- The seriousness of the misconduct.
- An act that was premeditated or sustained over a period of time would normally be considered more serious than one that was committed on the spur of the moment or on a single occasion. Additionally, an act which had a significant adverse impact on a fellow student or member of staff would be considered more serious than one that had a negligible or small impact.
- The student's previous disciplinary record.
- Any repetition of a disciplinary offence should be regarded as a serious matter.
- The conduct of the student subsequent to the act of misconduct.
- An act of misconduct followed by further inappropriate action, for example threatening behaviour, should be regarded as a very serious matter.

Where a student contests an allegation of misconduct and is subsequently found guilty, the penalty imposed may be more severe than if the student had admitted the offence.

The penalties that may be applied to disciplinary offences are outlined in section A.9.1 of the Policy. Where damage has been caused to property belonging to the ESO or partners, our staff or our students, consideration will be given to seeking recovery of the cost of repairs or replacement of the damaged article(s).

B.12 Notification of the decision of a Student Disciplinary Panel

Within **10 working days** from the Panel's meeting the Secretary to the Student Disciplinary Panel will notify the student and the Investigating Officer of the Student Disciplinary Panel's decision and, in cases where the allegation has been upheld, of any penalties imposed. The notification will be in writing and will include advice to the student regarding the right of appeal.

B.13 Appeals

A student may only appeal on the grounds outlined at section A.10 of the Policy.

Appeals must be made in writing by the student and should be addressed to the Academic Registrar. Appeals received more than **10 working days** after the date of the outcome letter will not normally be considered.

The appeal letter must state clearly the grounds under which the student is appealing and at the same time submit any additional evidence which the student wishes to be taken into account. The student's appeal and any additional evidence will be considered by the Academic Registrar who will make a decision about whether the appeal request meets the grounds outlined at section A.10 of the Policy.

If it is felt that there are insufficient grounds for appeal, the Academic Registrar will inform the student of the decision in writing.

If it is felt that there are grounds for appeal, the Academic Registrar will arrange for a Student Disciplinary Appeals Panel to consider the appeal, giving the student at least **10 working days'** notice of the appeal hearing.

The members of the Appeals Panel will not have had any prior involvement with the case or the student. During the hearing the student will be provided with an opportunity to present his/her case.

The student will have the right to be accompanied by a representative. The representative may be a friend or relative who is not acting in a legal capacity. The role of this person is to support and advise the student. Where appropriate the representative may speak on behalf of the student. However, it is expected that the student will speak for him/herself during the hearing.

Within **10 working days** the Secretary to the Student Disciplinary Appeals Panel will notify the student and the Investigating Officer, in writing, of the outcome of the appeal and of any penalties imposed.

With the exception of a penalty involving permanent exclusion, the outcome of the Student Disciplinary Appeals Panel forms the final stage of the ESO's Procedure and we will issue the student with a Completion of Procedures letter. This will also apply where a student has not appealed in due time. The student then has the right to take their case to the Office of the Independent Adjudicator (OIA). It should be noted that we will fully comply with the judgement made by the OIA where the case relates to the ESO (cases of this type are under the OIA's remit). Students may take a claim to the OIA up to 12 months from the date of being issued with a Completion of Procedures letter from the ESO. Where the penalty is permanent exclusion, the ESO Academic Registrar will consult the partner University for ratification of the decision before any further action is taken. If ratified, the ESO will proceed to issue of a Completion of Procedures letter. If the decision is not ratified, the ESO will consult with the University as to next steps and inform the student.

Action	Timescale
Appeal against the decision of the Student Disciplinary Panel	Within 10 working days of the date of the outcome letter
Student Disciplinary Appeals Panel hearing notice	Minimum of 10 working days prior to the proposed meeting date
Notification of the outcome of the Student Disciplinary Appeals Panel hearing	Within 10 working days of the hearing

B.14 Related regulations, policies and procedures

- Fitness to Study Policy
- Fitness to Practise Policy
- Equality and Diversity Policy
- Health and Safety Policy
- Student Complaints Policy

C Auditing

Policy Name:	Student Disciplinary Policy and Procedures
Owner:	Academic Registrar
Approver:	Academic Board
Audience:	Students and Staff
Storage Location:	VLE – Student Matters
Effective Date:	February 2021
Review Date: <i>(unless other revisions are required prior to this date)</i>	February 2022
Version:	3.0
Equality Impact Assessment	Are there any implications for a protected characteristic group as defined by the Equality Act 2010 in this policy? <input type="checkbox"/> Positive impact <input type="checkbox"/> Negative impact <input checked="" type="checkbox"/> Neutral
Details: <i>(provide details if there is either a positive or negative impact)</i>	

D Contact Us

Business Address

Boxley House
The Street
Boxley, Maidstone
Kent ME14 3DZ

Contact Information

Antony Charles
Academic Registrar
T: +44 1622 671558
E: academicregistry@eso.ac.uk

Further Information

If you have further questions regarding this document or require further information; please contact the Academic Registrar.

APPENDIX 1

Examples of disciplinary offences

The offences outlined below are classed as disciplinary offences. The offences are categorised into general misconduct and academic misconduct (i.e. cheating). The lists are not exhaustive and the ESO 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 and ESO policies and procedures e.g. its Equality and Diversity Policy.
- Undesignated possession of an offensive weapon on the ESO's premises.
- Bullying or harassment of any type towards a student or a member of staff of the ESO or any visitor to the ESO.
- Fraud, deceit, deception or dishonesty in relation to the ESO or its staff, students or visitors.
- Making a fraudulent claim for funds or the re-imbursment of expenses.
- Failure to respect the rights of others to freedom of belief and speech.
- Failure to comply with a reasonable instruction related to discipline issued with the Academic Registrar's authority.
- Theft, misappropriation or misuse of the ESO property or the property of the ESO's staff and/or students.
- Disruption or improper interference with the academic, administrative or other activities of the ESO or its partners where applicable.
- Obstruction or improper interference with the functions, duties or activities of any student or member of the staff of the ESO or any visitor to the ESO.
- Misuse or undesignated use of the ESO's premises.
- Damage to the ESO's property or the property of the ESO's staff, students or visitors caused intentionally or recklessly.
- Action likely to cause injury or impair safety on the ESO's premises.
- Breach of the provisions of any ESO code, policy, rule or regulation.
- Making unsubstantiated allegations about a member of staff or a student.
- Vexatious or malicious complaints.

Academic Misconduct (Cheating)

Academic Misconduct is dealt with in accordance with the policies and procedures of the relevant university partner and **not** this policy and procedures. However, this policy or associated procedures may apply in the case of academic misconduct allegations in relation to former students.

Cheating in relation to examinations

- 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 candidate 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.
- This list is not exhaustive and cheating in examinations may take other forms.

Cheating in relation to other forms of assessed work

- Plagiarism – i.e. 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 – i.e. 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.
- 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 submission.
- This list is not exhaustive and cheating in assessed work may take other forms.

APPENDIX 2

Student Disciplinary Panels

Terms of Reference

Student Disciplinary Panels have the power 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 his/her future conduct.
- Make recommendations regarding changes to the ESO's processes where improvements are deemed necessary.

Membership

The membership will be selected by the Academic Registrar and will comprise:

- A Head of Department who will Chair the hearing; and
- One member of staff.
- A member of staff will be in attendance as Secretary to the hearing.
- All members of the Panel must be present for the hearing to proceed. The responsibilities of the Chair, members and the Secretary are defined in the Student Disciplinary Policy and Procedures.

The Investigating Officer will be asked to attend the meeting to present the allegations and to answer any queries from the members or student. Following their presentation, and at the discretion of the Chair, the Investigating Officer will leave the meeting.

Conflict of interest

Members of a 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 he/she may have a conflict of interest in respect of a particular case should advise the Secretary to the Panel who will determine whether the member of staff can serve on the Panel. If necessary, the Secretary will consult the Chair of the Panel for advice.

APPENDIX 3

Student Disciplinary Appeals Panel

Terms of Reference

Student Disciplinary Appeal Panels have the power to:

- Consider an appeal against the outcome of a Student Disciplinary Panel.
- Consider an appeal against a penalty imposed by the Academic Registrar or a Student Disciplinary Panel.
- Decide whether an offence has been committed with regard to an appeal against the outcome of a Student Disciplinary Panel.
- Decide whether a penalty imposed by the Academic Registrar or Student Disciplinary Panel is too severe with regard to an appeal against a penalty imposed by the Academic Registrar or Student Disciplinary Panel.
- Establish whether there are mitigating circumstances which can be taken into account when determining a penalty.
- Determine and apply an appropriate penalty.
- Make additional recommendations to the student regarding his/her future conduct.
- Make recommendations regarding changes to the ESO's processes where improvements are deemed necessary.

Membership

The membership will comprise:

- A Head of Department who will Chair the hearing; and
- One member of staff.
- A member of staff will be in attendance as Secretary to the hearing.
- All members of the Panel must be present for the appeal hearing to proceed. The responsibilities of the Chair, members and Secretary are defined in the Student Disciplinary Policy and Procedures.

Conflict of interest

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