



# College of Osteopaths

## Student Conduct & Student Disciplinary Procedure

---

### **1. Student Conduct**

- 1.1 As a College of Osteopaths student, you are expected to conduct yourself at all times in a manner which demonstrates respect for the College, your fellow students and its staff. You are an ambassador for the College, and you are expected to behave in a way that enhances the reputation of the College and all of its students and graduates. Furthermore, as a student of osteopathy you are expected to display the standards of personal and professional conduct required of a health professional.
- 1.2 This Code of Conduct and the related Disciplinary Procedures are intended to provide fair procedures for maintaining reasonable behaviour by students while they are enrolled with the College.
- 1.3. Students are expected to behave in accordance with the College's Rules and Regulations, and in particular in respect of:
  - Academic Regulations, and those of the validating University
  - Health and Safety
  - Equal Opportunities
  - All College facilities including teaching facilities, residences, car parks, learning centres, computing services, clinical environments.
  - The requirements of Professional Bodies.
- 1.4 It is the responsibility of all students to ensure that they are aware of any such regulations or standards and to adhere to them. If there is cause for concern over a student behaving in an unacceptable way the student will be subject to the disciplinary procedure.
- 1.5 Any behaviour which infringes the College's policies, rules or regulations, causes distress to individuals, or disruption or disturbance in the learning or social environments of the College is unacceptable, and may be subject to disciplinary procedures.
- 1.6 The Student Charter describes the College's commitment to its students and its expectations of students in return.
- 1.7 In any situation, in any part of the College or when involved in any College activities such as research projects, social events, the College expects that:
  - Students behave with good sense, behave with consideration towards others and respect their differences and take care in the use of the College's facilities or services.
  - Students will not interfere with the normal working of the College or any of its facilities or services nor bring the College into disrepute by any of their actions.
- 1.8 If a student feels s/he is a victim of inappropriate or unacceptable behaviour s/he has the right to use the College's Complaints Procedures.

## **2. Disciplinary Procedure**

- 2.1 The purpose of the Disciplinary Procedure is to manage risk and support the constructive engagement of students with the learning community.
- 2.2 The Student Conduct details what is expected from students in terms of their behaviour and the following of College's rules and regulations.
- 2.3 If there is cause for concern over a student behaving in an unacceptable way the student may be subject to Disciplinary Procedure. Examples of unacceptable behaviour and the stage of disciplinary action within which they might fall are given in the Final Section of the procedure.
- 2.4 The disciplinary procedure may also be used to consider a risk to the College and its community following actions that may not directly contravene codes, rules and regulations referred to above, for example, criminal investigation/convictions post-enrolment.
- 2.5 Information relating to a disciplinary allegation will be kept confidential and will not be divulged to parties not involved in the disciplinary process. Where an outcome of a disciplinary investigation requires ongoing action, input, awareness of a sanction, limited information will be communicated to the individuals concerned. Possible recipients include, but may not be limited to: Programme Leader, Education Support Officer (for the appropriate Level), Education Support Officer (Student Support), the validating University Programme Advisor.
- 2.6 This procedure is not intended for use where an academic offence is suspected. For regulations relating to this please see the validating university website.
- 2.7 When an allegation is made, students are recommended to seek independent advice and support.
- 2.8 It is not possible to submit a complaint arising from or connected with a student disciplinary matter until all relevant elements of the Student Disciplinary Procedures have been completed.
- 2.9 Matters relating to Fitness to Practice on professional programmes will be considered through the College's Fitness to Practice process and in-line with the Professional Body's guidance on Fitness to Practice.
- 2.10 Matters raising concern that are the result of a student's mental health or disability may also be referred to 'the College's Fitness to Practice process.

## **3. Informal Approach**

- 3.1 The Disciplinary procedure is designed to ensure that students accept responsibility for their actions and put minor problems right before they become serious.
- 3.2 It is anticipated that an informal approach will resolve many issues and this will normally be used first. When this is possible and the issue is resolved a summary note may be placed on the student file with a copy to the student and copy provided to the appropriate Education Support Officer. Part of the resolution could involve the student making appropriate recompense.
- 3.3 Where an informal approach has not been effective or where offences are serious or repeated the formal stages of the Disciplinary procedure will be used, as set out below.

2.4 Outcomes of both informal and formal stages of discipline will include positive support for the student wherever possible.

#### **4. Criminal Investigation/Prosecution**

4.1 Any behaviour which is suspected of being of a criminal nature may be referred to the police.

4.2 A matter may still be considered through the disciplinary procedure even if there is a decision not to pursue criminal investigation/prosecution. The internal procedure would consider the alleged behaviour as misconduct in terms of the expectations of student behaviour as detailed in the Student Code of Conduct and other policies of the College.

4.3 Where an issue of alleged misconduct would also constitute a criminal offence if proved in a court of law, the College may defer any action pending any police investigation or prosecution. In such cases, guidance will be sought from the investigating police force.

#### **5. Precautionary Action**

5.1 This involves managing the potential risk posed by a student while an investigation is ongoing where risk is identified by the nature of the alleged misconduct that:

- the student's continued presence represents a threat to themselves or others
- the suspected behaviour seriously breaches the regulations or infringes a Code of Conduct
- the suspected behaviour compromises the reputation of the College

Precautionary action may be considered/taken prior to investigation under disciplinary procedures, Fitness to Study or Fitness to Practice procedures.

5.2 Following report of an incident/issue, the Education Support Officer (or nominee) will consider the potential risk and determine the appropriate precautionary action to be taken. This may include:

- An immediate temporary suspension from the College and/or exclusion from any of its facilities by the Programme Leader
- Agreement of a behavioural contract between the student and College, and/or other areas as appropriate
- Support provision for both the student subject to investigation and others involved in the situation.

5.3 Temporary suspension

- a) Where the student's continued presence represents a serious threat to themselves or others, it may be appropriate to issue a Temporary Suspension. A Temporary Suspension Form setting out the reasons for the suspension will be provided directly to the student by the college and a copy of the form lodged with the Registrar. Summary details of the temporary suspension will be notified to key areas for enforcement and support purposes.
- b) Such a suspension will be temporary until the student can attend a disciplinary meeting unless the review finds that a suspension is no longer appropriate (4.3h below).
- c) The fact of being suspended will not itself be used in evidence against the student.

- d) During a period of suspension, the student may not be entitled to engage with teaching, learning and assessment activities. Entitlement to access some or all College facilities may be withdrawn. The extent of this will be considered at the point of suspension and will be confirmed on the Temporary Suspension Form. Where possible, subject to the safety and welfare of staff and other students, efforts will be made to minimise disruption to the student's programme of study.
- e) During a temporary suspension a key point of contact will be identified for the student. All communication from the student should be via this contact who will also maintain communication with the student on a regular basis ensuring that any external factors affecting the investigation reported by the student are fed in to the internal investigator.
- f) Fees will not be refundable for the period of the precautionary suspension.
- g) A period of temporary suspension resulting in a College disciplinary hearing will normally last for a minimum of 20 working days.
- h) The decision to suspend will be reviewed by the Programme Leader within 10 working days of the decision. The student has the right to make written representation to the Programme Leader which will be taken into account as part of the review. The outcome of the review may include the following:
- To continue the suspension without amendment,
  - To continue the suspension with amendment,
  - To end the suspension.
- The outcome of the review will be confirmed to the student in writing.
- i) The reason for the action and arrangements in place will be reviewed by the college on a monthly basis or in response to the report of a change of circumstances from the student. An update will be provided to Programme Lead.

#### 5.4 Agreement of a behavioural contract

- a) Where the level of potential risk is of a less serious level, arrangements can be made in agreement with the student for certain measures to mitigate any risk allowing the student to continue with some or all aspects of their studies. Any such agreement must be agreed between the parties involved and will require the student to sign agreement to comply with the measures identified. Signed copy of the agreement will be provided to the student.
- b) Failure to comply with the agreement, will lead to the contract being reviewed and to the issue of a temporary suspension as detailed in point 4.2.

#### 4.5 Support provision

Following report of a suspected conduct matter both the student and a student complainant be directed to sources of support including the Education Support Officer (Student Support). A student who has been temporarily suspended may still access this facility although this will need to be managed.

## **6. Preliminary Investigation**

- 6.1 Any member of staff can bring allegations of misconduct against a student. Alternatively through grievance procedures there is a potential for a student to raise allegations against another student. The member of staff, student or third party raising the matter is called "the complainant".
- 6.2 Following the report of an allegation an investigator will be appointed by the Registrar.
- 6.3 The investigator will notify the student of the initial allegation ideally within 5 working days, but no more than 10 working days of the matter coming to light.
- 6.4 The purpose of the preliminary investigation is to gather evidence to allow consideration of whether an allegation can be dismissed or requires further action through informal or formal procedures.
- 6.5 The investigator will consult a senior member of the College, normally the Programme Leader or nominee, in order to determine the appropriate stage at which to consider the alleged misconduct. In cases of uncertainty, advice may be sought from the Registrar.
- 6.6 The outcome of a preliminary investigation will be to either:
- i) Dismiss the complaint.
  - ii) Issue a caution through informal procedures to be recorded on the student's record.
  - iii) Refer the matter for consideration through Formal Disciplinary Procedures.
- 6.7 Where the decision is to refer the matter for consideration through formal procedures, details of the allegation and a written report with accompanying evidence including witness statements, code of conduct/policy contravened, other documentary evidence will be submitted by the investigator to the Programme Lead or nominee, copied to the Registrar. In compiling the report, the investigator will give due regard to data protection legislation in ensuring that use of statements/third-party information is in agreement with the data owner.

## **7. Formal Disciplinary Procedures**

- 7.1 Students who are subject to these procedures are encouraged to take advantage of the advice and support available to them from an independent source. At all points of the procedure a student has the right to be accompanied by a friend from within the College.
- 7.2 Following submission of an allegation to formal procedures, the Programme Leader will decide on the most appropriate level of investigation and communicate this to the student within 10 working days with a copy to the Registrar.
- 7.3 There are two stages in the procedures as set out below. If, after being formally disciplined through local procedures, a student repeats the offence or commits another s/he will normally be referred to a Board of Governor Level hearing (point 7.9). In cases of serious misconduct, the appropriate formal stage will be used immediately without recourse to any previous stage (see guidelines below.)
- 7.4 At both stages there will be a meeting with the student where the evidence for the unacceptable behaviour will be clearly stated by the complainant, who call witnesses, and the student will have the right to state their case and bring witnesses. Disciplinary meetings will be conducted in accordance with paragraph 7.5 below.
- 7.5 The process, record of meetings and outcomes of the stage(s) will be recorded on the student's file the duration of the student's registration on the programme and for six years after registration ceases, and they will be taken into account in any subsequent disciplinary meeting.

7.6 In the event that a student cannot attend a disciplinary meeting owing to illness or other good reason they must let the Chair know as soon as possible, indicating the reason why and, if appropriate, submitting a medical certificate. Where there is good reason for a student's non-attendance, and the Chair is notified in advance of the meeting, another meeting will be arranged.

7.7 If a student fails to attend a disciplinary meeting and/or does not provide good reason for non-attendance the meeting will proceed and a decision may be taken in their absence.

7.8 Local Procedures:

- i) A Disciplinary Meeting will be arranged (see Section 7), chaired by a senior member of the College accompanied by another member of the College
- ii) On the **balance of probabilities**, the outcome of the meeting will be one of the following:
  - a) To find the allegation not proven. Under such circumstances no further action will be taken.
  - b) To find the allegation proven. Under these circumstances, the meeting will give the student a written warning and a clear statement of what is expected from them in the future. One or more of the consequences set out in paragraph .1 below may also be applied.
  - c) To refer the matter for consideration under College procedures (see 7.9 below).
- iii) Where given, copies of the written warning and notes/minutes of the meeting will be sent to the Registrar (or nominee). This record may be taken into account in any subsequent disciplinary meeting or in giving any reference on behalf of the student.

7.9 College Procedures:

- i) Allegations of serious misconduct will be considered by a panel of four people at a Disciplinary Hearing (See Section 7). The Panel will consist of:
  - The Chair: normally a member of the Board of Governors.
  - A member of the Senior Management Team
  - A member of the Middle Management Team
  - A student representative, normally the Cohort student representative
- ii) No member of the panel will have had any prior involvement with the student's formal disciplinary or programme history.
- iii) The panel will be supported by a secretary, nominated by the Registrar, who will record details of both the meeting and the outcome.
- iv) On the **balance of probabilities**, the outcome of the meeting will be one of the following:
  - a) To find the student not guilty of the allegation. Under such circumstances no further action will be taken.
  - b) To find the case not proven. Under such circumstances no further action will be taken.

- c) To find the student guilty of the allegation. Under these circumstances, the meeting will give the student a written warning and a clear statement of what is expected from them in the future. One or more of the consequences set out in paragraph 8 below may also be applied.
- v) Copies of the outcome and any warning and notes/minutes of the meeting will be sent to the Registrar (or nominee). This record may be taken into account in any subsequent disciplinary meeting or in giving any reference on behalf of the student.
- vi) If the student is on a professional programme, details of the outcome may be sent to the professional body.

## **8. The Conduct of a Formal Disciplinary Meeting**

- 8.1 Disciplinary meetings will be held in order to consider evidence and the student's response to the allegations and to decide whether the alleged behaviour is unacceptable and if so to determine the appropriate course of action.
- 8.2 The student will be given written notice of the time and place of the meeting and the names and titles of the panel members. They will also be provided with a clear statement of the nature of the alleged unacceptable behaviour and any documentation to be considered at the meeting including investigator's report.

The period of notice for a meeting will be:

- a minimum of 5 working days for local procedures
- a minimum of 15 working days for College level consideration

These may be reduced with the express agreement of the student.

- 8.3 The preference of the panel will be to receive written statements in advance rather than to include multiple witnesses in attendance particularly at Local Level.

If the student wishes to call witnesses to a College level hearing, it is the student's responsibility to:

- Notify the panel of their intent to call witnesses and provide summary of witness statement at least 5 working days prior to the hearing.
- Make necessary arrangements for witness attendance.

Additional witness statements not included in the investigation report will be made available in advance of the meeting to the student and to the panel.

- 8.4 The student is entitled to be accompanied by a friend who is a member of the College.
- 8.5 During the meeting, the student is entitled to question both the complainant and investigator and (if present) witnesses. The student's friend is entitled to make a statement on the student's behalf.
- 8.6 Witnesses will be asked to leave the meeting once their evidence has been presented and questioned.

8.7 Once all the evidence has been heard the Chair of the meeting will also ask the complainant/investigator and the student and their friend to leave the meeting while a decision is reached.

8.8 The outcomes of the meeting will normally be communicated to the student immediately after the meeting and confirmed in writing by the Chair normally within 5 working days of the meeting, copied to the Registrar.

If, exceptionally, a decision cannot be reached at the end of the meeting, the student will be informed of an anticipated date by which the decision will be given. This will normally be no longer than 5 working days after the meeting.

## **9. Consequences of Misconduct**

9.1 At both levels of the procedures (Local and College) a student may:

- i) Receive an oral or written warning;
- ii) Be required to pay compensation for damage and/or cost;
- iii) Be excluded from any of the College's premises or facilities for a defined period;
- iv) In the case of the validating University facilities, incur a penalty determined by procedures or agreements relating to the use of those facilities.

9.2 In addition at College level a student may:

- i) Be suspended from their programme of study for a defined period; or
- ii) Be expelled from the College.

Where the panel recommends that the student be suspended or expelled from the College, this will require the confirmation of the Registrar. In considering the recommendation the Registrar will be provided with the written material presented in the earlier proceedings, the record of those proceedings and the decision(s) reached.

9.3 Following expulsion or suspension, the student has no right to return or annulment of tuition fees.

9.4 At the point of exclusion, the student will be considered for entitlement to an exit award.

9.5 Following a period of suspension or exclusion, the student will be required to apply for re-admission to the College through standard Admissions procedures.

## **10. Appeals**

10.1 Students have the right to appeal against the outcome of a disciplinary meeting.

10.2 An appeal will only be considered on one or more of 3 grounds:

- i) If new evidence is available that for good reason was not available at the time of the original meeting
- ii) If it can be demonstrated that the correct procedures were not followed
- iii) If the consequence is out of proportion with the offence.

10.3 The appeal explaining the grounds for the submission must be submitted in writing within 10 working days of the communication of the outcome of the disciplinary meeting.

10.4 Appeals should be submitted to the Registrar. Receipt of the request for appeal will be acknowledged and the Registrar or nominee will consider whether the case for review is properly made. The student will be advised within 5 working days of whether the request for a review has been accepted and if not, reasons why it has not been accepted.

If accepted, a Student Disciplinary Appeal Panel will be established. The Panel will consist of:

- a member of the Senior Management Team (Chair)
- 2 members from the Middle Management Team.

No member of the Appeal Panel will have any prior experience of the matter.

10.5 The Student Disciplinary Appeal Panel will be given the written material presented to the disciplinary meeting, the notes of the proceedings and the decision of that meeting. No witness present at the disciplinary meeting will be recalled, nor will the evidence presented to the disciplinary meeting be reheard, unless the panel is satisfied that it is necessary in the interests of justice. The student is entitled to attend a meeting with the panel in order to state their case, and to be accompanied in such a meeting by a friend, who is a member of the College.

10.6 The outcome of the review will be to:

- i) Confirm the original decision,
- ii) Annul the original decision or
- iii) Amend the original decision which may include a reduction in the original penalty

10.7 The Panel will keep a record of the appeal proceedings, and will communicate their decision to the student in writing, giving reasons for that decision. The Panel will aim to conclude its deliberations and respond to the student within 20 working days of the appeal being accepted.

10.8 If a student has completed this procedure and they are still dissatisfied with the outcome, they may be able to refer the issue as a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) providing that it is eligible under the OIA's rules. Information is available from the OIA's website at [www.oiahe.org.uk](http://www.oiahe.org.uk)

## **11 Guidelines for the Appropriate Use of the Disciplinary Procedure**

11.1 If after informal processes, which include support, the student's unacceptable behaviour continues, the formal procedures will be used.

11.2 It is reasonable and necessary to assess how appropriate the stages are in relation to the student's maturity, level of ability and personal circumstances. The level of response must not only reflect the student's individual circumstances but communicate the values of the College and how it defines itself as a community.

11.3 Below are examples of the appropriate levels of response to students' behaviour. These examples are indicative only and are not exhaustive. Offences that can be dealt with under local procedures can include:

- i. Refusing to give name, address or course, or giving false information, to a member of the College staff.
- ii. Smoking in a non-smoking area.

- iii. Not taking proper care of equipment or facilities.
- iv. Being inappropriately noisy or inconsiderate.
- v. Damage or defacement of equipment, facility or property belonging to an individual or the College.
- vi. Failure to observe instructions from College staff in relation to safety or the use of facilities or resources.
- vii. Verbally abusive behaviour.
- viii. Wilful disregard of Health and Safety Regulations including, tampering with fire extinguishers, fire alarms or electronic equipment, misuse of or altering electrical fittings or unauthorised use of electrical appliances.
- ix. Possession of illegal substances
- x. Possession of an offensive weapon.
- xi. Contravention of the College's Harassment Policy, including behaviour which is perceived as intimidating or harassing or which interferes with the personal and academic wellbeing of others.
- xii. Activities likely to disrupt teaching, study or research or any other activity of the College or obstructing any member of or visitor to the College in the performance of their duties.
- xiii. Wilful removal of any equipment or property belonging to an individual or the College.

11.4 Offences that might be considered under College procedures can include:

- i. Wilful contravention of the College's Student Charter, Codes of Conduct or other Regulations.
- ii. Behaviour which has a direct and damaging effect on the health and safety of others.
- iii. Advice of a criminal offence post enrolment which requires consideration of the potential impact on the University community.
- iv. Use of illegal substances or providing them to others.
- v. Use or threatened use of an offensive weapon.
- vi. Theft from individuals or the College.
- vii. Physically violent behaviour.
- viii. Failure to disclose a criminal conviction obtained after registration with the College.
- ix. Any further or repeat incident as listed in the previous section.

1.