



Student Disciplinary Policy

1.	Introduction	1
2.	General principles	1
3.	Initial Considerations	3
4.	Preliminary Assessment.....	3
5.	Formal Stage of Investigation	4
6.	Formal Disciplinary Hearing.....	4
7.	Appeal Stage	6
8.	Office of the Independent Adjudicator (OIA)	7
i.	Appendix 1 - Examples of Misconduct	8
ii.	Appendix 2 - Sanctions following procedures dealing with Misconduct	9
iii.	Appendix 3 - Examples of Serious Misconduct.....	9
iv.	Appendix 4 - Sanctions following procedures dealing with Serious Misconduct	11

1. Introduction

- 1.1 NMITE is part of the local community in addition to having our own institutional community, and, as with members of staff, all students are expected to conduct themselves with due regard for the wellbeing of each other, local residents, and NMITE's reputation.
- 1.2 The Student Disciplinary Procedure is set out to deal effectively with student discipline in a manner which is fair and appropriate to the behaviour involved.
- 1.3 All staff are expected to play their part in maintaining student discipline. They may do so by advising students on their behaviour, mediating in disputes, and providing NMITE with written reports of incidents and allegations.
- 1.4 Personal Tutors and the Student Lifecycle Manager will be able to advise students on the procedures.
- 1.5 These procedures are not related to academic performance, which is dealt with under the Academic Misconduct Procedure.

2. General principles

- 2.1 NMITE is committed to upholding the highest ethical standards and to conducting its activities fairly, honestly, openly and in a legally compliant manner.



- 2.2 When dealing with reported incidents, or allegations of students suspected of misconduct, NMITE will endeavour to address in a manner that:
- i. where appropriate, seeks to resolve issues relating to non-academic student discipline informally through our student support system;
 - ii. manages allegations, investigations, and outcomes fairly, transparently and with appropriate seriousness;
 - iii. is conducted in a reasonable and transparent timescale;
 - iv. allows all parties to learn from the experience;
 - v. is in accordance with NMITE's policies and practices;
 - vi. has due regard to any applicable law.
- 2.3 NMITE operates the Students' Disciplinary Procedure to ensure that all disciplinary matters are dealt with fairly and quickly. The procedures followed will be proportionate to the nature and complexity of the issues raised. Any sanctions imposed will be proportionate to the nature of the allegation that has been substantiated.
- 2.4 Allegations or complaints regarding student conduct may be brought to NMITE's attention by any member of staff or student(s) or by third parties. Only members of NMITE staff can directly initiate the student disciplinary process.
- 2.5 NMITE may take disciplinary action in relation to any misconduct that takes place on NMITE premises or facilities or during any NMITE related activities. For example, misconduct may take place face to face, on campus, in the local community, during off-site activities and work placements or work-based projects, online in NMITE facilitated spaces or online in the wider world.
- 2.6 Where misconduct take place, it may be reported in relation to pre-enrolled offer holders and enrolled students.
- 2.7 This procedure should be read in conjunction with other NMITE student related policies and procedures, including but not limited to: Code of Conduct, Student Bullying & Harassment Policy, Drug and Alcohol Policy, Student Equality, Diversity, and Inclusion Policy, IT Acceptable Usage Policy, Student Social Media Guidelines and Student Handbook.
- 2.8 Where there is reason to believe that a student may have committed a criminal offence, NMITE will be committed to informing the police. NMITE reserves the right to defer any disciplinary proceedings until the police have completed their investigations, and the matter has been dealt with by the police or by a court of law.
- 2.9 Students are responsible for their visitors to NMITE (including residential accommodation and social venues/events) and should be mindful of their behaviour on campus.
- 2.10 All damages to NMITE property must be paid for. They will be determined by the most appropriate member of staff for the area the proposed fines relate to, and in conjunction with the Director of Student Lifecycle, to ensure parity of treatment for all students.



- 2.11 The student will be provided with a breakdown of costs and offered the option of a payment plan. Fines will not exceed the cost of repair or replacement. Unpaid fines may result in more severe penalties including further disciplinary action or a suspension of registration.

3. Initial Considerations

- 3.1 The procedures used to deal with the allegation will depend upon the nature and severity of the incident. Breaches of discipline may be categorised as either 'misconduct' or 'serious misconduct'. A list of examples of what may constitute misconduct or serious misconduct can be found in Appendix 1 and 3, respectively.
- 3.2 Straightforward, minor behavioural issues which are not considered to be misconduct or serious misconduct will be dealt with informally, allowing for such issues to be dealt with in a prompt and proportionate way. Where incidences arise, the member of NMITE staff closest to the incident will discuss the issue with the student and remind them of appropriate behaviour. If the member of staff should feel that there is potential for a sanction to be imposed on the student, they should refer the matter to the Director of Student Lifecycle (or nominee) for consideration via the process outlined below.

4. Preliminary Assessment

- 4.1 All apparent misconduct or serious misconduct cases should be referred to the Director of Student Lifecycle as soon as possible. Cases may be reported for an individual or group of students. The Director of Student Lifecycle (or nominee) will conduct a preliminary assessment of the reported events and assess whether a *prima facie* (potential) disciplinary case exists.
- 4.2 In the case of suspected misconduct that raises concerns as to the safety and security of staff, students or NMITE property, NMITE may take neutral measures to manage any perceived risk appropriately. In the case of a report regarding a group of students, measures will be considered individually for each student.

This may include for example,

- i. prohibiting the student (s) from entering campus,
- ii. temporary exclusion from NMITE accommodation
or
- iii. a period of total exclusion from all NMITE provision.

Taking this sort of action does not indicate that NMITE has concluded that the student is guilty of misconduct. In circumstances 4.2 i and ii, where possible, NMITE will seek to support the student (s) in continuing their studies until the investigation and any hearing is concluded.

- 4.3 The decision to impose such a measure in advance of the hearing will be made by the Director of Student Lifecycle (or nominee), the Chief Academic Officer (or nominee), and the Safeguarding Lead.



- 4.4 The Director of Student Lifecycle will write to the student (s) (via the student's NMITE email address) informing them they are undertaking a preliminary assessment of reported misconduct or serious misconduct inviting them to meet or respond to the allegation.
- 4.5 The student (s) will be given 7 working days in which to respond in writing to the allegation. If the student fails to respond within the time frame given, the Director of Student Lifecycle (or nominee) may assess the case based upon the information and evidence available, including any sanctions to be imposed.
- 4.6 Following completion of the preliminary assessment, the Director of Student Lifecycle (or nominee) may determine any or a combination of the following outcomes:
- i. dismiss the case and take no further action (no record will be made on the student's file);
 - ii. refer the case to the Academic Director who will meet with the student (s) to discuss their behaviour.
 - iii. refer the case to be addressed under the Fitness to Study Policy.
 - iv. refer the case to the Formal Stage of Investigation.
- 4.7 In all cases, the Director of Student Lifecycle (or nominee) will write to the student(s) (via the student's NMITE email address), providing the outcome of the preliminary assessment. If the Director of Student Lifecycle deems that there is a potential case that needs to be referred to the Formal Stage of Investigation, they will outline the alleged breach of conduct to the student.
- 4.8 If the student(s) is dissatisfied with the outcome of the preliminary assessment, they have the right to escalate their case to the Formal Investigation Stage for consideration.

5. Formal Stage of Investigation

- 5.1 The Director of Student Lifecycle will nominate a member of staff (the 'investigator') who has experience and training in undertaking investigations.
- 5.2 The Investigator will endeavour to investigate the alleged misconduct as quickly as possible and may meet with the student(s) and any witnesses as part of the investigation process. Written reports (from staff, students, and witnesses) of the incident(s) will be produced by the Investigator for the subsequent disciplinary hearing.

6. Formal Disciplinary Hearing

- 6.1 Once the investigation is complete, The Director of Student Lifecycle (or nominee) will invite the student(s) to a disciplinary hearing, where the student and any witness(es) will be invited to present their case.

The panel will comprise:

- the Director of Student Lifecycle or nominee (Chair);
- Two members of academic staff not connected with the case;



- In cases of serious misconduct, the Chief Academic Officer (or nominee), providing that they have not had any previous involvement with the case.
- 6.2 In the case of a hearing being called for a group of students relating to the same report of misconduct; students' individual circumstances will be considered to whether to hold individual disciplinary hearings or a group hearing. If cases are heard separately, all cases will be heard prior to decision-making of the outcome of each hearing taking place.
- 6.2 The student will be given at least five working days' notice of the hearing and will be provided with the full Investigation Report in advance of the meeting, along with a copy of these procedures. The student will also be informed of how to access advice and support.
- 6.3 The student has the right to be accompanied by one of the following:
- i. a fellow student or friend;
 - ii. member of staff (as long as they are not involved in the case);
 - iii. or family member.
- The accompanying 'person' may make a supporting statement on the student's behalf and may ask for adjournment of the hearing at any time, they may not answer questions directly addressed to the student.
- 6.4 The student(s) and/or witness may choose to attend the panel hearing via video-link. It will not normally be necessary for a students(s) or NMITE to be legally represented at a hearing, but it may be permitted where there are good reasons.
- 6.5 If a student(s) is unable to attend the hearing, they should notify the Chair of the panel as soon as this becomes apparent. One attempt to reschedule the panel hearing will be made, and if the students(s) is unable to attend for the second time or chooses not to, the panel will proceed in absentia with the evidence presented.
- 6.6 Panel members will be provided with provided with the full Investigation Report in advance of the meeting, members of the panel may raise questions the students(s) and other witnesses on the alleged behaviour in order to clarify the report(s); questions should be asked by the Chair of the panel.
- 6.7 The Chair of the panel will outline the procedure and the allegations. The students(s) will be expected to respond personally to the allegations and may choose to call a witness to attend the hearing (questions to the witness should be asked via the Chair of the panel). Notes will be kept of the meeting and any decisions made. The 'burden of proof' will be on the panel to determine that a breach of discipline has occurred.
- 6.8 The panel will consider its decision and may decide on the balance of probability:
- i. that the allegation is not upheld, or
 - ii. the allegation is upheld, and no sanction is to be applied, or
 - iii. that the allegation is upheld and that one or more of the sanctions set out in Appendix 4 should be applied. These sanctions will be recorded in writing and will remain on the



student's file for the duration of their studies unless otherwise specified. Any live sanctions may be produced as evidence in further disciplinary hearings involving the student during that period.

- 6.9 A report will be produced and under normal circumstances, the students(s) will be informed of the panel's decision in writing within seven working days. The students(s) will be informed of their right of appeal.

7. Appeal Stage

- 7.1 Following the decision of the panel, the students(s) has the right to appeal against a decision that they have committed a disciplinary offence, and/or against the sanction imposed. They can make an appeal in writing to the Chief Executive Officer within seven working days of their receipt of the formal written outcome. The students(s) will be informed how to access advice and support.
- 7.2 The appeal must be made in writing, clearly stating the reasons. The grounds for appeal are:
- i. Procedural irregularity.
and/or
 - ii. There is new evidence to support the appeal that could not, for good reasons, be presented at the time.
and/or
 - iii. Unfair or disproportionate penalty
- 7.3 Decisions of the panel, including any sanctions imposed, will normally stand until the appeal process has been concluded.
- 7.4 The Chief Executive Officer will review the documentation but will not hold a re-hearing of the case.
- 7.5 If the Chief Executive Officer upholds the appeal, the sanction(s) will be rescinded, and the student's file amended. The students(s) will usually be informed within seven working days.
- 7.6 If the Chief Executive Officer rejects the appeal, the students(s) will be given the reasons in writing within seven working days under normal circumstances.
- 7.7 If the Chief Executive Officer modifies the sanctions imposed, the students(s) will be given the reasons in writing within seven working days under normal circumstances.
- 7.8 The Chief Executive Officer 's decision on this matter shall be final and will be communicated to the students(s) within seven working days under normal circumstances and the letter of decision will serve as the Completion of Procedures (CoP) letter and will be stated as such in the letter. Any written reports and decisions will be held in the Chief Executive Officer 's office.
- 7.9 The decision of the Chief Executive Officer in this matter will be final and completes NMITE's Student Disciplinary Procedures. The letter of decision will serve as the Completion of Procedures (CoP) letter.



8. Office of the Independent Adjudicator (OIA)

- 8.1 If a student believes that the internal appeal process has been incorrectly conducted or feels that the outcome is unreasonable in relation to the evidence, then they have the right to raise the matter for external and independent review by the Office of the Independent Adjudicator (OIA). Information on the process may be obtained directly from the OIA at: <http://www.oiahe.org.uk> and will be included in the letter of completion. The complaint needs to be submitted to the OIA within 12 months of the date of the Completion of Procedures Letter.



Appendix 1 - Examples of Misconduct

(NB. These are examples only and not intended to provide an exhaustive list.)

- i. Disruption of, or improper interference with the academic, administrative, sporting, social or other NMITE activities, wherever they are held.
- ii. Obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff, or other NMITE employee or any authorised visitor.
- iii. Unauthorised possession of NMITE property or property of another member of the NMITE community or guest.
- iv. Unauthorised possession of public property (e.g. road signs).
- v. Bullying or harassment of students or staff (including cyber-bullying).
- vi. A false or malicious accusation against staff or students.
- vii. Misuse or unauthorised use of NMITE premises or items of property, (including computer misuse – please refer to the IT Acceptable Usage Policy
- viii. Breaches of the provisions of the NMITE’s Freedom of Speech Policy.
- ix. Conduct that damages or destroys the property of other institutions or businesses to which students have access (including sporting venues).
- x. Behaviour that may be offensive or cause a nuisance to local residents, students, families, and visitors.
- xi. Behaviour that may be offensive to partner organisations or other members of the learning community.
- xii. Inappropriate use of internet, internet social networking sites (e.g. Facebook, Twitter, etc.) and text messaging.
- xiii. Knowingly making a false statement to any NMITE employee or agent on matter related to NMITE.
- xiv. Failure to disclose name and other relevant details to an NMITE officer or employee in circumstances when it is reasonable to require that such information be given (e.g. security staff investigating an incident).
- xv. Conduct that damages or attempts to damage NMITE property, or property which belongs to other members of NMITE and/or its visitors.
- xvi. Persistent serious misconduct or disregard of a previous live written warning.
- xvii. For students who are in NMITE’s residential accommodation or managed accommodation: serious or persistent breach of the Accommodation Licence Agreement.
- xviii. Failure to comply with a previously imposed penalty under these procedures.



Appendix 2 - Sanctions following procedures dealing with Misconduct

One or more of the following sanctions may be imposed by the panel:

- i. Termination of the Accommodation Licence Agreement;
- ii. A ban from entering the residential accommodation for a stated period;
- iii. A ban from all areas of NMITE for a specified period;
- iv. A ban from all areas of NMITE except learning and teaching facilities for a specified period;
- v. A ban from attending the Graduation Ceremony;
- vi. A written warning placed on file for a specified period (normally one year);
- vii. The payment of a fine in relation to any damages caused to property or resources (e.g. learning resources, residential accommodation, fire safety equipment (Ref. 2.10-11) A requirement on the student to give an undertaking as to his/her future conduct within NMITE;
- viii. Another appropriate measure related to the offence (e.g. a letter of apology).

Note:

- (a) These sanctions will be recorded in writing by the Director of Student Lifecycle and will remain on the student's file for the duration of their studies unless otherwise specified.
- (b) Any sanctions may be produced as evidence in disciplinary hearings involving the student for the duration of their studies unless otherwise specified.

Appendix 3 - Examples of Serious Misconduct

(NB. These are examples only and not intended to provide an exhaustive list.)

- i. Fraud perpetrated against NMITE and/or its staff or students, including providing/relying on falsified documents for financial gain of NMITE Bursaries and scholarships.
- ii. Theft of NMITE property or the property of its staff, students, or visitors.
- iii. Criminal damage of NMITE property, the property of another student or of a neighbour.
- iv. Falsely misrepresenting NMITE.
- v. Misleading NMITE (e.g. in relation to prior academic qualifications, criminal involvement, etc.).



- vi. Not complying with reasonable requests for important information (e.g. academic qualifications, information pertaining to incidents, etc.).
- vii. Intentional or reckless behaviour that constitutes a threat to the personal safety of staff and students of NMITE and/or its visitors.
- viii. Aggressive and threatening behaviour against members of staff, students, or visitors.
- ix. Discriminatory acts by conduct, spoken or written language.
- x. Acts of sexual misconduct.
- xi. Acts of indecent behaviour.
- xii. Using language directed at an individual or group which demean those individuals or groups or create an intimidating, hostile or demeaning environment.
- xiii. Continuous bullying or harassment of students or staff (including cyber-bullying).
- xiv. Persistent or grossly inappropriate use of the internet and/or social networking sites (e.g. Facebook, Twitter, etc.) and text messaging which demean individuals or groups or contribute to a hostile environment.
- xv. Persistent or grossly inappropriate use of internet sites (e.g. websites, blogs, etc.) that demean individuals or groups or contribute to a hostile environment.
- xvi. Persistent or grossly inappropriate use of internet sites (e.g. Facebook, website, blogs, etc.) that adversely affects the reputation of NMITE.
- xvii. Inappropriate use of NMITE's virtual learning environment and email to demean individuals or groups or contribute to a hostile environment.
- xviii. Reasonable suspicion of illegal drug dealing or use on NMITE premises.
- xix. Possession, dealing or use of illegal drugs on NMITE premises.
- xx. Assaulting or threatening to physically assault any member of NMITE and/or its visitors, whether on NMITE premises or elsewhere.
- xxi. Possession of any offensive weapon (e.g. replica weapon, knife, etc.), firearm or imitation firearm on NMITE property.
- xxii. Behaviour which brings NMITE into disrepute or which damages the good name of NMITE (e.g. antisocial behaviour in the neighbourhood, etc.).
- xxiii. Acts which violate the provisions of the health and safety rules, and regulations of NMITE and/or our partners.
- xxiv. Knowingly making a false accusation against a member of staff or a fellow student.
- xxv. Failure to comply with a previously imposed penalty under these procedures.
- xxvi. Persistent episodes of misconduct or disregard of a previous live written warning.
- xxvii. For students who are resident in NMITE owned or managed accommodation: serious or persistent breach of the Accommodation Licence Agreement.
- xxviii. Conviction for a criminal offence which affects NMITE's operation and/or reputation.
- xxix. Conduct judged by the Senior Leadership Team as serious.



Note: Where there is reason to believe that a student may have committed a criminal offence NMITE will inform the police and reserves the right to defer any disciplinary proceedings until the police have completed their investigations, and the matter has been dealt with by the police or by a court of law.

Appendix 4 - Sanctions following procedures dealing with Serious Misconduct

The Student Disciplinary Panel may decide to impose one or more of the following sanctions (these are not exhaustive):

- i. Termination of the student’s registration at NMITE;
- ii. Termination of the student’s Accommodation Licence Agreement;
- iii. Exclude the student permanently from NMITE and from all its facilities and services including academic;
- iv. Exclude the student from a specified area of NMITE for a specified period;
- v. Exclude the student from all areas of NMITE for a specified period;
- vi. Exclude the student from residential accommodation for a specified period of time;
- vii. Exclude the student from all areas of NMITE except learning and teaching facilities for a specified period;
- viii. Exclude the student from NMITE events (e.g. Graduation Ceremony);
- ix. Issue a final written warning.
- x. Require the student to give an undertaking (in writing) as to their future conduct at NMITE.
- xi. The payment of a fine in relation to any damages caused to property or resources (e.g. learning resources, residential accommodation, fire safety equipment (Ref. 2.10-11) Any other sanction judged reasonable by the Student Disciplinary Panel.

Note:

- (a) These sanctions will be recorded in writing by the Director of Student Lifecycle and will remain on the student's file for the duration of their studies unless otherwise specified.
- (b) Any sanctions may be produced as evidence in disciplinary hearings involving the student for the duration of their studies unless otherwise specified.

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Summary of changes made to this version	<p>Change of job roles Mapped to OIA Good Practice Framework: Disciplinary Procedures:</p> <p>2.5 – clarity to text of where misconduct may take place covered by this policy. 2.6 – additional text to clarify scope of policy; subsequent re-numbering of Section 2 Appendix 3 i. addition text to include providing falsified documents for financial gain. 4.1 – clarification that a report may be made regarding an individual or group of students 4.2 – clarity of potential actions at preliminary assessment stage, and that neutral measures will be considered individually. 4.6 iii – additional options of referral to Fitness to Study policy 6.2 – additional paragraph relating to group cases 6.6 – additional paragraph Subsequent renumbering of section 6 6.8 – addition text – balance of probability 7.2 iii – additional text</p>	
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Related Policies, Procedures, Guidance, Forms or Templates	<p>Safeguarding Policy Student Disciplinary Policy & Procedure IT Acceptable Use Policy Student Social Media and Online Safety Guidelines Health and Safety Policies</p>	
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