



Student Disciplinary Policy

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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 Policy 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 Policy 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 law¹.

¹ [Ref. Section 9 – Guidance for Higher Education Institutions – How to handle alleged student misconduct, which may also constitute a criminal offence – Universities UK/Pinsent Masons](#)



- 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.

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 are 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 2, 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 Registry and Student Life (or nominee) for consideration via the process outlined below.

4. Preliminary Investigation

- 4.1 All apparent misconduct or serious misconduct cases should be referred to the Director of Registry and Student Life as soon as possible. Cases may be reported for an individual or group of students. The Director of Registry and Student Life (or nominee) will conduct a preliminary investigation of the reported events and assess whether a *prima facie* (potential) disciplinary case exists. (Ref. Appendix 3 - Preliminary Investigation Report template)
- 4.2 As part of the Preliminary Investigation, where there is reason to believe that unlawful substances or objects may be present in a student's NMITE accommodation, NMITE reserves the right to undertake a visual search for said items. At all times NMITE will endeavour to inform the student of the need to undertake a room search and request their presence. Where this would result in a delay of more than 60mins the room search will take place in the students' absence. The following protocol will be observed:
- A visual room search will be undertaken by at least two members of NMITE staff. Staff are not permitted to search a student's personal belongings in drawers, wardrobes etc. unless the student is present
 - Photographs may be taken of any substance or object believed to be unlawful.
 - Reporting will take place in line with 2.8.
 - NMITE reserves the right to confiscate weapons that are present but not thought to be in breach of the Offensive Weapons Act 2019; if safe to do so until such a time that the student can return them safely to their home address.
 - Confiscated items will be stored securely in a safe in Blackfriars Campus.
- 4.3 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.

- 4.4 The decision to impose such a measure in advance of the full preliminary investigation will be made by the Director of Registry and Student Life (or nominee), the Head of Learning and Teaching (or nominee), and the Safeguarding Lead.
- 4.5 In any circumstances detailed in 4.3, the Director of Registry and Student Life (or nominee), will write to the student(s) informing them of:
 - i. the reasons for imposing the restriction,
 - ii. the initial length of the restriction
 - iii. the provision of support from NMITE during this period
 - iv. the right to challenge the restriction – this must be done in writing to the Director of Registry and Student Life,
- 4.6 In circumstances 4.3 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, this includes supporting them to find alternative accommodation.
- 4.7 In circumstances 4.3 iii, NMITE will provide a member of staff as a Single Point of Contact (SPOC); the role of the SPOC is to check in periodically on the students' wellbeing and to provide information about relevant, policy and procedures. Contact should be recorded on the student record system.
- 4.8 A period of total exclusion from all NMITE provision (4.3iii); will be imposed for an initial maximum of 90 calendar days; at which time, the Director of Registry and Student Life (or nominee), the Head of Learning and Teaching (or nominee), and the Safeguarding Lead, will review the risk assessment. Further 90 calendar days maximum exclusions may be granted with a review taking place at the end of each period. At each point, the student will be informed in writing of the outcome of the review.
- 4.9 The Director of Registry and Student Life will write to the student (s) (via the student's NMITE email address) informing them they are undertaking a preliminary investigation of reported misconduct or serious misconduct inviting them to meet with the individual investigating the allegation.



- 4.10 The meeting will take place within three working days. If the student(s) fails to attend the meeting the Director of Registry and Student Life (or nominee) may assess the case based upon the information and evidence available.
- 4.11 Following completion of the preliminary investigation, the Director of Registry and Student Life (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 be addressed under the Fitness to Study Policy.
 - iii. refer the case to a Formal Investigation.

If during initial considerations the alleged behaviour is considered to be 'Misconduct' and if it is the case that during the Preliminary Investigation meeting, the student (s) admit guilt and take responsibility for their actions and behaviour; the Director of Registry and Student Life also has the additional option available:

- iv. refer the case to the Head of Learning and Teaching (or nominee) who will meet with the student (s) to discuss their behaviour. In this meeting the Head of Learning and Teaching (or nominee), may issue a 'Verbal Warning' and identify a timescale that this will be recorded on the student's file. A Completion of procedures letter will be issued,
- 4.12 In all cases, the Director of Registry and Student Life (or nominee) will write to the student(s) (via the student's NMITE email address), providing the outcome of the preliminary investigation. If the Director of Registry and Student Life 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.
- 4.13 If the student(s) is dissatisfied with the outcome of the preliminary investigation, they have the right to escalate their case to the Formal Investigation Stage for consideration.

5. Formal Investigation

- 5.1 The Director of Registry and Student Life will nominate a member of staff (the 'investigator') who has experience and training in undertaking investigations. (Ref. Appendix 4 - Formal Investigation Report template)
- 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 Registry and Student Life (or nominee) will invite the student(s) to a disciplinary hearing.

The panel will comprise:



- the Director of Registry and Student Life or nominee (Chair).
 - Two members of academic staff not connected with the case.
 - In cases of serious misconduct, the Head of Learning and Teaching (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.
- 6.3 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.
- 6.4 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.
- 6.5 The student(s) and/or 'accompanying person' may choose to attend the panel hearing via video-link. It will not normally be necessary for a student's(s) or NMITE to be legally represented at a hearing, but it may be permitted where there are good reasons.
- 6.6 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.
- 6.7 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.
- 6.8 The Chair of the panel will outline the procedure and the allegations. The students(s) will be expected to respond personally to the allegations. 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.
- 6.9 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 5 should be applied.



- 6.10 Sanctions imposed 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.
- 6.11 A report will be produced and under normal circumstances, the students(s) will be informed of the panel's decision in writing within five 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) have 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 five working days of their receipt of the formal written outcome. The students(s) will be informed how to access advice and support.
- 7.2 If the student is making an appeal against the decision that they have committed a disciplinary offence, the burden of proof is for the student to provide evidence in line with 7.4ii that the disciplinary offence has not taken place.
- 7.3 If no appeal is received within five working days of being in receipt of the formal outcome, the student will be issued with a Completion of Procedures (CoP) letter.
- 7.4 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
- 7.5 Decisions of the panel, including any sanctions imposed, will normally stand until the appeal process has been concluded.
- 7.6 The Chief Executive Officer will review the documentation but will not hold a re-hearing of the case.
- 7.7 The Chief Executive Office may determine any or a combination of the following outcomes of the appeal:
- i. upholds the appeal, the sanction(s) will be rescinded, and the student's file amended.
 - ii. rejects the appeal
 - iii. modifies the sanctions imposed
- 7.8 The Chief Executive Officer's decision on the appeal shall be final and will be communicated to the students(s) within five 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.
- 8.2 NMITE report annually to the Office of the Independent Adjudicator on the number of Completion of Procedures issued.



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.



xix.

Appendix 2 - 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 on any NMITE property, this is inclusive of residential accommodation either owned or managed by NMITE. (this includes but is not limited to knives, firearms, swords, airguns, pistols, BB guns, and bow and arrows)
- 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 3 - Template for Preliminary Investigation

Preliminary investigator [Name and Role]:	
Date:	
Background/alleged misconduct	
Person(s) alleged to be involved	
Investigation plan:	
Investigation outcome:	
Recommendation (inc. any interim measures to inc. Support link for student)	
Signed:	
Date:	



Appendix 4- Formal Investigation Report

Investigator: [Name and role]:	
Date investigation began:	
Background to the investigation: [Brief overview of the matter]	
The investigation process: [Explain how the investigation was authorised]	
Detail and reasonable adjustments or initial considerations for individuals involved	
Evidence collected: [List all evidence collected]	
Evidence not collected: [List all evidence that could not be collected and why]	
Persons interviewed: [List all people interviewed]	
Persons not interviewed: [List any witnesses that could not be interviewed and why]	
Summary of written and physical evidence: [name and summarise each document contained, set out how the evidence supported or did not support your findings and why]	
Summary of witness evidence: [name and summarise each witness statement, quote from statement where relevant, set out how the witness statement supported or did not support your findings and why]	
Facts established: [detail what the investigation has established]	
Facts that could not be established: [detail any part of the investigation that was inconclusive]	
Mitigating factors: [detail if there were any mitigating factors uncovered that are relevant to the investigation]	
Other relevant information: [detail any other information that is relevant to the matter]	
Recommendation: Formal action/Informal action/No action required	



Further details on recommendation: [such as the type of action suggested for example, formal disciplinary meeting, and if there are any other recommendations related to the matter. In disciplinary matters, the investigator should not recommend a possible sanction. This should only be considered at a disciplinary hearing]	
Supporting documents [List all documents collected as part of investigation and included in report]	
Investigator's signature: Date:	



Appendix 5 – Disciplinary Sanctions

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

In the case of Misconduct:

- 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 costs incurred by NMITE in relation to any damages caused to property or resources (e.g. learning resources, residential accommodation, fire safety equipment.)
- viii. A requirement on the student to give an undertaking as to his/her future conduct within NMITE.
- ix. Another appropriate measure related to the offence (e.g. a letter of apology).

Ref. vii - Costs 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 Registry and Student Life, to ensure parity of treatment for all students.

The student will be provided with a breakdown of costs and offered the option of a payment plan. Costs 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.

In the case of Serious Misconduct

- i. Termination of the student's registration at NMITE.
- ii. Termination of the student's Accommodation Licence Agreement.
- iii. Exclude the student from all areas of NMITE for a specified period.
- iv. Exclude the student from a specified area of NMITE for a specified period.
- v. Exclude the student from NMITE events (e.g. Graduation Ceremony).
- vi. Issue a final written warning.
- vii. Require the student to give an undertaking (in writing) as to their future conduct at NMITE.



- viii. 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)
- ix. Any other sanction judged reasonable by the Student Disciplinary Panel.

Ref. viii - Costs 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 Registry and Student Life, to ensure parity of treatment for all students.

The student will be provided with a breakdown of costs and offered the option of a payment plan. Costs 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.

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