



Disciplinary Policy and Procedure for Students

v.2 | 9 August 2022

GENERALITIES

The following disciplinary procedures are applicable to every Student registered as a student with Forward College, and may be applied to determine the veracity of an allegation of an offense of misconduct against a Student.

Terminology

'**misconduct**' is as defined below.

'**suspension of registration**' means the temporary total prohibition on attendance at or access to Forward College teaching and study premises (including electronic facilities provided by Forward College itself, as well as any online services provided by the UoL) and on any participation in an activity of the College; but it may be subject to qualification, such as permission to attend for the purposes of a scheduled meeting with Staff members or an examination and/or take an assessment.

'**termination of registration**' means definitive expulsion from the College.

'**Forward College premises**' designates all spaces used for teaching, learning, team-work, administrative, or recreational activities organised by Forward College on any of its campuses. It does not, in the first instance, include the personal residential room rented by a student.

'staff of the College' for the purposes of this policy includes any personnel involved in the delivery of any activity of Forward College, including all its teaching, administrative, and senior staff.

MISCONDUCT WHICH MAY BE SUBJECT TO PROCEEDINGS UNDER THIS CODE

1. Misconduct which may be subject to proceedings and penalties under this Code is improper interference in its broadest sense with the proper functioning or work of the College, or activity which otherwise damages or is likely to damage the College.
2. For the conduct in question to be characterised as misconduct, it must be shown to fall within the general definition in paragraph 1. It is open to a Student facing an allegation of misconduct to argue that the conduct in question, whether or not falling within one or more of the following paragraphs, should not be treated as misconduct because it does not interfere or damage in the manner contemplated by paragraph 1.
3. The following shall (subject to paragraphs 1 and 2 above) constitute misconduct:
 - 3.1 disruption of, or improper interference with, the academic, administrative, social or other activities of the College, whether on College premises or elsewhere, including electronic domains such as, but not limited to, Virtual Learning Environments and the College's social media channels;
 - 3.2 obstruction of, or improper interference with, the functions, duties or activities of any Student, member of staff of the College or any visitor to the College;
 - 3.3 violent, indecent, disorderly, threatening or offensive behaviour or language (whether expressed orally or in any writing, sign or other visible representation including electronically) whilst on College premises, engaged in any College activity, or in an online environment of the College;
 - 3.4 cyber crime including any criminal or illegal act dealing with computers and networks, such as hacking, phishing and any similar or new forms of misuse of the internet, and any traditional crimes or illegal acts conducted through the internet, such as hate crimes, telemarketing and internet fraud, identity theft, and credit card account thefts.
 - 3.5 distributing or publishing a poster, notice, sign or any publication, in any format, including written or electronic which is threatening, abusive, insulting, deliberately inaccurate or constitutes harassment, makes others

fear violence or is otherwise illegal and falls under the jurisdiction of the specific country in which the Forward College Campus in question is situated

3.6 fraud, deceit, deception or dishonesty in relation to the College or its staff or Students, or in connection with holding any office in the College, or in relation to being a Student of the College;

3.7 action likely to cause injury or impair safety on College premises, or whilst engaged in an activity of the College;

3.8 harassment of any Student or employee of the College on any grounds, and discrimination on any of the grounds set out in the Forward College Code of Ethics and Professional Conduct, the Forward College Prevention of Sexual Harassment Policy, or the Forward College Policy for Equality Diversity and Inclusion.

3.9 breach of any rule or code or regulation which provides for breaches to constitute misconduct under this Policy;

3.10 damage to, or defacement of, College premises, or the property of members of the College - including members of Member Institutions - caused intentionally or recklessly, and/or misappropriation of such property;

3.11 misuse or unauthorised use of College premises or items of property, including computer misuse;

3.12 conduct which constitutes a criminal offence (whether or not it leads to a conviction) where that conduct or offence:

3.12.1 took place on College premises, or

3.12.2 in an online environment of the College, or

3.12.3 affected or concerned other members of the College community, or

3.12.4 damages the good name of the College, or

3.12.5 itself constitutes misconduct within the terms of this Policy, or

3.12.6 is an offence of dishonesty, where the Student holds an office of responsibility in the College; or

3.12.7 is such as might render the Student unfit to practise any

particular profession or calling to which that student's course leads directly;

3.12.8 constitutes a clear breach of copyright or internal or external intellectual property regulations (for further details please refer to the *Forward College Intellectual Property Policy*)

3.13 behaviour which brings or is likely to bring the College into disrepute;

3.14 notwithstanding paragraph 1, where a Student is enrolled on a course leading directly to a professional qualification or to the right to practise a particular profession or calling, any conduct which might render that person not fit to be admitted to and practise that profession or calling;

3.15 failure to comply with a previously imposed penalty under this Policy

4. Misconduct need not take place on College premises to be considered under this Code.

5. The Board of Trustees, in making this Code:

5.1 authorises the President to delegate his or her powers and duties under this Policy to any member of the Senior Team either generally or in respect of a particular case; and

5.2 authorises any member of the Senior Team to delegate his or her powers and duties under this Policy to the relevant Campus Manager.

ALLEGATIONS OF MISCONDUCT

6. **Allegations of an offense of misconduct by a Student may be made in writing to the Campus Manager** or such other person he or she may designate shall make any enquiries that are appropriate.

7. The Campus Manager may call for further information and unless the matter is dismissed at that point will arrange for the Student to receive a copy of this Policy and either hold a preliminary interview, or enter into correspondence with the Student. The Campus Manager may

7.1 dismiss the allegation, in which case the matter shall be terminated;

7.2 rule that no further action be taken, but such a ruling shall not preclude informal action such as issuing a caution or warning;

7.3 refer the matter back for local determination;

7.4 conduct a hearing of the allegation as provided below; or

7.5 refer the allegation for hearing by a Disciplinary Committee.

8. The Campus Manager shall notify his/her decision to the Student and to the person who made the allegation, either orally (in which case it shall be confirmed in writing), or in writing within three days. The written communication shall set out: the alleged offence, the decision, the reasons for the decision if the allegation is dismissed or if no further action is to be taken, and any action to be taken as a result of the decision.

HEARING BY THE CAMPUS MANAGER

9. The Campus Manager shall, by consideration of the circumstances of each case, determine whether the hearing should be conducted in person, by telephone, by other reasonable electronic means, or by correspondence. A hearing by the Campus Manager, where the student is present, either physically or by electronic means, shall normally be conducted in private.

10. The Student shall be given written notice in advance of the hearing, together with a copy of this Policy and any evidence produced. The Campus Manager and the Student shall inform each other of the names of any parties either proposes to seek submissions from.

11. The following applies to hearings conducted in person, or in real time by electronic means. A hearing conducted by correspondence will instead require the named parties to make equivalent submissions in writing, if appropriate:

- 11.1 the Student has the right to ask for assistance or representation by any member of the College (student or staff)
- 11.2 the Campus Manager shall give the Student any further evidence produced since notice of the allegation was given, and provide an opportunity for the Student to answer the allegation, and to question any witnesses who appear in person;
- 11.3 the Student may request that witnesses be called, in which case the Head of Campus may question them; and
- 11.4 at any time, the Campus Manager may terminate the proceedings and refer the allegation for hearing by a Disciplinary Committee, in which case the Head of Campus may suspend the Student from attendance at the College, or impose any restrictions as specified in paragraph 11 pending the hearing of the allegation by the Disciplinary Committee.

12. Following a hearing, the Campus Manager may:

- 12.1 dismiss the allegation, in which case the matter shall be terminated; or

- 12.2 refer the matter back for local determination; or
- 12.3 find the allegation proved, in which case the Campus Manager may impose one or more of the following penalties:
 - 12.3.1 a written warning;
 - 12.3.2 compensation in respect of damage to property or injury to be paid by the Student not exceeding EUR 500. The compensation is to be paid to the College or to the owner or possessor of the property damaged or to the person injured, as the Campus Manager shall decide;
 - 12.3.3 prohibition from holding any office, or a particular office, including committee membership, in any body or society in the College permanently or for a set period;
 - 12.3.4 exclusion from prescribed College facilities (including libraries and electronic domains and services, including but not limited to Virtual Learning Environments) for a period of no more than six calendar months, such facilities to be prescribed by the Campus Manager, but not including attendance at lectures, classes, tutorials, other activities immediately connected with the Student's programme of study such as withholding of learning materials;
 - 12.3.5 that the candidate not be permitted to enter or re-enter for a particular examination or assessment, or for all examinations or assessments in a particular session, as designated by the Campus Manager, for a set period;
 - 12.3.6 suspension of registration for a period of not more than three calendar months.

13. In fixing any financial penalties, the Campus Manager shall have regard to the means of the Student and may allow time to discharge the penalty or order the sum to be paid in prescribed instalments.
14. The Student shall also have the right to make representations in explanation or mitigation of the penalty.
15. The Campus Manager shall give a decision to the Student either orally (in which case it shall be confirmed in writing), or in writing within three days. The written communication to the Student shall set out: the offence, the decision, the reasons for the decision and any penalty.

DISCIPLINARY COMMITTEE: CONSTITUTION

16. The President shall appoint a Disciplinary Committee, which will be chaired by a senior member of staff of the College or one of its Campuses. The Disciplinary Committee will comprise of two further senior members of staff of the College or one of its Campuses, at least one of whom will be an academic member of staff, and a student representative. Neither of these further two members will have been tutors for the student in question. The President shall also appoint the Secretary to the Disciplinary Committee.

17. No person who has close personal or professional connections with the Student due to appear before the Disciplinary Committee, or with the alleged offence or the complainant, shall be eligible for appointment to the Disciplinary Committee.

18. The absence of one of the staff members of the Disciplinary Committee or the student member shall not invalidate the hearing. If, between the time of the appointments to the Disciplinary Committee and the date of the hearing, the Chair learns that one or more of the other members will not be able to attend or is not eligible to be a member, the President shall be empowered to appoint other members in the same way in their place.

HEARING BY THE DISCIPLINARY COMMITTEE

19. The following applies to hearings conducted with the student present, either in person or in real time by electronic means. A hearing where the student is not present will instead require equivalent submissions to be made in writing, in line with the timeframes described in paragraph 21.

20. The Disciplinary Committee shall meet as soon as is reasonably practicable to consider an allegation referred to it. At least 10 days before the date for the hearing, the Secretary shall send the Student a copy of this Policy, together with copies of all relevant documents to be presented at the hearing. At least three days before the date of the hearing, the Student shall inform the Secretary of any documents that the Student intends to rely on at the hearing and shall provide copies of them to the secretary at least three days before the hearing. The Chair has discretion to allow the Student additional time in which to produce documents, but there shall be no appeal from a refusal to allow additional time. The Head of Campus and the Student shall, at least three days before the hearing, inform each other of the names of any witnesses either proposes to call.

21. The hearing shall be held in private. During the hearing:

21.1 the Student may be assisted or represented by any member of the College;

21.2 the allegation shall be presented to the Disciplinary Committee by the Campus Manager or such other person as he/she may designate;

21.3 the Campus Manager may call as witnesses persons who can give relevant evidence. The Student or the student's representative may question the witnesses and, if so, the Campus Manager may ask further questions;

21.4 the Student or the Student's representative may call as witnesses persons who can give relevant evidence. The Head of Campus may question the witnesses, and if so, the Student or the Student's representative may ask further questions;

21.5 if a witness is likely to be in distress, the Disciplinary Committee may permit the witness to be accompanied by any person, but that person shall not participate in the proceedings in any way;

21.6 the Head of Campus may question the Student; the Student and the Student's representative may question the Campus Manager;

21.7 the Student or the Student's representative may address the Disciplinary Committee;

21.8 prior to making its decision, the Disciplinary Committee shall give the Student the opportunity to make representations in mitigation of any penalty which may be imposed if the allegation is upheld;

21.9 the Secretary shall record the decision of the Disciplinary Committee; and

21.10 any matter with regard to the hearing of these proceedings not covered by this Policy shall be decided by the Disciplinary Committee, whose decision shall be final.

22. After the hearing, the Disciplinary Committee shall give its decision to the Student and to the Campus Manager either orally (in which case it shall be confirmed in writing), or in writing within five days. The written communication to the Student shall set out the offence, the decision and the reasons for the decision and any penalty imposed.

23. On finding an allegation of an offence of misconduct proved, the Disciplinary Committee may impose one or more of the following penalties:

23.1 warning;

23.2 fine of not more than a maximum amount to be determined by the Board of Trustees from time to time;

23.3 payment of compensation in whole or part in respect of damage to property or injury to the person. The compensation shall be paid to the College, or to the owner or possessor of the property damaged, or to the person injured, as the Disciplinary Committee shall decide;

23.4 prohibition on holding any office, or any particular office, including committee membership in any body or society in the College;

23.5 exclusion from prescribed College premises or facilities (including libraries and electronic domains and services, including but not limited to Virtual Learning Environments) for a period of up to one year, such facilities to be prescribed by the Disciplinary Committee, but not including exclusion from attendance at lectures, classes, tutorials, withholding of learning materials, or other activities immediately connected with the Student's course of study;

23.6 that the candidate not be permitted to enter or re-enter for a particular examination or assessment, or for all examinations or assessments in a particular session, as designated by the Disciplinary Committee, for a set period;

23.7 that, following satisfactory completion of the conditions for the award, no degree/diploma/certificate be awarded to the candidate before the expiry of a stated period of time;

23.8 suspension of registration for a period of up to one year;

23.9 termination of registration.

24. Before deciding the penalty to be awarded, account shall be taken of the effect on the Student's ability and eligibility to take an examination and any measures taken pending hearing (such as suspension or exclusion).

25. In fixing any financial penalties, the Disciplinary Committee shall have regard to the means of the Student and may allow time to discharge the penalty, or order the sum to be paid in prescribed instalments.

26. The penalty or penalties may take immediate effect or come into effect at some future date or after some stated future event (e.g. any further offence).

27. In imposing a penalty on a student pursuing a course leading to professional practice, the Disciplinary Committee shall, if appropriate, have regard to the relevance of the misconduct in relation to the Student's fitness to be professionally registered and may in this connection seek appropriate advice.

28. A Student who has had their registration terminated shall be required to vacate any College-owned or administered residential accommodation.

APPEALS

29. A Student against whom an allegation of misconduct has been upheld may appeal in writing, addressed to the President, within seven days of the date of the written notification of the decision, on one or more of the following grounds which shall be specified in the letter of appeal:

29.1 that the penalty imposed was not available under the provisions of this Code;

29.2 if, after a hearing by the Campus Manager, a penalty has been imposed, or after a hearing by the Disciplinary Committee a penalty has been imposed, that the penalty was excessive and/or inappropriate;

29.3 if the Disciplinary Committee has imposed a penalty listed in sub-paragraphs 23.4 – 28.9:

29.3.1 that there was a procedural irregularity or a failure to observe the provisions of this Policy in the hearing before the Disciplinary Committees; or

29.3.2 that the conclusions of the Disciplinary Committee cannot, having regard to the evidence adduced, be reasonably sustained.

30. The Appeal Hearing shall be held as soon as is reasonably practicable and normally not more than four weeks from the receipt of the notice by the President of the Student's intention to appeal.

APPEAL HEARING BY PRESIDENT

31. The following applies to hearings conducted in person, or in real time by electronic means. A hearing conducted by correspondence will instead require equivalent submissions to be made in writing;

32. The hearing shall be held in private. It shall be limited to the grounds stated in the Student's letter of appeal, and shall not take the form of a re-hearing of the original allegation. During the hearing:

32.1 the Student may be assisted or represented by any member of the College;

32.2 the President shall have before him/her, copies of all papers which were before the Head of Campus or the Disciplinary Committee; including the written statement sent to the Student of the offence, the decision, the reasons for the decision and the penalty;

32.3 neither party shall be entitled to submit fresh evidence except to establish matters of fact. Where such new evidence has become available since the hearing before the Campus Manager or the Disciplinary Committee, the President may receive such evidence if he/she is satisfied that there is reasonable explanation for the failure to advance such evidence before the Campus Manager or the Disciplinary Committee. If such new evidence is admitted, it shall be treated in the same procedural manner as evidence presented to the Campus Manager or the Disciplinary Committee and the President may call witnesses in relation to that new evidence. The President may also call the Campus Manager or the Chair of the Disciplinary Committee as a witness. The College representative and the Student's representative presenting the case to the President shall be notified in advance of the hearing of any new evidence and witnesses to be called;

32.4 where additional evidence is allowed, and there are circumstances in which a witness is likely to be in distress, the President may permit the witness to be accompanied by any person, who shall not participate in the proceedings in any way;

32.5 the Student or the Student's representative may address the President;

32.6 the Secretary to the hearing shall record the decision of the President; and

32.7 any matter with regard to the hearing of these proceedings not covered by this Policy shall be decided by the President, whose decision shall be final. The President may request the attendance of a person with legal or judicial experience to advise on procedure.

33. The President may dismiss or allow the appeal in whole or in part, or substitute such other finding of misconduct as he/she sees fit, or may vary the penalty, but may not impose a penalty of greater severity (in the opinion of the President than that originally imposed).

34. At the end of the hearing, the President shall within five days communicate his/her decision to the Student and to the Campus Manager either orally (in which case it shall be confirmed in writing) or in writing. The communication shall state the offence, the decision and penalty appealed from, the decision of the President, the reasons for the decision and any penalty.

35. The decision of the President is final.

RE-ADMISSION AFTER TERMINATION OF REGISTRATION

36. No Student who has had their registration terminated following proceedings under this Policy shall be re-admitted at any time, save with the express permission of the Board of Trustees.

REPORTS TO THE BOARD OF TRUSTEES

37.. Decisions of the Campus Manager, the Disciplinary Committee and the President under this Code, shall be reported to the Board of Trustees as Reserved areas of business.

INTERPRETATION

38. Unless the contrary appears from the context, reference to a specific office holder where such office holder is unable to act, or is prevented from acting by the terms of the Policy, shall include reference to a nominee, a deputy, or to the person acting in the office.

ANNEX 1: POLICY IN RESPECT OF OFFENCES THAT ARE ALSO CRIMINAL OFFENCES

REPORTING CRIMINAL OFFENCES TO THE POLICE

1. The Definition of a 'criminal offence' will vary between the different countries in which the College operates. This shall be taken into account wherever procedures are escalated.
2. In taking a decision about whether or not an alleged offence by a Student should also be reported to the police, staff shall be guided by this section and any further guidance which the President may issue from time to time.
3. In the case of an alleged offence which would constitute a serious offence under the criminal law the alleged offence should normally be reported to the police. Less serious offences may be reported to the police at the College's discretion.
4. Where there is a victim of an offence, the victim must be encouraged to report the matter to the police. Any person may report the offence on their behalf with their consent, but if the victim declines to report it, or will not permit it to be reported, a member of staff of the College shall only in exceptional circumstances make a report against that person's wishes. Exceptional circumstances include the possibility of the alleged victim or others being exposed to risk if the matter is not reported or if there have

been similar allegations in the past or if an assault was so serious that the victim is unable to make a decision.

5. Referrals to the police by officers of the College must be reported immediately to the President.

DISCIPLINARY PROCEEDINGS

6. In the case of serious offences under the criminal law, no action (other than suspension of registration as defined in this Policy) may be taken unless the matter has been reported to the police and either prosecuted or a decision not to prosecute has been taken, at which time a decision will be taken on whether disciplinary action should continue or be taken.
7. Where the offence under the criminal law is judged to be not serious, disciplinary action may continue, but may be deferred pending police investigation or prosecution.
8. The following procedures apply where the alleged offence (whether or not it constitutes misconduct) would also constitute an offence under the criminal law if proved in a court of law:
 - 8.1 the College may impose a penalty upon a Student in respect of an offence (whether or not it constitutes misconduct) even if that offence has already been the subject of criminal prosecution and penalty; where the offence is found to have been committed, and the Student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining any penalty the College may impose; and
 - 8.2 when action is taken following a conviction that amounts to misconduct, the conviction shall be taken as evidence of the misconduct and shall be open to challenge only to the extent that the Student disputes that he or she was the person convicted.
9. A Student acquitted in a criminal court may not be the subject of an allegation of misconduct which is in substance the same as the alleged offence of which he or she has been acquitted. A claim that the alleged offence took place at the same time as, or was otherwise connected with, the alleged criminal offence shall not preclude disciplinary proceedings.

ANNEX 2: ACTION BY THE COLLEGE PENDING A HEARING

1. A Student who is the subject of an allegation of misconduct or against whom a criminal charge is pending or who is the subject of police

investigation may be suspended or excluded by the Campus Manager pending disciplinary action or the verdict of a court, or the Student's examination or assessment results may be withheld (subject to the provisions of the Data Protection Act and to the extent permitted by law). Suspension shall be used only where exclusion would be inadequate. Where the Campus Manager has delegated the power under this section, a full report shall be made as soon as possible to the Campus Manager of any suspension or exclusion under this section.

2. 'Suspension and exclusion' under this Policy mean suspension and exclusion from the College with the effect that participation in academic activities connected with the Student's course is prevented or curtailed as follows:

2.1 Suspension involves the total prohibition on attendance at or access to the College and on any participation in activity of the College; but it may be subject to qualification, such as permission to attend for the purposes of an examination or assessment.

2.2 Exclusion involves selective restriction on attendance at or access to the College or prohibition on exercising the functions or duties of any office or committee membership in the College, the exact details to be specified in writing.

3. An order of suspension or exclusion may include a requirement that the Student should have no contact of any kind with a named person or persons.
4. Suspension or exclusion pending a hearing shall not be used as a penalty. The power to suspend or exclude under this provision is to protect the members of the College community in general or a particular member or members and the power shall be used only where the Campus Manager is of the opinion that it is urgent and necessary to take such action. Written reasons for the decision shall be recorded and made available to the Student.
5. No Student shall be suspended or excluded unless the Student has been given an opportunity to make representations in person to the Campus Manager. Where for any reason it appears to the Campus Manager that it is not possible for the Student to attend in person, the student shall be entitled to make written representations.

6. In cases of great urgency, the Campus Manager is empowered to suspend a student with immediate effect, provided that the opportunities mentioned in the preceding paragraph are given and the matter reviewed within five days.
7. A decision to suspend, or exclude from academic activities associated with the Student's programme of study shall be subject to review at the request of the student, where it has continued for four weeks. Such a review will not involve a hearing or submissions made in person, but the Student shall be entitled to submit written representations. The review will be conducted by the Campus Manager where the decision to suspend or exclude was made by someone else, and by the President where the decision was made by the Campus Manager.
8. The Campus Manager or other person who took the original decision shall review the suspension or exclusion every four weeks in the light of any developments and of any representations made by the Student or anyone else on their behalf.