

STUDENT DISCIPLINARY PROCEDURE

1 Introduction

BCC is committed to conducting a fair process when considering student discipline issues. When it is alleged that a student has committed a breach of the Codes of Conduct (as set out below) the student will be referred to this procedure. This procedure does not cover allegations of academic misconduct, e.g. cheating or plagiarism, which will be considered under the Procedures relating to Academic Misconduct.

This procedure applies to all registered students of BCC.

To inform BCC of an allegation of student misconduct, please email the Academic Dean at caleb.nyanni@bccoll.uk.

2 Definition of Misconduct

BCC may take disciplinary action in response to any misconduct that occurs on BCC owned or operated premises and facilities, and during any college-related activities. This includes (but is not limited to) work placements and fieldtrips. BCC also reserves the right to investigate allegations which occur off its campuses if it is deemed that a student's action may impact the wider college community or the reputation of BCC. However, BCC cannot act in the place of a private landlord or the police. If a student is alleged to have breached the Codes of Conduct, the allegation will be considered under the Student Disciplinary Procedure. The Codes of Conduct include the following, as updated from time to time:

- The Student Code of Conduct
- The IT Regulations
- Relevant Health and Safety Policies; or
- Any other policy notified to students from time to time.

A student shall not be exempt from a disciplinary penalty by acting as part of a group when breaching the Codes of Conduct.

3 Categories of Misconduct

All allegations of breaches of BCC's Codes of Conduct will be categorised as 'misconduct' or 'serious misconduct' depending on the severity of the allegation.

In the first instance, alleged breaches of the Codes of Conduct will be categorised as 'misconduct' and minor conduct issues can often be resolved informally. A note of any informal discussions, including any guidance given, will be made. The member of staff considering the allegation may refer the allegation to the Principal for it to be categorised as 'serious misconduct' where it is reasonable to do so. The investigating member of staff may seek advice from the Academic Dean before referring the case.

4 Criminal Investigations

BCC may report suspicions of any criminal offence to the Police and may defer any internal investigation of the alleged misconduct which is the direct subject of Police investigation until the conclusion of any Police investigations and/or the courts have dealt with the matter, or confirmed

that BCC may proceed with its own internal investigations. If BCC does proceed with an investigation in these circumstances, and a student is unable to or is advised not to attend a meeting or participate in any way with the investigation, a decision may be taken by BCC on the evidence available to it.

5 Suspension or Restriction of Activity

A student who is the subject of an allegation of serious misconduct, or against whom a criminal charge is pending, or who is the subject of police investigation, may be suspended from BCC by the Principal or his nominee or have some restriction placed on their college-related activity, pending the conclusion of the internal disciplinary process or any external proceedings.

Suspensions or restrictions will only be put in place where failure to do so could impede BCC's investigation or there is a reasonably held belief that a failure to do so could present a risk to other students or staff.

A student who is suspended from BCC may not enter BCC premises or take part in BCC activities. Restrictions short of suspension may be imposed where appropriate. The terms of the suspension or restrictions will be notified in writing to the student and may include a requirement that the student shall have no contact with a specified person or persons.

A suspension or restriction of activity will be put in place for no longer than is necessary and will be kept under review. The student who is subject to the suspension or restriction will be kept reasonably updated on the progress of the investigation and the likely length of time the suspension or restriction will be kept in place.

6 Allegations of Misconduct

6.1 Investigation

All allegations of misconduct will first be investigated by the appropriate member of BCC staff as set out below:

- If the alleged misconduct occurred in BCC Accommodation, it will be considered by the Director of Trust Administration or their nominee;
- If the alleged misconduct is a breach of the Rules for the Use of the University Library, it will be considered by the Director of Trust Administration or their nominee;
- If the alleged misconduct occurred on campus or in the community it will be considered by the Academic Dean or their nominee.
- If the alleged misconduct occurred during a residential/field trip as part of an academic programme it will be considered by the Academic Dean or their nominee.

The staff member responsible for considering the allegation, or their nominee, will notify the student of the allegation(s) via the student's BCC email account.

In the event that the allegation is confirmed to be a minor breach of the Codes of Conduct and no detailed investigation is required, the staff member may immediately impose a penalty in line with Section 6.2.

In the event that the allegation requires a detailed investigation or is considered a serious breach, the appropriate staff member as set out above will interview the student and at that meeting the student will be given the opportunity to respond to the allegation. The meeting will be scheduled at

a reasonable time and the student will be notified of their entitlement to be accompanied by a “friend” to any such meetings, as set out in Section 9.1.

Notes, or a summary of the discussion, will be kept of any meetings held with the student during the course of the investigation and a copy of such notes or summary will be made available to the student via email.

The investigating staff member may interview anyone who they believe can provide information that is material to considering whether the student has breached the Student Code of Conduct and in determining the appropriate penalty. Staff and students asked to attend an interview or to provide other information or documents are required to co-operate with BCC in its conduct of the investigation.

The investigating staff member may gather any evidence they consider is necessary for considering the allegation with due regards to the guidance on confidentiality as set out in Section 9.4 of this procedure.

6.2 Penalties for Misconduct

If the investigating staff member, having considered all of the circumstances including any mitigating circumstances submitted by the student, finds that on the balance of probabilities the student has committed an offence of misconduct, they may impose one or more of the following penalties:

- A formal warning;
- Require the student to write a letter of apology;
- Require any costs or compensation arising from the misconduct to be recovered from the student;
- Exclude a student from BCC premises for a specified period of no more than three months;
- Recommend that a student is prohibited from taking part in any BCC activity.

Should the staff member considering this matter deem the misconduct to require a penalty greater than those set out above, the case may be escalated to the Principal as one of serious misconduct.

Should any element of the case be more appropriately considered under another BCC process, the person responsible for investigating the case may refer the matter accordingly via the Academic Dean. Other processes include, but are not limited to:

- Academic Misconduct;
- Fitness to Practise.

The staff member considering this matter will notify the student in writing of the decision, the reason for it and any penalty to be applied, normally within 10 working days of the hearing/meeting. This notification will set out the student’s right to appeal (see section 8 below).

7 Allegations of Serious Misconduct

7.1 Investigation

Where a misconduct case is referred to the Principal as one of serious misconduct, an appropriate Investigating Officer will be appointed. This may be, but not exclusively, one of the following:

- An appropriate member of academic staff;

- The Academic Dean;
- The Director of Trust Administration;

The Investigating Officer will write to the student involved via their BCC email account to notify them of the investigation and will normally inform the student of the nature of the allegation that has been raised. They will provide a copy of this procedure and inform the student that if they do not engage with the investigation, including attending any meetings when required, the investigation will continue in the student's absence.

The Investigating Officer will normally request to meet with the student on one or more occasions during the investigation and will normally inform the student of the purpose of any such meetings in advance. The Investigating Officer will normally give the student at least 5 working days' notice of any such meetings and inform the student of their entitlement to be accompanied by a "friend" (see section 9.1) to any such meetings.

Notes will be kept of any meetings held with the student during the the investigation and a copy of such notes will be made available to the student. Where appropriate, the Investigating Officer may invite the student to provide a written response to the concerns and to present any supporting information.

At the conclusion of the investigation, the Investigating Officer will provide an investigation report to the Principal which will include the following:

- A summary of the situation;
- The steps taken to investigate the matter;
- All evidence considered as part of the investigation; and
- A recommendation on whether there is sufficient evidence for there to be case of the student to formally answer at a hearing.

The Principal will, if appropriate based on the recommendation, then refer the case to the Student Disciplinary Committee. A copy of the Investigating Officer's report will be made available to the student.

7.2 Student Disciplinary Committee

When a serious misconduct investigation report is submitted to the Principal, the Student Disciplinary Committee will be convened at the earliest opportunity. The membership of the Student Disciplinary Committee is:

- The Principal as the Chair;
- The Academic Dean;
- The Director of Trust Administration
- A Visiting Lecturer of BCC may be called in place of any of the above should they be unavailable.

The Director of Trust Administration will act as Secretary to the Committee. The Student Disciplinary Committee will meet at the earliest opportunity. Exceptionally, the Committee may proceed with two members where postponing would not be in the best interest of the parties. If a student fails to attend a meeting or is excluded because of their or their "friend's" disruptive conduct, at the discretion of the Chair of the Committee the hearing may continue in the student's absence if it is fair and reasonable to do so.

Before the hearing the Secretary to the Committee will write to the student and the investigator to invite them to the hearing, normally at least five working days before the meeting. If the student

demonstrates a good reason for being unable to attend in person, they may be permitted to attend via telephone or Zoom/Microsoft Teams. Exceptionally, the meeting may be postponed at the discretion of the Chair of the Committee.

The student, investigator and the Committee shall receive a copy of all the evidence relevant to the case in advance of the meeting. In addition to this, the student shall be informed of the following in advance of the meeting:

- The student's right to reply to the allegation in writing in advance of the meeting, as well as any additional evidence or witnesses that the student wishes to bring to the attention of the Committee. This should normally be issued to the Committee members in advance of the meeting. See section 9 for more information relating to witnesses; and
- The student's right to be accompanied by a 'friend' (see section 9).

If the student has any special requirements to allow them to attend and/or participate fully in the hearing they should notify the Secretary in advance of the meeting to allow BCC to make appropriate reasonable adjustments.

At the disciplinary hearing the Committee will go through the allegations against the student and the evidence that has been gathered. The student will be able to respond and present any evidence of their own. The student will have the opportunity to ask questions of clarification concerning the process and findings of the investigation.

The Committee may adjourn if it is determined that any further investigation is required, such as re-interviewing witnesses in the light of any new points raised at the hearing. The student will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

The student, the 'friend' and the investigator will normally be present throughout the hearing of evidence, but the Chair may ask them all to withdraw at any stage of the proceedings if the Committee wishes to consider privately any matter or point. If any person obstructs the proceedings, the Chair may require all or any of those present to leave the meeting.

After hearing the evidence, the Committee will consider the case without the student, "friend", investigator or any witnesses in attendance and may impose an appropriate penalty in accordance with Section 7.3 of this procedure.

7.3 Penalties for Serious Misconduct

If the Student Disciplinary Committee, having considered all of the circumstances including any mitigating circumstances submitted by the student, finds that the student has committed an offence of serious misconduct they may impose one or more of the following penalties:

- A formal warning;
- Require the student to write a letter of apology;
- Require any costs or compensation arising from the misconduct to be recovered from the student;
- Exclude a student from BCC premises for a reasonable period, up to the end of their studies;
- Recommend that a student is prohibited from taking part in any BCC activity;
- Evict a student from BCC accommodation;
- Suspend a student from their studies for a reasonable period, up to 12 months;
- Withdraw a student from studying at BCC.

The Chair of the Committee will notify the student in writing of the decision, the reason for it and any penalty to be applied, normally within 10 working days of the hearing. This notification will set out the student's right to appeal (see section 8 below).

8 Appeals

8.1 Misconduct Appeal

The student will have the right to appeal against the penalty imposed under section 6.2 of this procedure to the Student Disciplinary Appeals Committee. The student must email a statement of appeal to the Director of Trust Administration within 5 working days of receiving the formal written outcome. The appeal statement shall set out the grounds for appeal, providing reasons and details of supporting evidence. The student can appeal on the following grounds:

- There has been a procedural error;
- New and relevant evidence is available that was not known at the time; or
- The decision-making Committee acted unreasonably, or the impact of the sanction imposed was unreasonably disproportionate.

The appeal will then be reviewed by the Principal to determine whether the appeal is within one of the above grounds. If the appeal meets the required grounds for consideration it will be deemed eligible and proceed to the Student Disciplinary Appeals Committee. If the appeal does not meet the grounds for consideration it will be deemed ineligible and a letter will be issued confirming this, as per section 8.3.

The membership of the Student Disciplinary Appeals Committee is:

- The Principal as the Chair;
- The Academic Dean;
- The Director of Trust Administration
- A Visiting Lecturer of BCC, Faculty member of another institution or other appropriate person.

The Director of Trust Administration will act as the Secretary to the Committee.

The Student Disciplinary Appeals Committee will meet at the earliest opportunity and have at least one member who has no previous involvement in the case. Exceptionally, the Committee may proceed with three members where postponing would not be in the best interest of the parties. If a student fails to attend a meeting or is excluded because of their or their "friend's" disruptive conduct, at the discretion of the Chair of the Committee the hearing may continue in the student's absence if it is fair and reasonable to do so.

Before the hearing the Secretary to the Committee will write to the student to invite them to the hearing, normally at least five working days before the meeting. If the student demonstrates a good reason for being unable to attend in person, they may be permitted to attend via telephone or Zoom/Microsoft Teams. The member of staff who imposed the original penalty will also be invited to attend if they are not already a part of the Student Disciplinary Appeals Committee.

The student, the staff member who imposed the penalty and the Committee shall receive a copy of all the evidence relevant to the case in advance of the meeting. In addition to this, the student shall be informed of the following in advance of the meeting:

- The student's right to be accompanied by a 'friend' (see section 9).

If the student has any special requirements to allow them to attend and/or participate fully in the hearing they should notify the Secretary in advance of the meeting to allow BCC to make appropriate reasonable adjustments.

At the appeals hearing the Committee will consider the grounds of the appeal and review the case. The role of the appeals committee is not to re-investigate or re-hear the matter, but to consider the grounds of appeal. The student will be able to present their appeal (including any permitted new evidence) and to respond to representations made by the original decision maker. The student will have the opportunity to ask questions of clarification concerning the previous hearing and decision-making process.

The Committee may adjourn if it is determined that any further investigation is required, such as re-interviewing witnesses in the light of any new points raised at the hearing. The student will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

The student, the 'friend' and the staff member responsible for imposing the original penalty will normally be present throughout the hearing, but the Chair may ask them all to withdraw at any stage of the proceedings if the Committee wishes to consider privately any matter or point. If any person obstructs the proceedings, the Chair may require all or any of those present to leave the meeting.

After hearing the evidence, the Committee will consider the case without the student and their "friend". The Student Disciplinary Appeals Committee will have the power to:

- Overturn the finding that the student has been found to have breached the Codes of Conduct, or;
- Confirm or reduce the penalty that has been imposed for the breach of the Student Code of Conduct. Note - When reducing the penalty, the Committee may only reduce the penalties originally applied as set out in Section 6.2 of this procedure. No new penalties will be applied.

The Chair of the Committee will notify the student in writing of the decision and the reason for it, normally within 10 working days of the hearing. This notification will include a letter confirming the appeals procedure has been completed (see section 8.3 below).

8.2 Serious Misconduct Appeal

The student will have the right to appeal against the penalty imposed under section 7.3 of this procedure to the Student Appeals Committee. The student must email a statement of appeal to the Director of Trust Administration within 5 working days of receiving the formal written outcome. The appeal statement shall set out the grounds for appeal, providing reasons and details of supporting evidence. The student can appeal on the following grounds:

- There has been a procedural error;
- New and relevant evidence is available that was not known at the time; or
- The decision-making Committee acted unreasonably, or the impact of the sanction imposed was unreasonably disproportionate.

The appeal will then be reviewed by the Principal to determine whether the appeal is within one of the above grounds. If the appeal meets the required grounds for consideration it will be deemed eligible and proceed to the Student Appeals Committee. If the appeal does not meet the grounds for

consideration it will be deemed ineligible and a letter will be issued confirming this, as per section 8.3.

8.3 Completion of Procedures

An appeal to the Student Disciplinary Appeals Committee or to the Student Appeals Committee concludes BCC's procedures and will result in the issue of letter confirming this. If the student remains dissatisfied with the outcome of the procedures the student may submit a complaint to relevant body which accredits the award for which they are studying i.e. Newman University or NCFE.

9 Procedural matters

9.1 Friend

A student may bring a "friend" to any disciplinary or appeal meeting under this procedure and must provide the name of the "friend" to either the staff member considering the matter or the Principal. For the purposes of this procedure, a 'friend' is defined as:

- A current registered student of BCC;
- The Pastor/Minister of the student's church; or
- A personal friend of the student.

Any student who wishes to be accompanied by a person who does not fall within these categories will be required to contact the Principal in the first instance, with details of the alternative person the student wishes to attend and the reasons for this, at least two working days before the hearing. Reasons for an alternative person, or any additional "friend" may include help to overcome a disability or if the student has difficulty understanding English.

The role of the 'friend' is to support the student in preparation for the meeting and accompany the student at the meeting. The 'friend' may speak on the behalf of a student, with the permission of the staff member considering the allegation but may not answer questions on the student's behalf. It is not the role of the 'friend' to present the student's case on their behalf, except in the most exceptional circumstances. A student may talk privately with their "friend" at any time during a disciplinary or appeal hearing.

9.2 Record keeping

At the conclusion of a disciplinary matter, a formal record of the penalty imposed on the student for 'misconduct' and 'serious misconduct' offences will be retained. This record will be held on the student's file in accordance with BCC's policies on data protection and in line with its retention policy. This information may also be shared with relevant staff members when necessary.

9.3 Confidentiality

It is BCC's aim to deal with conduct matters sensitively and with due respect for the privacy of any individuals involved. All parties must treat as confidential any information communicated to them in connection with a matter which is subject to this procedure, subject to the need to seek appropriate advice and guidance. BCC will, during or at the conclusion of the procedure, inform such members of its staff as it considers necessary, having due regard to all the relevant circumstances. In cases where BCC holds personal data relating to individuals as a result of this procedure, BCC will comply with the provisions of the Data Protection Act 2018, and all associated legislation at all times. This includes, but is not limited to, ensuring that any personal data held on such individuals is:

- not excessive but relevant and limited to the purpose for which it is held;
- held securely (and in accordance with BCC policies);

- not shared with any other third parties (unless this can be lawfully shared in accordance with data protection legislation); and
- not held for longer than is necessary and in line with our retention policy.

9.4 Audio/Visual Recordings

It is not BCC's normal procedure for disciplinary meetings or hearings to be recorded by either party unless there are exceptional reasons why this should be considered. However, from time to time there may be a request to record a meeting or hearing. The decision to do so will be taken by the Principal in advance of the meeting. A recording may be made only where all parties agree to the use of recording.

9.5 Witnesses

At any stage of the process the student will normally be told the names of any witnesses whose evidence is relevant to their disciplinary hearing, unless the person responsible for considering the allegation exceptionally and reasonably believes that a witness's identity should remain confidential. There should be no normal expectation that the identity of witnesses will be kept confidential and witnesses should understand that evidence provided by them will, other than in exceptional circumstances, be provided to the student who is subject to disciplinary proceedings.

During the hearing of the Student Disciplinary Committee, the student or the Investigating Officer may ask that relevant witnesses appear at the hearing, which will be permitted provided that it is reasonable for such witnesses to appear and provided the student or the Investigating Officer give BCC sufficient advance notice to arrange their attendance, which will normally be five working days before any hearing.

The student and the Investigating Officer will be given the opportunity to respond to any information given by a witness. In appropriate circumstances, where the Chair of the disciplinary hearing decides that it is reasonable for the student to do so and/or that a fair hearing could not be held otherwise, the student and/or the Investigatory Officer may be permitted to ask questions directly of the witness. Aggressive or adversarial questions or questioning will not be allowed.

9.6 Home Office Compliance

BCC has a legal obligation to report to the Home Office any circumstances that may affect a student's right to remain in the UK, including possible criminal offences and periods of suspension, and reserves the right to do so as necessary to meet this obligation.