

ITALIA CONTI

Disciplinary Policy

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Management Lead:	CEO
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This policy will be reviewed and approved by the Governing Body and/or following any updates to national and local guidance and procedures.

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1. Policy Statement and Introduction

- 1.1 Italia Conti is committed to providing professional multi-skilled theatrical training and to fostering a suitable environment for a successful learning experience. To this end Italia Conti requires students to be familiar with this Policy, and to abide by the *Student Code of Conduct* at all times whilst on Italia Conti premises, or engaged in any course related activities, including in external environments and outside performances.
- 1.2 The *Student Code of Conduct* and *Disciplinary Policy* apply to all Italia Conti students at all times (i.e. throughout the whole of the student's registration at Italia Conti, not just during term time) and Italia Conti's jurisdiction under this Policy and procedures is not limited to its own premises. This includes alleged misconduct which takes place in relation to any activity associated with or organised by Italia Conti, irrespective of whether any alleged misconduct takes place on or off Italia Conti premises.
- 1.3 Allegations of misconduct or of failure to comply with the standards of conduct in the *Student Code of Conduct* may result in Italia Conti taking action under the Disciplinary Policy or such other Italia Conti procedure as it considers reasonable and appropriate.
- 1.4 This Policy sets out general definitions of non-academic misconduct, including breaches of the *Student Code of Conduct*. It sets out the procedures by which concerns relating to these matters will normally be considered and the actions that may be taken. It has been drafted in accordance with the UK's Guidance¹ for Higher Education Institutions on How to Handle Alleged Student Misconduct Which May Also Constitute a Criminal Offence, and the OIA's Good Practice Framework: Disciplinary procedures².
- 1.5 Degree students studying at Italia Conti are also registered students of the University of East London (UEL). Where a decision is made under this Policy that the student status of a student on a credit-bearing Higher Education programme operating in partnership with UEL should be terminated, this shall also result in termination of registration with UEL.
- 1.6 Italia Conti recognises that many concerns regarding student conduct can and should, where appropriate, be dealt with informally by members of staff. This Policy sets out the processes by which matters of non-academic misconduct and disciplinary issues will normally be investigated and appropriate outcomes determined.
- 1.7 There are a range of related procedures and policies across Italia Conti which may offer the most relevant, effective and immediate means of influencing and managing student conduct and which will usually be used in the first instance unless the nature of the allegations makes that inappropriate. Italia Conti recognises that individuals may at times be unaware of the effect and consequences of their conduct on others and these rules provide for proportionate and positive local responses to misconduct.
- 1.8 The suggested levels of action and examples of misconduct given in this Policy are illustrative only and Italia Conti reserves the right to determine the level of action to be taken in accordance with the perceived risk, scale and severity of the alleged misconduct. Italia Conti may deal with a matter at any Stage without the need for an earlier Stage being exhausted or commenced.

¹ UUK Guidance for HEIs Student Misconduct

² <https://www.oiahe.org.uk/media/2045/good-practice-framework-disciplinary-procedures-section.pdf>

2. Scope and Definitions

- 2.1 There is a distinction between non-academic matters (for example, misconduct involving damage to Italia Conti's property or reputation) and academic matters (for example, allegations of plagiarism). Academic matters in relation to misconduct are subject to the UEL *Academic Misconduct Policy* (HE students)³ and *Academic Misconduct FE Policy*. Non-academic misconduct may relate to any other aspect of a student's conduct which is relevant to their relationship with Italia Conti.
- 2.2 In the event that a concern may relate to both the academic and non-academic conduct of a student, the student's Course Leader, or their nominee, in consultation with the partner university or awarding institution as appropriate, shall determine the appropriate procedure or procedures for its investigation and consideration. In some cases, it may be necessary for separate procedures to be followed simultaneously in handling allegations relating to both academic and non-academic misconduct regarding the same student.
- 2.3 Misconduct may also include the contravention of expected standards of professionalism in the performing arts, as set out in Italia Conti's *Student Code of Conduct*.

3. Non-academic misconduct definitions

- 3.1 In general terms, Italia Conti defines student non-academic misconduct in the following ways:
- Physical misconduct;
 - Sexual misconduct;
 - Harassment/Abusive behaviour/Related behaviours;
 - Damage to property;
 - Unauthorised taking or use of property;
 - Causing a health and/or safety concern;
 - Operational obstruction (improper interference, in the broadest sense, with the proper functioning or activities of Italia Conti, and/or with those who work or study in Italia Conti);
 - Reputational damage (action which damages, or brings Italia Conti into disrepute);
 - Action which deviates from accepted institutional, professional, academic or ethical standards.
- 3.2 The following is a non-exhaustive list of examples of non-academic misconduct which would fall under one or more of the definitions above. Where explanations are included to illustrate the definition, these are not exhaustive.
- 3.3 No student shall engage in conduct either on or off Italia Conti premises which:

³ [UEL Academic Integrity and Academic Misconduct](#)

- a) is in breach of any rule, regulation, code of conduct/practice or policy which Italia Conti makes for their students from time to time, or which are established by a partner university or awarding institution which are applicable to the student's studies at Italia Conti. Examples of such policies include, but are not limited to, the following:

Attendance Policy

Bullying and Harassment Policy

Complaints Policy

Health & Safety Policy

IT Policy

Safeguarding Policy

Social Media Policy

Student Code of Conduct

Support Through Studies Policy

- b) constitutes sexual misconduct, harassment or related behaviours as defined in the *Student Code of Conduct* and Italia Conti's Bullying and Harassment Policy;
- c) causes physical harm, or is intended to cause physical harm, to another individual or individuals;
- d) causes psychological harm or distress, or is intended to cause psychological harm or distress to another individual or individuals;
- e) threatens, harasses, intimidates, discriminates, abuses or constitutes an assault or attempted assault of any kind (including sexual harassment and sexual assault) on another member, or employee, or student of Italia Conti, or a visitor to Italia Conti;
- f) constitutes hostile, threatening or intimidating behaviour (including inappropriate language, and repeatedly contacting another person by phone, email, text or on social networking sites against the wishes of the recipient of the contact);
- g) prevents, or is intended to prevent, any person exercising or intending to exercise their right to freedom of speech or freedom of belief within the law on Italia Conti premises;
- h) constitutes acts, omissions or statements intended to deceive Italia Conti or its partner organisations;
- i) causes damage to Italia Conti property, or the property of students, employees or visitors to Italia Conti;
- j) misuses, wilfully damages, defaces, steals or converts to improper use of property of Italia Conti (including IT, specialist and non-specialist equipment);
- k) constitutes taking property belonging to another individual without permission;
- l) does not follow safe practice or is otherwise in breach of Italia Conti's health and safety policy;

- m) constitutes anti-social behaviour, including but not limited to anti-social behaviour as a result of intoxication through alcohol or drugs;
- n) involves the unlawful possession, use or supply of drugs or weapons;
- o) is at variance with appropriate standards of conduct or published codes governing conduct whilst engaged in professional practice or training or employment, or whilst on placement forming part of their programme of study;
- p) constitutes unauthorised entry onto Italia Conti property;
- q) disrupts, obstructs or interferes with the activities of Italia Conti (including training, administrative or social activities) on Italia Conti premises or elsewhere, or any attempt to disrupt, obstruct or interfere in this regard;
- r) disrupts, obstructs or interferes with the functions, duties or activities of any student or employee of Italia Conti, or any visitor to the Italia Conti, or any attempt to disrupt, obstruct or interfere in this regard;
- s) causes damage, or could cause damage, to the reputation of Italia Conti;
- t) failure to disclose relevant criminal convictions or, where directed to do so, cautions or other warnings or sanctions imposed by the police or other law enforcement agencies, in accordance with the relevant Italia Conti and partner organisation policies and guidance, including criminal convictions obtained subsequent to registering with Italia Conti.

3.4 Italia Conti will investigate any reported/alleged behaviour such as is described above in accordance with this Policy and procedures, to determine whether misconduct has occurred. This also includes:

- misconduct committed by any means or medium including via the internet (including via social media);
- any offence against the criminal law committed by a student whilst on Italia Conti premises or whilst engaged in Italia Conti programme-related activity.

3.5 The Italia Conti disciplinary process is an internal policy. It enforces the *Student Code of Conduct* and domestic policies that the student is contractually bound to comply with. Investigations must be fair, reasonable and proportional and based upon an allegation that a student has breached Italia Conti's policy. Any allegation has to be proven 'on the balance of probabilities', and the most serious sanction that can be applied is permanent expulsion from Italia Conti.

3.6 The criminal process is an external procedure and deals with allegations that a student has committed a criminal act. The allegation has to be proven in external courts 'beyond reasonable doubt' and the most serious sanction that can be applied is imprisonment. Italia Conti cannot make a finding of a criminal offence, however it can consider whether a breach of discipline appears to have occurred and, if so, refer the matter for consideration under this Policy.

3.7 Professional Conduct

All students at Italia Conti embark on a course to train to a professional standard in their given discipline. Professional conduct is concerned with the standards of behaviour, which may include standards of attendance, required to be attained and demonstrated by an individual at any given stage in order to practise safely and effectively in their respective profession. Italia Conti makes a distinction between academic and professional competence on the one hand, and professional conduct on the other. Competence (both academic and professional) is a matter for the normal assessment system of the programme, overseen by the Board of Examiners. Expectations regarding a student's professional conduct are set out in Italia Conti's *Student Code of Conduct* and may be subject to action under this Policy.

3.8 Misconduct related to Admissions

Where an applicant to Italia Conti (who is not a registered student) is suspected to have made false or misleading or incomplete statements or representations, or produced falsified documents, either in pursuit of an offer of a place, or as a means of having gained, or facilitating an offer of a place to Italia Conti, such cases will be handled under the procedures outlined in the Italia Conti Admissions Policy and the student terms & conditions to terminate the contract. This shall include any student found to have concealed or misrepresented offences.

4. Principles supporting the application of Italia Conti's Disciplinary Policy

4.1 The following principles will be applied by Italia Conti when implementing this Policy to help ensure that students are treated fairly, appropriately and transparently, and that matters are dealt with effectively and efficiently in the best interests of the student, Italia Conti and its staff and students.

4.2 The principles:

- Individuals raising allegations of misconduct will normally be asked to confirm their allegations in writing and identify themselves and provide contact details.
- Italia Conti will not act on allegations of misconduct which it considers to be vexatious, spurious or malicious.
- A student who is alleged to have committed an act of misconduct has a right to be informed of and respond to those allegations.
- Any disciplinary action will be determined impartially.
- The disciplinary process will be conducted in a timely manner, though Italia Conti will give due consideration to the timing of any disciplinary proceedings where reasonable to do so; for example, where proceedings may have additional implications for the status of a student or to meet any reasonable adjustments under the Equality Act 2010. Time limits and periods of notice in this Policy may also be amended on a case-by-case basis by Italia Conti with good reason (such as in the matter of fairness).

- Sanctions imposed under this Policy will be reasonable, proportionate and consistent with standards applied across Italia Conti.
- Students will have a right of appeal against decisions taken.
- Students who are subject to disciplinary proceedings are encouraged to seek advice and representation from the Italia Conti student reps, and, where applicable, the partner university Students' Union Advice Service.
- Students who are subject to disciplinary proceedings are entitled at any meeting or hearing to be accompanied and/or represented by an Italia Conti staff member, friend, relative or representative of the Italia Conti Students' Rep committee. This is in addition to any health professional or support worker who may usually accompany the student or who may attend at Italia Conti's discretion by way of making reasonable adjustments for a student.
- The accompanying person cannot be a professional legal representative who has been employed to act on the student's behalf nor can they act in the capacity of a legal advisor.
- All references within this Policy to a post-holder shall be construed to include references to their deputies or nominees who may act on the authority of the post holder, for instance where s/he is unavailable or her/his prior involvement in a matter might be seen to affect her/his impartiality.
- All proceedings under this Policy, including Preliminary Enquiry interviews and Disciplinary Panel hearings, will be held in private.

4.3 Presumption of Innocence

In all processes under this Policy, a student will be presumed to be innocent of the allegation of misconduct, until the contrary is proved on the balance of probabilities.

4.4 Burden of proof

In all processes under this Policy, the burden of proof which applies to all decisions reached is the balance of probabilities. The definition of the balance of probabilities is that, based on the evidence, it is more likely than not that the alleged events occurred.

4.5 Legal context

In all processes under this Policy, Italia Conti will act in accordance with the provisions of the Human Rights Act 1998, the Data Protection Act 2018, the Equality Act 2010 and other relevant legislation.

4.6 Anonymous allegations

Italia Conti will not normally take action in response to anonymous allegations of misconduct, except where it is satisfied that just cause and/or reasonable grounds exist to do so.

5. Criminal Offences and Legal Proceedings

5.1 If an allegation of misconduct might also constitute a criminal offence or where a police, criminal or other legal investigation or legal proceedings are likely or are underway, the CEO may:

- give formal notice to the student of an intention to invoke the Disciplinary Policy but may postpone further action until the investigation and/or proceedings have been concluded;
- determine whether any action already underway under this Policy and procedures should be deferred/suspended, and subsequently reviewed.

5.2 In such cases the student may be suspended and/or excluded in accordance with section 5.4 below, pending the progression or outcome of any police, criminal or other legal investigation or proceedings.

5.3 Italia Conti is not bound by the outcome of any criminal or other legal proceedings and is not precluded from taking action under any Italia Conti procedures regarding the matter particularly where there is a risk to members of staff or other students.

5.4 Precautionary Measures in Advance of Disciplinary Action

This section refers to the use of a temporary suspension of a student from their studies and/or related learning activities, and/or temporary exclusion from Italia Conti premises, as a means of mitigating risk. Any such action is a precautionary measure only; it is neither a penalty nor sanction and does not indicate that Italia Conti has decided that the accused student has committed misconduct.

Suspension means that the student is prohibited from participating in the academic activity of Italia Conti and the student's registration on her/his programme of study is put on hold. A qualified or partial suspension may be put in place where appropriate.

Exclusion means that the student is prohibited from taking part in Italia Conti activities, using Italia Conti facilities and/or entering Italia Conti premises.

A student may be suspended and/or excluded pending the outcome of criminal proceedings (see section 5.2) or in circumstances where the CEO considers that the student's continuing access to Italia Conti creates a significant risk of a recurrence of misconduct, or of harm to staff, other students or visitors.

The student will be informed in writing of the decision to suspend and/or exclude them, and will have the right to appeal against the decision within 5 days of the date of the letter. A member of Italia Conti's governing body will consider the appeal and will notify the student in writing of their decision within 5 days.

The suspension and/or exclusion will be kept under review. The student may request a review if there is a material change in the circumstances of the case.

5.5 Impact of misconduct procedures on release of results

Where allegations of misconduct against a student are being considered under this Policy but have not yet been concluded at the time the Assessment and Exam Boards meet to consider results at the end of a year (including an appeal process against an Disciplinary Panel decision), the student will normally be allowed to academically

progress through their programme of study. Academic progression in such circumstances however is no indication of Italia Conti's view of the alleged misconduct, nor is it an indication of any right to continue with a programme of study subsequent to a decision of the Disciplinary Panel or Disciplinary Appeals Panel, and it will not be taken into account as a mitigating factor by either Panel.

If a student is in their final year of study, and an investigation into misconduct is still continuing when the Progression and Award Board consider their marks for an assessment or award (including an appeal process against a Disciplinary Panel decision), the marks/final result may be released but the student may not normally graduate until the conclusion of the misconduct case. This could mean that a student may not graduate with their peers.

5.6 Timescales

[A summary of the timescales and according responsibilities of this Policy is provided in Appendix 1.] Except where otherwise stated, all timescales in this Policy constitute calendar days, excluding bank holidays and statutory closure days.

5.7 Failure to comply with decisions

Failure by a student, without good reason, to:

- comply with any decision reached or order issued by Italia Conti under this Policy (including by the Course Leader, a Disciplinary Panel, a Disciplinary Appeals Panel or the Italia Conti CEO, or
- to comply with the terms of a temporary exclusion or suspension made under this Policy, may itself constitute an act of misconduct and may therefore be dealt with either in accordance with this Policy, or under the Support Through Studies Policy, as deemed appropriate by the Italia Conti CEO or their nominee.

6. Informal warnings

6.1 Italia Conti recognise that many concerns regarding student conduct can and should where appropriate be dealt with informally by members of staff without the need to initiate the formal disciplinary process.

6.2 Any member of staff who observes conduct that gives cause for concern may issue an informal warning regarding their future conduct to a student and offer advice and help to improve the student's behaviour. Such advice may indicate targets for improvement, referral for support, and/or a timeframe within which a further informal review of the student's conduct shall be conducted. As appropriate, the member of staff shall advise the student that failure to meet expectations may result in referral for further consideration under the formal disciplinary procedures.

6.3 Examples of misconduct which may lead directly to an informal warning may include, but are not limited to minor breaches of the Italia Conti *Student Code of Conduct*, such as:

Failure to conform to attendance requirements, e.g.

- *Unpunctuality for any scheduled session*
- *Unexplained non-attendance for any scheduled session*

Inappropriate student conduct or behaviour in class, e.g.

- *Lack of adequate preparation*
- *Disrupting the smooth progress of a class*
- *Incidents between students or between students and staff, for instance which show a lack of respect or courtesy, or where informal attempts to deal with bad behaviour have not been successful*

Use of inappropriate clothing and/or equipment for class work, e.g.

- *Inappropriate dress*
- *Lack of appropriate equipment or footwear for specialist sessions*
- *Not returning equipment and furniture from communal areas immediately after the period for which it was borrowed*

Breach of Italia Conti Health & Safety requirements, e.g.

- *Smoking in any part of the building*

Any other circumstances of inappropriate behaviour which are deemed by Italia Conti to constitute a minor breach of the *Student Code of Conduct*, e.g.

- *Misuse of social media*
- *Misuse of damage to Italia Conti property, or the property of other students, staff or visitors caused intentionally or recklessly*
- *Early intervention where there is an allegation of bullying or harassment*
- *Possession of psychoactive substances, which are currently not ILLEGAL*

6.4 An informal warning will be reported to the relevant Course Leader and recorded on the ProMonitor student record system.

Where an informal warning or an alternative procedure has failed to resolve matters, for persistent offenders i.e. any further minor breach(es) of the *Student Code of Conduct* or for behaviour which is too serious to be dealt with informally, the formal procedures will be invoked.

7. Formal Procedures: report of misconduct and investigation

7.1 Allegations of misconduct are to be submitted in writing to the relevant Course Leader.

Where any member of staff, examiner, placement provider, any student of Italia Conti, or member of the public believes that misconduct may have been committed by a student, they should notify Italia Conti as soon as possible. Where any other person involved in an Italia Conti activity or programme-related activity believes that misconduct may have been committed by a student in the course of that activity, they should also notify Italia Conti as soon as possible.

7.2 On receipt of a report of misconduct the Course Leader will make such enquiries into the alleged misconduct they consider necessary. If the Course Leader considers it necessary for a full investigation to be carried out they may appoint a Preliminary Enquiry Officer to carry out an investigation in accordance with sections 7.4 - 7.9 below.

7.3 If the alleged misconduct is such that it should be considered under another Italia Conti policy or procedure or in some other way, the Course Leader will refer the matter as appropriate.

Preliminary Enquiry Procedure

7.4 A member of staff appointed by the Course Leader will act as the Preliminary Enquiry Officer and will conduct a Preliminary Enquiry.

7.5 The Preliminary Enquiry Officer may make any necessary enquiries to acquire further information, which may include inviting the student against whom the allegation has been made to make a written response to the allegations, interviewing the student against whom the allegation has been made, and/or any parties who may be able to provide necessary information. Such interviews are not an obligatory part of the process, and it is at the discretion of the Preliminary Enquiry Officer to determine whether they are necessary. However, in undertaking the investigation, the Preliminary Enquiry Officer should consider whether any interviews of any parties concerned are necessary.

7.6 Where an interview is held as part of the investigation:

- The student will be informed in advance in writing of the nature and purpose of the interview;
- The student will not be required to attend (though it is in their interests to do so), nor will they be obliged to make a statement or give any explanation either in writing or in attendance at the meeting;
- The student may be accompanied for support to the interview by an Italia Conti staff member, friend, relative or representative of the Italia Conti Students' Rep committee and should normally give at least 24 hours' notice of anyone expected to accompany them;
- The Preliminary Enquiry Officer has the discretion to accept or decline any statements or supporting evidence/documentation presented by an accompanying individual on behalf of the student;
- Written notes of the interview will be made; these will be circulated to the student for their agreement and any corrections normally no later than 2 working days after the interview has been held;
- The Preliminary Enquiry Officer has the discretion to terminate the interview at any point (e.g. if any attendee including any supporting person displays unacceptable behaviour).

Preliminary Enquiry Findings and Recommendations

7.7 The Preliminary Enquiry will normally be completed within 14 days of referral by the Course Leader. However, in particularly sensitive cases, where interviews with any parties are deemed necessary, or where it is foreseen that untimely disruption to studies might be caused by this process, this may result in extending the length of the completion of the process. Any student facing an allegation of misconduct will be updated in writing accordingly. Any other persons involved in the case may be notified by the Preliminary Enquiry Officer that the Preliminary Enquiry has been concluded, but they will only be informed of the Preliminary Enquiry decision and/or findings where the Preliminary Enquiry Officer deems it appropriate and necessary.

7.8 The Preliminary Enquiry Officer will compile a report for the Course Leader to confirm the outcome of the Preliminary Enquiry, which will include any relevant recommendations regarding the outcome and any further action needed.

7.9 The student will receive a copy of the report on completion of the Preliminary Enquiry process, normally within 5 days of the conclusion of the Preliminary Enquiry.

Outcome

7.10 The Course Leader will consider the allegation of misconduct, including the report from the Preliminary Enquiry Officer if applicable, and will reach one of the following decisions:

- a) **There is insufficient or no evidence of any misconduct** on the part of the student, therefore no further action will be taken. The student will be informed that no further action will be taken at this time. They will be advised whether a copy of the report will be held centrally by Italia Conti but separately from the student's file (where there is cause within the law for records to be maintained, these shall be held securely and the student shall be informed of this);
- b) **There is sufficient evidence to form the basis of a charge of misconduct**, which can be appropriately dealt with Stage 1 of the procedure. Examples of alleged misconduct which may be considered at Stage 1 include, but are not limited to:
 - *a second or further minor breach of the Student Code of Conduct;*
 - *bullying, harassment or discrimination against another person;*
 - *physical or verbal abuse or intimidation against another person;*
 - *any act which brings or threatens to bring Italia Conti's reputation into disrepute.*
- c) **There is sufficient evidence to form the basis of a charge of misconduct**, and the matter is sufficiently complex and/or serious to warrant referral to Stage 2 of the procedure. Examples of alleged misconduct which may be considered at Stage 2 include, but are not limited to:
 - Physical or sexual assault;
 - Use of alcohol during the working day;
 - Use or possession of illegal drugs;
 - Possession of any offensive weapon on the premises, other than those authorised for specific productions;
 - Vandalism or damage to any Italia Conti or private property;
 - Theft of any Italia Conti or private property;
 - Inappropriate conduct within the working environment which impedes the learning of others;
 - Abusive or inappropriate language;
 - Insulting or deliberately obstructive behaviour towards staff or other students;
 - Racist, sexist, ageist, anti-disabled, homophobic or transphobic remarks or expressed attitudes;
 - Sexual harassment;
 - Unwillingness to undertake all assessed and non-assessed elements of the curriculum;

- Criminal activities that have a bearing on the student's participation in Italia Conti or provide a risk to other students, staff or other users of Italia Conti's services or the reputation or functioning of Italia Conti or its activities;
 - Repeated or persistent misconduct of a serious nature;
 - Persistent failure to respond to or comply with formal disciplinary sanctions imposed under this Policy or other Italia Conti policies and procedures;
 - Vexatious or malicious allegations against other students, staff or members of the public;
 - Any serious breach of the Standards of Conduct in the Student Code of Conduct or behaviour that has, or may have, a serious adverse impact on Italia Conti's students, staff or members of the public or the reputation or functioning of Italia Conti or its activities.
- d) **There is sufficient evidence and/or reasonable grounds to refer the matter to another policy as appropriate**, to best manage the matter. This may include:
- Ceasing the disciplinary procedures under this Policy and referring the matter entirely under another policy;
 - Placing the disciplinary procedures under this Policy in abeyance whilst the matter is referred under another policy, setting a date for future review of whether they should be re-instigated or ceased.

7.11 The student will be informed of the decision of the Course Leader within 5 days of the decision.

8. Stage 1 (Disciplinary Meeting with Course Leader)

- 8.1 Where the Course Leader decides that the case should be referred to Stage 1 of the procedure, the student will be invited to attend a disciplinary meeting with the Course Leader. The student will be given at least 5 days' notice of the date and time of the meeting and will also be notified of the allegations against them and the range of penalties should the allegation of misconduct be upheld.
- 8.2 The student will also be provided with copies of all documents relating to the case, and details of any other person(s) attending the meeting. The student may be accompanied and/or represented at the meeting in accordance with section 4.2 above, and may submit written representations in advance.
- 8.3 In the circumstance that the student and/or any other relevant parties are unable to attend, it will be at the discretion of the Course Leader as to whether the meeting may continue or whether any other action (e.g. a rescheduling of the meeting or the opportunity to make further written submissions) is necessitated. Where the student is for good reason unable to attend a meeting on the scheduled date, a new date will normally be offered.
- 8.4 The purpose of the disciplinary meeting is to discuss the evidence gathered and to provide the student with an opportunity to make representations. The Course Leader will then decide on the basis of the evidence and the student's representations whether the allegation of misconduct is proven.

8.5 If the Course Leader finds that the allegation of misconduct is proven, they may impose one or more of the following penalties:

- a) A formal warning or a final warning (for a repeated offence);
- b) A formal written reprimand;
- c) A requirement to make a verbal/written apology to any party concerned;
- d) The payment by the student of compensation for damage or loss caused, which shall not exceed the value of any damage caused or loss incurred;
- e) Removal of access to a service provided by Italia Conti or to the use of specified facilities for a given period of no longer than one month;
- f) Withdrawal of privileges (particularly any privileges abused by the student) for a period not exceeding one month;
- g) Seizure and retention for a period of time, or confiscation without compensation, of items, for the purpose of maintaining the safety and wellbeing of others;
- h) Requirement to remove material published either in hard copy or electronically which is deemed to be inappropriate;
- i) Set conditions or expectations for the student's future behaviour.

8.6 The outcome of any disciplinary action taken at Stage 1 will be recorded on the ProMonitor system.

8.7 The Course Leader will write to the student within 5 days of the disciplinary meeting to inform them of the outcome of the meeting, the reasons for the decision and (where relevant) any penalty imposed.

Right of appeal

8.8 The student has the right of appeal against the decision of the Course Leader by responding in writing within 10 working days of the disciplinary decision.

8.9 A statement will only be accepted if it meets one or more of the following grounds:

- Italia Conti has failed to follow the procedure set out in this Policy;
- the decision was unreasonable and/or a disproportionate outcome has been imposed;
- the student has material new information/evidence which was not reasonably available before.

8.10 If the appeal is accepted it will be referred to the Chief Operations Officer who will review all of the material considered by the Course Leader together with the student's grounds of appeal.

8.11 The appeal will normally be considered on the papers only, but the Chief Operations Officer may invite the student and/or anyone else involved in the matter to a meeting to discuss the appeal if the CEO considers it necessary.

8.12 The outcome of the appeal will be that the CEO will either uphold the outcome of Stage 1 or make a different finding which overturns the outcome. The Director may refer the matter back to the same or a different Course Leader to consider again or may reduce the penalty.

8.13 The student will be notified in writing of the decision of the CEO on the appeal within 20 days of receipt of the appeal. The decision of the CEO is final and the student will be issued with a Completion of Procedures letter.

9. Disciplinary Panel hearings: General Provisions

Representation and Accompaniment

- 9.1 Italia Conti is committed to ensuring students are properly supported and recognises that facing an allegation of misconduct can be very stressful for a student. Provision is therefore made to support students throughout the processes at all stages.
- 9.2 The student must give notice in writing to the Secretary of the Disciplinary Panel,⁴ at least 48 hours in advance of a hearing of the Panel, of the name of the person who is to represent and/or accompany the student at the hearing.
- 9.3 If the student wishes to be represented and/or accompanied by an individual not listed in section 4.2 it is at the discretion of the Chair of the Disciplinary Panel as to whether this will be permitted.
- 9.4 The Chair of the Disciplinary Panel has the discretion to refuse to permit a representative to attend where prior written notice has not been given.
- 9.5 The Chair of the Disciplinary Panel has the ultimate discretion to accept or reject an application for alternative representation and their decision will be final. Where the Chair determines that an application for alternative representation be rejected, the reasons will be provided in writing.

Witnesses and evidence

- 9.6 The student may present documentary material and/or witnesses in their defence or mitigation to the Disciplinary Panel. The student may submit any personal written statement and/or supporting evidence/witness statements to the Panel for consideration. Any such documentation should normally be submitted by the student to the Secretary of the Panel not less than 48 hours before the Panel hearing, to allow for circulation to members for consideration prior to the hearing. Any such documentation submitted after this deadline will only be accepted at the discretion of the Chair of the Panel, where the Chair is satisfied that it is reasonable to do so and that doing so will not unduly compromise the proceedings.
- 9.7 The ruling of the Chair of the Disciplinary Panel shall be final on the admission of all evidence at the hearing, including the admission of written evidence and of oral evidence from witnesses or other parties at the hearing. This shall include the power to refuse to admit evidence or hear witnesses on the basis of lack of relevancy. The Chair of the Panel has the sole discretion to determine to proceed with a hearing or adjourn it, in the absence of any particular witness.

Adjournment

- 9.8 The Chair has the discretion to adjourn the hearing where the timeframes for providing documentation, or notifying witnesses, or for other good cause, have not been met.
- 9.9 Where the student is unable to attend the hearing and wishes to attend, they may request a deferral of the hearing at the earliest opportunity and in any case at least 48 hours before the hearing, by contacting the Secretary of the Disciplinary Panel in writing (this includes via email). The student must state the reason(s) for the request,

⁴ The student will be provided with contact details when notified in writing of the decision to hold a Hearing.

and the Secretary will forward the request to the Chair of the Panel. Where appropriate and applicable, the Chair of the Panel may request that the student forward supporting evidence. Deferrals will only be granted where the Chair of the Panel is satisfied that reasonable grounds (e.g. illness, bereavement) exist to prevent the student from attending the hearing. The Chair of the Panel has the ultimate discretion to grant or refuse a request for a hearing to be deferred.

9.10 In the circumstance that the student and/or any other relevant parties are unable to attend, it will be at the discretion of the Chair of the Disciplinary Panel as to whether the proceedings may continue or whether any other action (e.g. a rescheduling of the hearing or the opportunity to make further written submissions) is necessitated. Where a student is for good reason unable to attend a hearing on the scheduled date, a new date will normally be offered.

10. Stage 2: Disciplinary Panel Hearing

10.1 Where a Course Leader refers a report of alleged misconduct to a Disciplinary Panel, the report will be referred to the Senior Leadership Team who will make the arrangements for the Panel, including the appointment of the Disciplinary Panel members.

10.2 The Panel will be served by a Secretary, appointed by the CEO of Italia Conti, who shall be a member either of the Italia Conti Head Office or a member of the Senior Leadership Team.

10.3 The Secretary shall act as note-taker and shall advise the Disciplinary Panel regarding procedural matters but shall not take part in any decision-making.

Terms of Reference

10.4 The terms of reference of the Disciplinary Panel are:

- a) to consider cases referred to it by the Course Leader, in order to determine whether an allegation of misconduct or unprofessional behaviour has been substantiated on the balance of probabilities, and to determine appropriate outcomes and action in accordance with these procedures;
- b) to advise the Italia Conti Academic Quality Board on disciplinary matters or any related issues that may arise from the Panel proceedings.

Membership of the Disciplinary Panel

10.5 The membership of the Disciplinary Panel will be:

- a) a Chair, who shall be a senior member of Italia Conti's staff, unconnected with the student's programme of study⁵, or a senior member of staff from another Italia Conti department approved by Italia Conti's Academic Board.
- b) two other members, unconnected with the student's programme of study, who shall normally be either members of staff of Italia Conti or of one of Italia Conti's partner institutions.

⁵ The Chair of the Disciplinary Panel may be a member of teaching staff or non-teaching staff, with authority to chair the Disciplinary Panel granted by the Italia Conti Academic Board.

10.6 No one will serve on the Disciplinary Panel who has had formal involvement in any previous consideration of the allegation of, or a connection to, the misconduct to be considered by the Panel. Panel members must be in a position to act and be seen to act impartially in relation to the student and the allegation being considered.

Disciplinary Panel

10.7 In the event of a Disciplinary Panel being convened, written notice of the following will normally be sent to the student at least 10 days in advance of the hearing:

- a) The date of the Panel hearing;
- b) The names of the Panel members and any witnesses/expert advisers to be called by Italia Conti;
- c) The name and contact details of the Secretary to the Panel;
- d) All documentary evidence, including the Preliminary Enquiry Report and copies of any witness statements;
- e) The names of any witnesses the student has already informed Italia Conti that they wish to call;
- f) Notification of the rules governing the conduct of hearings, as set out in this Policy, including the right to be accompanied / represented.

Disciplinary Panel Hearing

10.8 All parties will normally be present at the Disciplinary Panel hearing at the same time, unless any reasonable adjustment is required which would preclude this.

10.9 The Italia Conti representative will normally present the concerns with regard to the conduct of the student to the Disciplinary Panel first, and call any witnesses; however, it is at the discretion of the Chair of the Panel to invite parties to speak as they deem it appropriate.

10.10 The student (or their representative) will be invited to reply to the allegation(s) and may call witnesses. The student shall also be invited to present to the Panel any mitigating circumstances which the student considers to be relevant to the case.

10.11 At the conclusion of all presentations and questions, the student and/or (or their representative) may address the Panel and make a closing statement.

10.12 The deliberations of the Panel are confidential, and will be held in private, with only the Secretary and the Panel present. The Panel will determine on the balance of probabilities its findings and decision(s).

10.13 A decision of the Disciplinary Panel will be reached by a majority vote of the members of the Panel present at the hearing but will be announced as a decision of the Panel. The votes of the individual Panel members will be treated as confidential.

10.14 The Panel will endeavour to reach a decision and findings without adjournment. However, in the event that the Panel determines at any point during the proceedings that it needs further information in order to reach a decision or for other good cause, it shall adjourn the case. The student will be notified of the adjournment normally within 24 hours of the decision to adjourn, and the Secretary to the Panel will endeavour to collect the respective information the Panel considers it needs to reach a decision.

10.15 For the purpose of the hearing, a decision on any point of procedure by the Chair of the Panel will be binding.

Findings

10.16 Firstly, the Panel will determine whether the alleged misconduct on the part of the student has occurred by making the following finding:

- a) whether any misconduct allegation(s) have been substantiated.
- b) whether there are any other or further concerns which have emerged which require further investigation.

Decision

10.17 Once the Disciplinary Panel has reached its findings as above, it will determine any relevant action, as stated below:

- any appropriate penalties which should be applied to the student as set out in paragraph 10.19;
- any action deemed necessary by either the student and/or Italia Conti;
- whether there are any matters which should be referred under alternative Italia Conti procedures.

General considerations when determining findings and reaching decisions

10.18 As part of its decision-making, the following factors may be taken into consideration by the Disciplinary Panel in reaching findings and determining an appropriate penalty:

- The severity of the offence, including any aggravating factors resulting from its impact;
- The student's engagement with Italia Conti during the misconduct process
- Whether there is any evidence of malicious intention;
- The number of previous and/or contemporaneous misconduct offences, both non-academic and academic;
- Whether the student has had any concerns about conduct drawn to their attention prior to this instance;
- Whether the student is in receipt of any formal warnings, or any other Italia Conti sanctions;
- Any mitigating circumstances and/or aggravating factors which are accepted by the Panel.

Penalties

10.19 Where the Disciplinary Panel determines that an allegation of misconduct or unprofessional conduct has been substantiated on the balance of probabilities, the Panel may impose one or more of the following penalties:

- a) A formal written warning or a final written warning (for a repeated offence);
- b) A formal written reprimand;
- c) A requirement to make a verbal/written apology to any party concerned, as, and if, appropriate;
- d) The payment by the student of compensation for damage or loss caused, which shall not exceed the value of any damage caused or loss incurred;
- e) Withdrawal of privileges (particularly any privileges abused by the offender) for a period not exceeding one month;

- f) Requirement to remove material published either in hard copy or electronically which is deemed to be inappropriate;
- g) Set conditions or expectations for the student's future behaviour;
- h) Mandatory attendance at a workshop or course within a specified time period⁶
- i) Restorative action such as a reflective statement or project;
- j) Restricted ability to contact the complainant, where the complainant is a student or member of staff of Italia Conti;
- k) Requiring that the student does not represent Italia Conti in a paid or unpaid capacity for a specified period of time. This could include employment by Italia Conti on a contractual or casual basis, or representing Italia Conti in voluntary roles such as student ambassador or similar;
- l) Conditions for the continuation of student status;
- m) Exclusion from, or restrictions concerning, participation in specified activities (including external programme-related activities) or use of specified facilities of Italia Conti for a stated period. Conditions for return to those activities may be specified;
- n) The suspension of the student's studies, in whole or in part, for a specified period or until an agreed review date;
- o) Permanent exclusion / removal of student status with or without the right to reregister for any further programme of study with Italia Conti;
- p) Such other penalty as may be deemed appropriate, provided that the penalty is both proportionate and relevant to the offence.

10.20 Penalties listed above are non-exhaustive and will be applied on a case-by-case basis, taking into account the circumstances of each offence, including any aggravating or mitigating factors, and any established precedents. More than one penalty may be applied simultaneously as deemed appropriate by the Disciplinary Panel.

10.21 The Disciplinary Panel may order that any measures agreed will be imposed immediately, or that the imposition should be deferred. The conditions of any such deferment will be clearly stated as part of the decision of the Panel. The imposition may be contingent upon the student failing to fulfil any conditions set.

10.22 The Disciplinary Panel will have the discretion to indicate a point in the future and/or the conditions under which a substantiated allegation of misconduct may be considered spent. Once spent, any record(s) of the offence will be removed from the student's file.

10.23 Where a student wishes to complain about, or disagrees with, a decision or finding(s) of the Disciplinary Panel, they must submit an appeal in accordance with section 11 of this Policy. An appeal must be made under one of the stated grounds, normally within 14 days of the date of the Hearing Outcome Letter. The decision of the Disciplinary Panel stands until and unless it is overturned following a successful appeal.

Hearing Outcome Letter

10.24 The Secretary to the Disciplinary Panel will send a Hearing Outcome Letter to the student, normally within 7 days of the date of the hearing. The Disciplinary Panel

⁶ Where a student is required to complete a workshop, course or restorative exercise, this may result in a delay to graduation. The Disciplinary Panel, or of the Disciplinary Appeals Panel will consider potential additional consequences when determining penalties and will ensure that sanctions remain proportionate.

Hearing Outcome Letter will set out the decision(s) of the Panel and the reasons for the decision(s) and provide information on the right of appeal.

10.25 The decision(s) and findings of the Panel will also be communicated in writing to the Italia Conti representative and any other parties the Chair deems necessary and appropriate, normally within 7 days of the date of the hearing.

10.26 Should the Disciplinary Panel determine that the allegation(s) and/or concerns were not established, or without foundation, that decision will be communicated to all persons involved in the case, normally within 7 days of the date of the hearing.

10.27 A copy of the Hearing Outcome letter will be placed on the student's file. The student will also be advised that the finding(s) and decision(s) of the Panel may be taken into consideration in the event of a future finding of misconduct or unprofessional behaviour under this Policy. The finding(s) and decision(s) of the Panel may also be taken into consideration by Italia Conti when determining whether to exercise powers of temporary exclusion or suspension in the future.

11. Stage 3: Appeals to the Disciplinary Appeals Panel

Grounds of Appeal

11.1 Following a hearing of the Disciplinary Panel, a student may submit an appeal against the decision(s) of the Panel, under one or more of the following grounds:

- there has been procedural irregularity i.e. that some rules or procedures were not applied correctly;
- there was prejudice or bias on the part of a decision-maker;
- the decision(s) is/are unreasonable and/or the sanction or outcome disproportionate;
- the student has material new information/evidence which was not reasonably available before, and which warrants further consideration by a Disciplinary Appeals Panel.

11.2 An appeal must be made under one of the stated grounds, normally within 14 days of the date of the Hearing Outcome Letter. Appeals submitted after this deadline may be rejected for being out of time. Appeals which do not state any grounds may also be summarily rejected. Students should be advised that a mere restatement of their case will not be sufficient grounds for granting an appeal hearing.

11.3 To make an appeal, the student should submit an appeal form, together with any supporting documentation/evidence which they consider should be taken into account, to the CEO who will either act as the Disciplinary Appeal Reviewer or delegate the role to another senior member of staff. Students must include with their appeal all documentation that they wish the Disciplinary Appeal Reviewer to consider.

11.4 The Disciplinary Appeal Reviewer may for good cause extend the time period in which the student may submit an appeal.

11.5 There are two stages to the appeal process:

- 1) The Disciplinary Appeals Reviewer will consider the appeal submission and determine whether there are valid grounds to proceed;

- 2) Where the Disciplinary Appeal Reviewer is satisfied that the submission discloses grounds, a Disciplinary Appeals Panel will be convened to give further consideration to the appeal.
- 11.6 Where the Disciplinary Appeal Reviewer finds that the appeal submission discloses grounds, the Reviewer will notify the student in writing of this decision, normally within 21 days of receipt of the appeal submission and will refer the case to the Disciplinary Appeals Panel Secretary to organise a Disciplinary Appeals Panel. The student will be invited to submit any additional documentation or statements that they wish to have considered by the Panel at the point they are notified of the hearing.

Cases which are rejected by the reviewer for failing to disclose any grounds

- 11.7 Where the Disciplinary Appeal Reviewer finds that the appeal submission does not disclose grounds, the Reviewer will reject the appeal. The reasons will be set out in the Appeal Outcome Letter, and the original decision(s) and finding(s) of the Disciplinary Panel will stand. The Appeal Outcome Letter will be sent normally within 21 days of receipt of the appeal submission, and either simultaneously or shortly after, the student will be issued with a Completion of Procedures Letter, normally no more than 14 days after the date of the Appeal Outcome Letter. On receipt of the Completion of Procedures letter, the student will have recourse to take their complaint to the Office of the Independent Adjudicator.

Disciplinary Appeals Panel

Terms of Reference

- 11.8 The appeal will take the form of a review of the decision of the Disciplinary Panel. The Terms of Reference of the Disciplinary Appeals Panel are:
- a) To consider cases referred to it by the Disciplinary Appeal Reviewer, in order to determine whether the grounds of appeal cast doubt upon the reliability of the decision(s) arrived at by the original Disciplinary Panel;
 - b) To determine appropriate outcomes and action in accordance with these procedures;
 - c) To advise the Italia Conti Board on disciplinary matters or any related issues that may arise from the Disciplinary Appeals Panel proceedings.

Membership of the Disciplinary Appeals Panel

- 11.9 The membership of the Disciplinary Appeals Panel will be appointed by the CEO of Italia Conti, and will be:
- a) A Chair, usually the CEO or a member of the Senior Leadership Team
 - b) A senior member of staff from Italia Conti, to be drawn from senior staff of another department from that of the student's programme;
 - d) Another member, who shall be either a member of staff of Italia Conti or from a partner university or organisation. A member of the governing body may also be invited to be part of the panel.
- 11.10 The Panel will be served by a Secretary who will act as note-taker and shall advise the Disciplinary Appeals Panel regarding procedural matters but shall not take part in any decision-making.

- 11.11 No one will serve on the Disciplinary Appeals Panel who has had formal involvement in any previous consideration of the allegation, or a connection to, the misconduct to be considered by the Panel. Panel members must be in a position to act and be seen to act impartially in relation to the student and the case being considered. The CEO may serve as Panel Chair or a Panel member if they have not been involved in the case, or its consideration under this Policy.
- 11.12 Any member appointed to a Disciplinary Appeals Panel who considers that there is or that there appears to be a conflict of interest or compromise in their serving on the Panel shall notify the Secretary to the Disciplinary Appeals Panel. The Secretary shall then determine whether a replacement Panel member should be appointed.
- 11.13 In the circumstance that the student and/or any other relevant parties are unable to attend, it will be at the discretion of the Chair of the Disciplinary Appeals Panel as to whether the appeal proceedings may continue or whether any other action (e.g. a rescheduling of the hearing or the opportunity to make further written submissions) is necessitated. Where a student is for good reason unable to attend a hearing on the scheduled date, a new date will normally be offered.

Proceedings of the Disciplinary Appeals Panel

- 11.14 The Disciplinary Appeals Panel will receive a copy of the student's appeal, together with all of the papers considered by the Disciplinary Panel.
- 11.15 The Disciplinary Appeals Panel will normally consider the appeal on the papers only, unless the Panel decides that it wishes to convene a hearing. If a hearing is held the student and a representative of Italia Conti, normally the Chair of the Disciplinary Panel, will be invited to attend, along with any witnesses the Disciplinary Appeals Panel wishes to hear from.
- 11.16 If the Disciplinary Appeals Panel decides that a hearing should be held, the student will be given at least 10 days' notice of the date and time of the hearing and will receive a copy of all papers to be considered by the Panel.
- 11.17 The Disciplinary Appeals Panel will determine its own procedure, ensuring that where a hearing takes place both the Italia Conti representative and the student are given fair and adequate opportunity to make any representations and to respond to questions.
- 11.18 The deliberations of the Disciplinary Appeals Panel are confidential, and will be held in private, with only the Secretary and the Panel present. The Panel will determine on the balance of probabilities its findings and decision(s), in accordance with these procedures.
- 11.19 A decision of the Disciplinary Appeals Panel will be reached by a majority vote of the members of the Panel present but will be announced as a decision of the Panel. The votes of the individual Panel members will be treated as confidential.

Disciplinary Appeals Panel Outcomes

Finding(s)

11.20 The Disciplinary Appeals Panel will determine whether the grounds of appeal have been met and therefore whether the appeal should be upheld, by making one of the following finding(s):

- a) That there is sufficient evidence to demonstrate, on the balance of probabilities, that one or more of the grounds of appeal have been met, which warrants a review of the decision(s) and/or finding(s) of the Disciplinary Panel, and therefore **the appeal is upheld**.
- b) That there is no evidence, insufficient evidence, and/or that the Disciplinary Appeals Panel is not satisfied, on the balance of probabilities, that one or more of the grounds of appeal have been met, that therefore the original decision of the Disciplinary Panel stands, and therefore **the appeal is not upheld**.

11.21 Once the Disciplinary Appeals Panel has reached its findings as above, it will take any relevant action, as articulated below:

- dismiss the appeal (in whole or part); or
- uphold the appeal (in whole or part) and:
 - refer the matter back to an earlier stage of the procedure for reconsideration, e.g. if the procedure had not been followed;
 - refer the matter back to an earlier stage of the procedure for fresh consideration, e.g. if material new information or evidence was made available; or
 - impose an alternative sanction(s) from the list set out at section 10.19.

In reaching finding(s)

11.22 As part of its decision-making, the Disciplinary Appeals Panel will take the following into account:

- a) Whether the evidence is of sufficient significance to cast doubt upon the reliability of the finding(s) and/or decision(s) arrived at by the original Disciplinary Panel;
- b) Whether there are any other or further concerns which have emerged which require further investigation or warrant referral under another procedure (e.g. Support Through Studies Policy).

In reaching decision(s)

- Whether any penalties previously handed down to the student warrant amendment (including an increase in severity, where fair and reasonable in the event of new evidence or information), or rescindment;
- any action deemed necessary by either the student and/or Italia Conti;
- whether there are any matters which should be referred under alternative Italia Conti procedures.

General considerations when determining findings and reaching decisions

- The severity of the offence, including any aggravating factors resulting from its impact;
- The student's engagement with Italia Conti during the disciplinary and appeals process;
- Any evidence of malicious intention;
- The number of previous and/or contemporaneous misconduct offences, both non-academic and academic;
- Whether the student has had any concerns about their conduct drawn to their attention prior to this instance of misconduct concerns;
- Whether the student is in receipt of any formal warnings or any other Italia Conti sanctions;
- Any mitigating circumstances and/or aggravating factors which are accepted by the Panel.

11.23 The Disciplinary Appeals Panel will have the discretion to indicate a point in the future and/or the conditions under which a substantiated allegation of misconduct which it has determined should stand following an appeal hearing, may be considered spent. Once spent, any record(s) of the offence will be removed from the student's file.

Appeal Outcome Letter

11.24 The outcome of the appeal will be notified to the student in writing in an Appeal Outcome Letter sent by the Secretary for the Disciplinary Appeal Panel within 7 days of the determination of the appeal. The Appeal Outcome Letter will set out the decision(s) of the Panel and the reasons for the decision(s), and will provide information on Completion of Procedures.

12. Completion of Procedures & Office of the Independent Adjudicator

12.1 If an appeal is not upheld or is not permitted to proceed under the grounds of appeal a Completion of Procedures letter will be issued within 14 days of the Appeal Outcome Letter.

12.2 The guidance published by the Office of the Independent Adjudicator shall be followed in the issuing of Completion of Procedures Letters to students in respect of these procedures⁷.

12.3 Where a student wishes to complain about, or disagrees with, a decision or finding(s) of the Disciplinary Appeals Panel, they will have recourse to take their complaint to the Office of the Independent Adjudicator for Higher Education (OIA) (<http://www.oiahe.org.uk>) for external review in accordance with the rules to which the OIA scheme operates.

⁷ <http://www.oiahe.org.uk/providers-and-good-practice/completion-of-procedures-letter.aspx>

Disciplinary Appeals Panel

Terms of Reference

12.4 The appeal will take the form of a review of the decision of the Disciplinary Panel. The Terms of Reference of the Disciplinary Appeals Panel are:

- e) To consider cases referred to it by the Disciplinary Appeal Reviewer, in order to determine whether the grounds of appeal cast doubt upon the reliability of the decision(s) arrived at by the original Disciplinary Panel;
- f) To determine appropriate outcomes and action in accordance with these procedures;
- g) To advise the Italia Conti Board on disciplinary matters or any related issues that may arise from the Disciplinary Appeals Panel proceedings.

Membership of the Disciplinary Appeals Panel

12.5 The membership of the Disciplinary Appeals Panel will be appointed by the CEO of Italia Conti, and will be:

- c) A Chair, usually a member of Italia Conti's governing body;
- d) A senior member of staff from Italia Conti, to be drawn from senior staff of another department from that of the student's programme;
- e) Another member, who shall be either a member of staff of Italia Conti or from a partner university or organisation.

12.6 The Panel will be served by a Secretary who will act as note-taker and shall advise the Disciplinary Appeals Panel regarding procedural matters but shall not take part in any decision-making.

12.7 No one will serve on the Disciplinary Appeals Panel who has had formal involvement in any previous consideration of the allegation, or a connection to, the misconduct to be considered by the Panel. Panel members must be in a position to act and be seen to act impartially in relation to the student and the case being considered. The CEO may serve as Panel Chair or a Panel member if they have not been involved in the case, or its consideration under this Policy.

12.8 Any member appointed to a Disciplinary Appeals Panel who considers that there is or that there appears to be a conflict of interest or compromise in their serving on the Panel shall notify the Secretary to the Disciplinary Appeals Panel. The Secretary shall then determine whether a replacement Panel member should be appointed.

12.9 In the circumstance that the student and/or any other relevant parties are unable to attend, it will be at the discretion of the Chair of the Disciplinary Appeals Panel as to whether the appeal proceedings may continue or whether any other action (e.g. a rescheduling of the hearing or the opportunity to make further written submissions) is necessitated. Where a student is for good reason unable to attend a hearing on the scheduled date, a new date will normally be offered.

Proceedings of the Disciplinary Appeals Panel

- 12.10 The Disciplinary Appeals Panel will receive a copy of the student's appeal, together with all of the papers considered by the Disciplinary Panel.
- 12.11 The Disciplinary Appeals Panel will normally consider the appeal on the papers only, unless the Panel decides that it wishes to convene a hearing. If a hearing is held the student and a representative of Italia Conti, normally the Chair of the Disciplinary Panel, will be invited to attend, along with any witnesses the Disciplinary Appeals Panel wishes to hear from.
- 12.12 If the Disciplinary Appeals Panel decides that a hearing should be held, the student will be given at least 10 days' notice of the date and time of the hearing and will receive a copy of all papers to be considered by the Panel.
- 12.13 The Disciplinary Appeals Panel will determine its own procedure, ensuring that where a hearing takes place both the Italia Conti representative and the student are given fair and adequate opportunity to make any representations and to respond to questions.
- 12.14 The deliberations of the Disciplinary Appeals Panel are confidential, and will be held in private, with only the Secretary and the Panel present. The Panel will determine on the balance of probabilities its findings and decision(s), in accordance with these procedures.
- 12.15 A decision of the Disciplinary Appeals Panel will be reached by a majority vote of the members of the Panel present but will be announced as a decision of the Panel. The votes of the individual Panel members will be treated as confidential.

Disciplinary Appeals Panel Outcomes

Finding(s)

- 12.16 The Disciplinary Appeals Panel will determine whether the grounds of appeal have been met and therefore whether the appeal should be upheld, by making one of the following finding(s):
- c) That there is sufficient evidence to demonstrate, on the balance of probabilities, that one or more of the grounds of appeal have been met, which warrants a review of the decision(s) and/or finding(s) of the Disciplinary Panel, and therefore **the appeal is upheld**.
 - d) That there is no evidence, insufficient evidence, and/or that the Disciplinary Appeals Panel is not satisfied, on the balance of probabilities, that one or more of the grounds of appeal have been met, that therefore the original decision of the Disciplinary Panel stands, and therefore **the appeal is not upheld**.
- 12.17 Once the Disciplinary Appeals Panel has reached its findings as above, it will take any relevant action, as articulated below:
- dismiss the appeal (in whole or part); or
 - uphold the appeal (in whole or part) and:
 - refer the matter back to an earlier stage of the procedure for reconsideration, e.g. if the procedure had not been followed;

- refer the matter back to an earlier stage of the procedure for fresh consideration, e.g. if material new information or evidence was made available; or
- impose an alternative sanction(s) from the list set out at section 10.19.

In reaching finding(s)

12.18 As part of its decision-making, the Disciplinary Appeals Panel will take the following into account:

- c) Whether the evidence is of sufficient significance to cast doubt upon the reliability of the finding(s) and/or decision(s) arrived at by the original Disciplinary Panel;
- d) Whether there are any other or further concerns which have emerged which require further investigation or warrant referral under another procedure (e.g. Support Through Studies Policy).

In reaching decision(s)

- Whether any penalties previously handed down to the student warrant amendment (including an increase in severity, where fair and reasonable in the event of new evidence or information), or rescindment;
- any action deemed necessary by either the student and/or Italia Conti;
- whether there are any matters which should be referred under alternative Italia Conti procedures.

General considerations when determining findings and reaching decisions

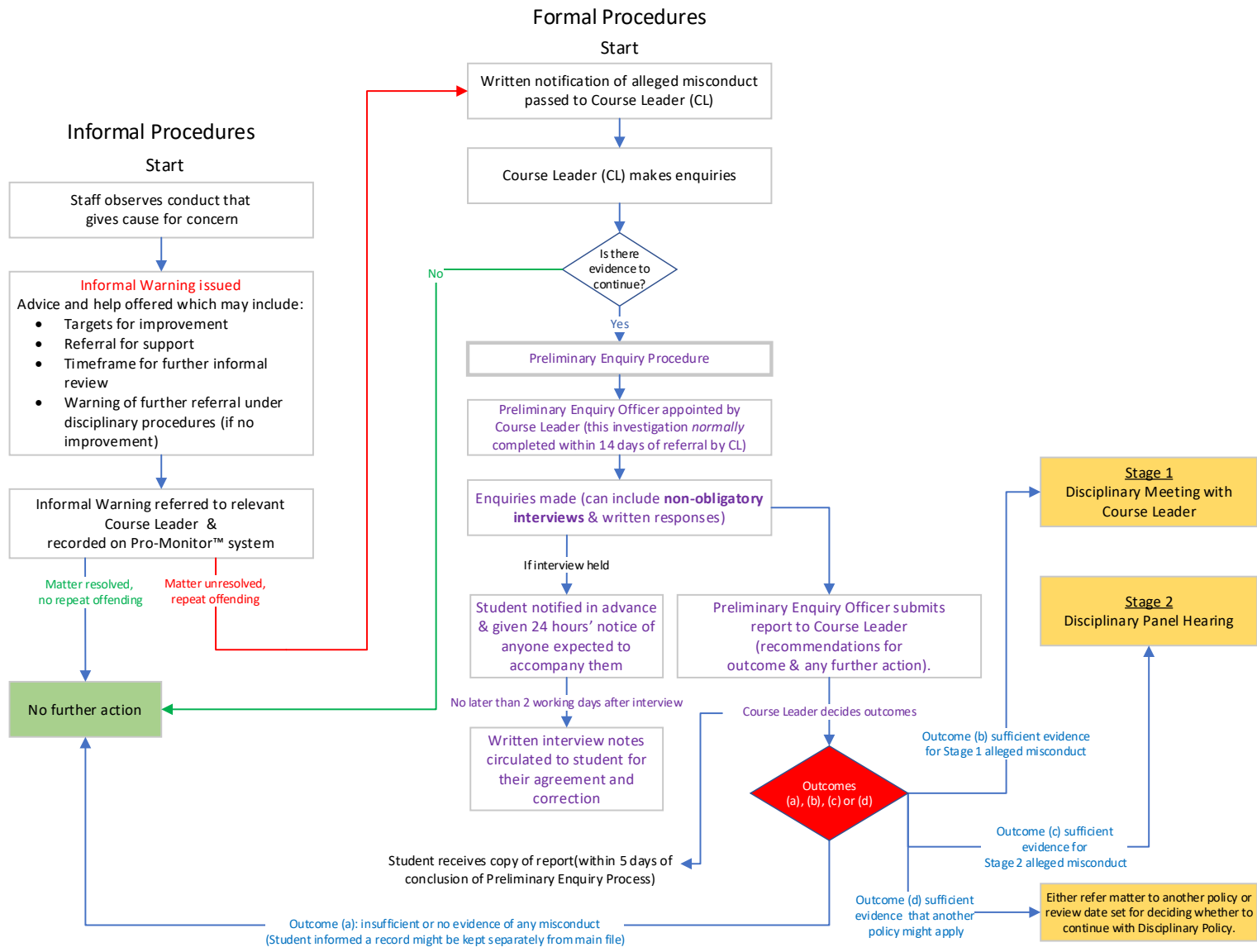
- The severity of the offence, including any aggravating factors resulting from its impact;
- The student's engagement with Italia Conti during the disciplinary and appeals process;
- Any evidence of malicious intention;
- The number of previous and/or contemporaneous misconduct offences, both non-academic and academic;
- Whether the student has had any concerns about their conduct drawn to their attention prior to this instance of misconduct concerns;
- Whether the student is in receipt of any formal warnings or any other Italia Conti sanctions;
- Any mitigating circumstances and/or aggravating factors which are accepted by the Panel.

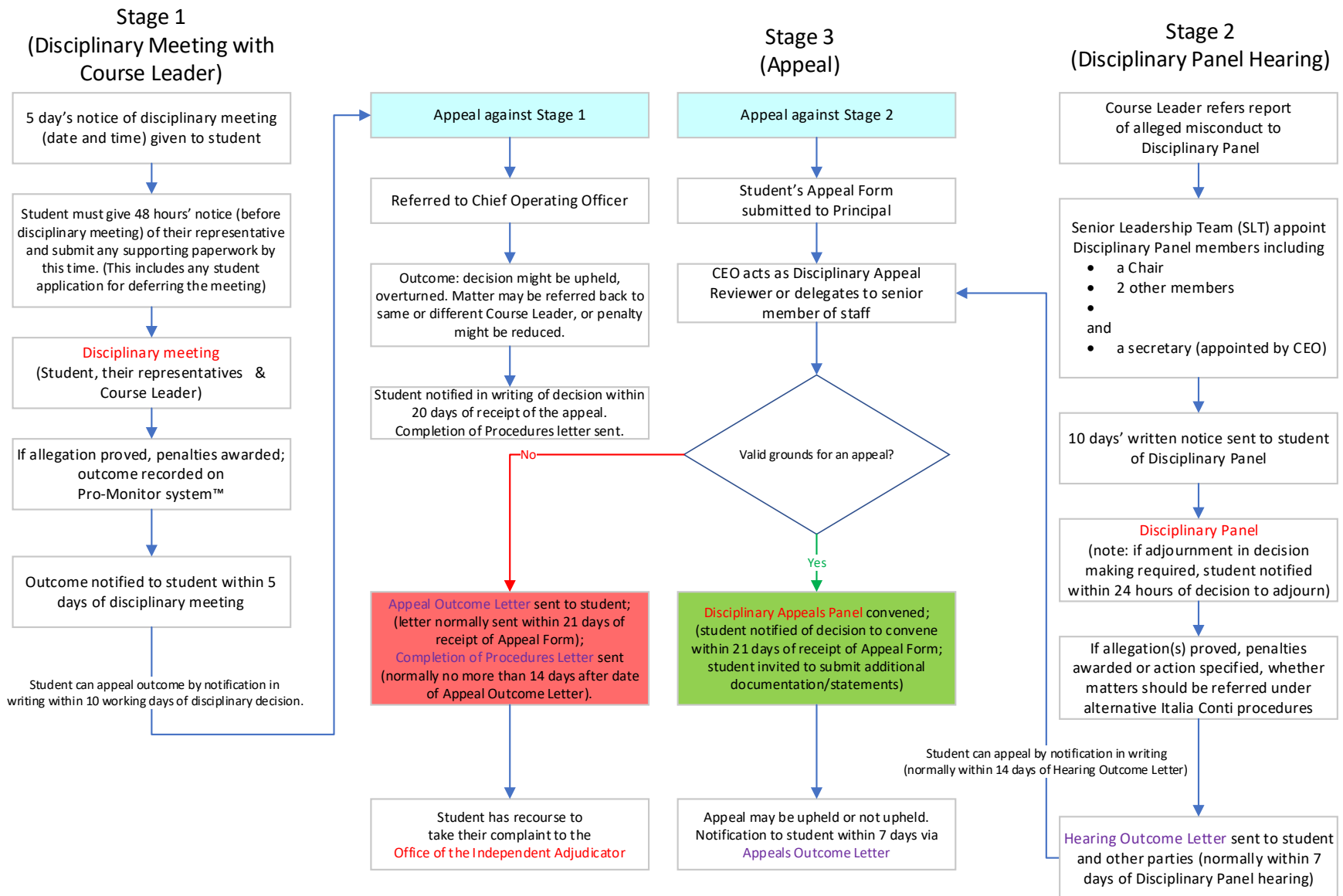
12.19 The Disciplinary Appeals Panel will have the discretion to indicate a point in the future and/or the conditions under which a substantiated allegation of misconduct which it has determined should stand following an appeal hearing, may be considered spent. Once spent, any record(s) of the offence will be removed from the student's file.

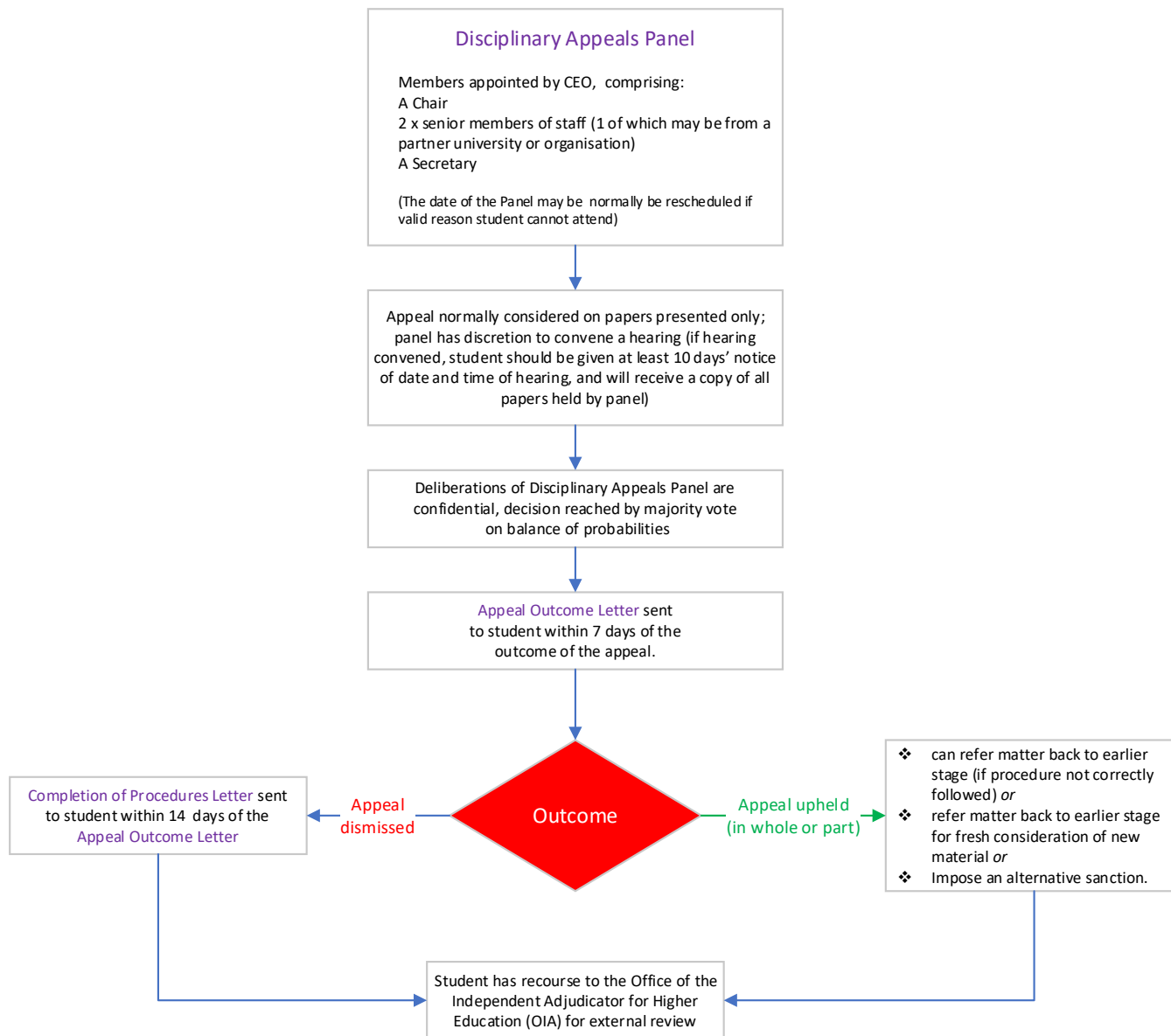
Appeal Outcome Letter

12.20 The outcome of the appeal will be notified to the student in writing in an Appeal Outcome Letter sent by the Secretary for the Disciplinary Appeal Panel within 7 days of the determination of the appeal. The Appeal Outcome Letter will set out the decision(s) of the Panel and the reasons for the decision(s) and will provide information on Completion of Procedures.

Appendix: Flow chart







END