

TEDI-LONDON

STUDENT DISCIPLINE POLICY

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| Summary | This Policy sets out the way TEDI-London will manage concerns about student misconduct, not related to an academic matter. | | |
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| Policy Sponsor | Academic Board | | |
| Policy applies to | All students of TEDI-London and staff involved in dealing with student discipline. | | |
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1. INTRODUCTION

- 1.1. This Policy sets out the way TEDI-London will manage concerns about non-academic student misconduct. Concerns relating to academic misconduct, such as cheating, plagiarism and collusion will be dealt with under the [Academic Integrity Policy](#).
- 1.2. This Policy enables TEDI-London to consider whether there has been a breach of expected behaviours as outlined in the Student Charter, or a breach of any of our policies. If necessary, it allows us to impose proportionate sanctions. The procedure enables us to respond appropriately to breaches of our rules to protect the TEDI-London community. It does not exist to resolve personal disputes.

2. POLICY STATEMENT

- 2.1. There is an expectation that all members of the TEDI-London community uphold our values, which are: inspiring, courageous, collaborative, inclusive and with integrity. Good conduct is important in safeguarding students and staff, and promoting well-being, equality, and fairness. The TEDI-London Student Charter explains what is meant by good conduct and outlines the support that you can expect from us.

3. SCOPE OF THIS POLICY

- 3.1. This Policy covers all students of TEDI-London. This means a student registered for an award of TEDI-London or an exchange student taking TEDI-London modules for credit as part of their programme elsewhere. We reserve the right to discipline former students of TEDI-London under this Policy for up to one year following the completion of their studies.
- 3.2. This Policy applies when you are on campus or involved in our events. It also applies to behaviour off campus, including on social media, where it reflects on us as an organisation and our reputation.
- 3.3. This is an internal policy and does not have the same degree of formality as proceedings in a court of law. It is not normally necessary or appropriate for you

or us to be legally represented at any meetings that form part of the procedure. However, you may of course choose to access and use legal representatives, at your own cost, in relation to this procedure. But they will not be able to attend meetings.

- 3.4. The standard of proof used when making determinations under this Policy is on the balance of probabilities. This means that it is necessary to prove that it is more likely than not that misconduct has occurred before we make a decision as to the imposition of any sanctions. Decisions must be supported by evidence/reasoning; it will not be sufficient to simply believe that something is likely to have happened. This requirement means that there may be some cases in which we decide that it is not appropriate to take or continue action under this Policy.

4. EQUAL OPPORTUNITIES

- 4.1. This Policy will be operated in accordance with TEDI-London's Equal Opportunities Statement [link].
- 4.2. Reasonable adjustments may be made to the procedure to allow fair access if you have a disability. Student Hub colleagues can help you with reasonable adjustments.
- 4.3. We will not treat you less favourably and you will not or suffer any detriment or disadvantage if you are accused of misconduct, regardless of the outcome. Wherever possible, our Disciplinary Panels will be diverse.

5. CONFIDENTIALITY

- 5.1. Student Discipline cases will be handled with an appropriate level of confidentiality, with information released only to those who need it for the purposes of the allegation.
- 5.2. Where it is necessary to obtain information from a third party in relation to the allegation, we will only give them as much detail as is necessary to obtain the information required from them.

6. DEFINITIONS USED IN THIS POLICY

- 6.1. Misconduct is defined as an unjustified or illegal action which, whether intentionally or not, cause, or may cause, injury, harm, or damage to members of our community or the public, our visitors or property, activities, or reputation. This includes actions which obstruct or prevent our ability to function properly or hamper any of our community from pursuing study or work. A non-exhaustive list of disciplinary offences is provided in [section 10](#).

7. ROLES AND RESPONSIBILITIES

- 7.1. You are responsible for ensuring that you are aware of the expectations on you as outlined in the Student Charter, and your behaviour or actions do not contravene these.
- 7.2. If accused of misconduct, you are responsible for ensuring that you respond to any requests to attend meetings and comply with any sanctions given.
- 7.3. As part of the TEDI-London community, you also have a duty to report any concerns you might have about other students' conduct.
- 7.4. You should inform us of any breaches of the law that occur during your programme of study.
- 7.5. The Registry is responsible for receiving cases of alleged misconduct and for arranging for their investigation.
- 7.6. The final decision regarding a matter raised under this Student Discipline Policy or any of the associated Policies will be the final decision of TEDI-London; there is no right to further consideration of the same matter under a different associated Policy.

8. SOURCES OF SUPPORT

- 8.1. We recognise that witnessing or being accused of misconduct can be stressful. We will consider the potential effects upon you and, where possible, minimise

these effects. You will receive information about how to access support. The appropriate support will depend on the circumstances of the case and may be delivered by TEDI-London's Student Hub, the King's College London Students' Union Advice Service, or external support organisations.

9. DISCIPLINARY PROCESS TIMEFRAMES

- 9.1. We appreciate that being accused of misconduct can be stressful, we are therefore committed to ensuring that the Disciplinary process can be completed as quickly as possible, whilst also ensuring that we conduct a thorough investigation.
- 9.2. We will complete the initial investigation and formal stage of the process within 43 working days of the allegation being made to you. We will hear any appeal within 21 working days of you making the appeal.
- 9.3. Timescales may need to be extended if the case being considered is complex. You will be kept informed of any delays to the process throughout.

10. TYPES OF MISCONDUCT

- 10.1. Examples of misconduct that may lead to the Student Discipline Process being invoked include, but are not limited to:
 - a. breach of any TEDI-London regulation or policy (including this regulation or failure to comply with its procedures or any sanctions imposed) or failure to observe provisions of any code or policy
 - b. any action likely to cause injury to anyone on TEDI-London premises
 - c. violence or threats of violence towards any member of the TEDI community
 - d. sexual misconduct, including any sexual contact that takes place without consent
 - e. bullying, harassment or other inappropriate behaviour towards staff or students including via e-mail, telephone and writing or through use of social networks or similar sites
 - f. inappropriate posting or distributing of advertising or other unsolicited materials or notices on TEDI-London premises, web domains, or mailing lists

- g. fraud, deception or dishonesty towards TEDI-London, its members or visitors, including repeated or serious cases of academic misconduct
- h. theft or misuse of property or participation in wilful or negligent damage to such property or that of others on the premises and/or failure to make good such damage, or misuse of premises
- i. failure to comply with Health and Safety rules
- j. possession, storage, sale, use or misuse of any controlled drug
- k. possession and/or use of a rifle or gun, including airgun, and/or offensive or dangerous weapon on the premises
- l. disorderly, riotous, violent, indecent, intimidating behaviour or language, whether or not there is any criminal charge or conviction for this
- m. hate speech, i.e. abuse or threats intended to harass, alarm or distress a person because of hatred of a person's race or ethnicity, religion or belief, sexual orientation, gender identity or disability
- n. conduct likely to bring TEDI-London into disrepute (including repetitious antisocial activities, noise and general nuisance, or making libellous statements or unfounded allegations against TEDI-London on social networks or other sites) on the premises or in public places or within the local community or at other institutions, such as when abroad pursuant to a course requirement or on work placement - including impeding the work of a placement provider or in any circumstances where a student is representing TEDI-London
- o. acts that interfere with TEDI-London's ability to fulfil its statutory duties
- p. failure to disclose a relevant criminal conviction (defined as criminal offences involving any kind of violence, offences concerning the intention to harm or resulting in actual bodily harm, the unlawful supply of controlled drugs or substances, where the conviction concerns commercial drug dealing or trafficking, offences involving firearms, arson or those listed in the Sex Offences Act 2003 or the Terrorism Act 2006). No disclosure is usually required of motoring offences attracting fines/maximum 3 penalty points or 'spent' convictions under the Rehabilitation of Offenders Act 1974.

11. CASES THAT MAY REQUIRE IMMEDIATE ACTION

- 11.1. We have a duty of care towards our students and staff and therefore may need to take immediate action in cases where e.g.:

- there is a threat of serious harm to someone in the TEDI-London community
- your mental health is at risk of where you display significant distress
- there are issues of a highly sensitive nature
- there is a threat of serious ongoing disruption to other members of the TEDI-London community or to our activities.

11.2. In these cases, we may take a decision to limit your access to our services or suspend you from TEDI-London. We will carefully consider these decisions and will take steps to ensure that your studies are not unnecessarily disrupted.

11.3. Suspending you does not mean that we believe you are guilty; it is a precautionary measure whilst a full investigation is completed. If you are suspended, we will clarify why you are being suspended, and for how long. You will be given the opportunity to challenge the suspension.

11.4. If the allegation is made by another student, we will take steps to treat each student fairly. We will attempt to safeguard all students, for example by changing teaching groups.

12. CONDUCT THAT MAY BE SUBJECT TO CRIMINAL INVESTIGATION

12.1. You should inform us of any breaches of the law that occur during your programme of study. If the breach means that you are ineligible to continue your programme of study, we reserve the right to withdraw you immediately.

12.2. If the matter is being investigated as a criminal matter, apart from taking any necessary precautionary action, the internal disciplinary process will usually be adjourned until the criminal process is at an end. However, we may invoke our disciplinary procedures earlier if this is appropriate.

12.3. The fact that criminal proceedings have been instituted or have concluded does not preclude us from taking our own disciplinary action if it is thought fitting or necessary to do so.

12.4. The fact that the Police are unable or unwilling to proceed does not preclude the us from taking our own disciplinary action. Where you have received a caution or

been convicted in relation to criminal offence, we may still act if there are outstanding matters of concern which have not been addressed through the criminal process.

13. CASES INVOLVING MORE THAN ONE STUDENT

- 13.1. We will deal with joint or group allegations objectively and impartially, using our judgement on what is reasonable for all the students involved. We will ensure that there is an equal opportunity for all to be heard and to respond throughout the process and that you hear and can respond to what others have said or evidence they have provided.
- 13.2. If the case requires a panel hearing, where possible, one hearing will be organised, with all involved in attendance but you will also be given an opportunity to speak to the panel privately if you need to raise confidential or sensitive matters relating to mitigation.
- 13.3. Where it is not possible or practical to hear cases together, we will ensure there is a consistent approach to all involved. The same panel will consider the case against all involved whether at a joint hearing or individually.
- 13.4. Penalties will be applied individually taking your circumstances into account. There will be broad consistency in the penalty given to all students who commit the same offence with similar circumstances.

14. SUBMITTING A CONCERN

- 14.1. Concerns should be submitted to the Registry in writing in the first instance. You may speak to a member of the Registry team in confidence about the concern prior to submitting, but they will not forward the concern for consideration until this is received in writing.
- 14.2. There is no form to complete, but you should include the following details:
 - Name of the student you wish to report
 - Date that the behaviour took place
 - Rules you believe that the behaviour breached
 - Name of potential witnesses

- Description of the behaviour that took place
- What you would like to happen as a result of your report
- Any evidence that you might have.

14.3. Anonymous concerns cannot be considered.

15. PRELIMINARY INVESTIGATION

15.1. We investigate all potential misconduct issues. The case is assigned to an Investigating Officer, normally a member of the TEDI-London Registry team. The Investigating Officer will acknowledge the concern, log the issue, and assess whether the following criteria are met:

- There is an allegation that would on the face of it appear to breach the expected standards of behaviour
- That the disciplinary process is the most suitable one to use to investigate the matter
- That the concern hasn't already been investigated using this procedure.

15.2. Where all the criteria have been met, the Investigating Officer will start an investigation into the concern. If at least one of the criteria have not been met, the Investigating Officer will not start an investigation under this procedure but may refer the matter for investigation under another procedure such as Fitness to Study or Academic Integrity.

15.3. The Investigating Officer will write to you if you are accused of misconduct to let you know that a concern has been submitted. You will be provided with a copy of the concern and an explanation of the process. You will be made aware of sources of support and the anticipated timeframe for the investigation.

15.4. The Investigating Officer will investigate the concern. They will review the information provided, including any evidence and they arrange to meet with the person who submitted the concern ('Reporting Person'), the student accused of misconduct, and any witnesses. The purpose of the meetings will be to hear an oral account of the concern and to ask questions. Notes will be kept of all meetings and a note-taker from the Registry may be in attendance for this purpose. Any person required to attend an investigative meeting will be able to

bring a companion to the meeting and will be directed to appropriate sources of support. At the meeting they can present written information, evidence and the names of any witnesses and will have the opportunity to comment on the written notes of any meeting that they have attended.

- 15.5. During the investigation, the Investigating Officer might request further information and responses from those who have already attended meetings or submitted information. This might be records of correspondence, medical evidence, or other pieces of information which the Investigating Officer believes will help to verify accounts given at any meetings or in documents submitted.
- 15.6. The Investigating Officer will produce a report, outlining the findings of the investigation. They will use the information gathered to make one of the following decisions:
 - a. To impose a minor sanction where the Investigating Officer is satisfied that misconduct has occurred and that a minor sanction is appropriate
 - b. To refer the case to the Disciplinary Panel where misconduct may have taken place and that a minor sanction may not be an appropriate action
 - c. Where neither a. nor b. is appropriate:
 - i. to take no further action
 - ii. to refer the matter for decision under another procedure.

16. SANCTIONS

- 16.1. In considering whether to impose a minor sanction or measure, or refer the case to the Discipline Committee, the Investigating Officer will consider the Student Charter as well as the following factors:
 - The seriousness of the misconduct
 - The harm or damage caused
 - The advantage gained or the advantage that could have been gained by the as a result of the misconduct
 - The intent and planning involved in the misconduct
 - The impact on the TEDI-London community
 - Whether you have admitted to the misconduct and when such an admission took place

- Whether you have expressed remorse and/or shown insight into the impact of the misconduct
- Your evidenced personal circumstances.

16.2. Where the Investigating Officer decides to impose a minor sanction, one or more of the following sanctions or measures are available:

- a. A written warning, which will be placed on your record and will make any subsequent misconduct more serious
- b. To require you to pay the cost of material damages up to the amount of £250
- c. To require you to provide a written apology.

16.3. The Investigating Officer will write to you with the decision and reasons for the decision and the report. The same information will be shared by the Reporting Person, and any people involved in the investigation.

16.4. If you are issued with a minor sanction, you will have 5 working days from receiving the decision to confirm whether you will accept this outcome or have the case referred to the Discipline Committee.

17. DISCIPLINARY PANEL

17.1. Cases will be referred to the Disciplinary Panel for consideration:

- if you do not agree with the decision to impose a minor sanction (as per 16.4)
- where you do not comply with the minor sanction or
- where the minor sanction is not considered to be appropriate (as per 15.6 b.).

17.2. The Academic Board approves the panel pool of Disciplinary Panel members from the TEDI-London community on an annual basis.

17.3. The Registrar or their nominee will act as Secretary to the Disciplinary Panel. The Secretary will nominate a Chair and two panel members drawn from the panel pool, ensuring that they have not already been involved in the case.

- 17.4. The Secretary will write to you to confirm the arrangements for the Panel, with at least 10 working days' notice. You will be invited to attend the meeting or to submit a written statement to be considered at the meeting.
- 17.5. You should attend the meeting in person where possible. If you are unable to attend and wish to do so, you should write to the Secretary outlining the reason you are unable to attend. The Chair will review the reason and decide whether this is a valid reason for absence, in which case the meeting date will be re-arranged. If the reason for absence is insufficient, the Disciplinary Panel meeting will proceed in your absence. You will be informed either way.
- 17.6. You can be accompanied by one other person. If you choose to be accompanied, you should provide information about the accompanying person's relationship to you and the reason for their attendance to the Registry, at registry@tedi-london.ac.uk, no later than 2 working days before the date of the meeting. The hearing is an opportunity for you to discuss the suspected misconduct and, if accompanied, you are normally expected to speak on your own behalf unless the panel agrees that your companion may represent you.
- 17.7. You, the Disciplinary Panel, and the Reporting Person will receive a copy of the Disciplinary Panel papers the report and evidence, and any responses provided at least 5 working days before the Disciplinary Panel meeting.
- 17.8. During the Disciplinary Panel meeting, the Panel members will ask you and the Investigating Officer a series of questions. You and the Investigating Officer can also ask questions. You will have the opportunity to make a final statement.
- 17.9. It is not necessary for the Reporting Person and witnesses to attend the meeting, as their evidence will be provided in the Disciplinary Panel papers. If you wish to challenge any of the evidence, you should notify the Chair no later than 3 working days before the date of the meeting. The Chair will determine the most appropriate format for this to take place, which may include inviting the Reporting Person or the witness to the Disciplinary Panel meeting in person or by video link, and/or questions being directed through the Chair. Alternatively, you may be asked to explain the precise challenges and, where the Chair considers those challenges material to the Disciplinary Panel's decision, a further written response will be sought from the Reporting Person or witness. The Disciplinary

Panel may pause the meeting to request further information where the Chair deems it appropriate to do so.

17.10. Once the Disciplinary Panel is satisfied that it has received all the information, all persons except for the members and Secretary shall withdraw.

17.11. The Disciplinary Panel shall consider all the information that has been provided and reach one of the following decisions:

- To dismiss the case
- To find that there has been misconduct.

17.12. Where the Disciplinary Panel has found that there has been misconduct, the Secretary shall inform the Disciplinary Panel of any previous misconduct issues. You (and any companion) and the Investigating Officer will be invited back into the meeting and have an opportunity to make a further statement in relation to mitigation for the misconduct. The Investigating Officer may provide further information and the Panel may ask questions. You will have the opportunity to make a final statement.

17.13. The Disciplinary Panel will then consider whether a sanction should be imposed. Consideration shall be given to the factors outlined in the Student Charter and section 16.1 of this document. The Disciplinary Panel can consider whether a minor sanction, as outlined in section 16.2, should be imposed. Where a minor sanction or measure is not considered to be appropriate, the Disciplinary Panel can choose from the following further sanctions and measures:

- a. Restrictions or conditions on the right to use TEDI-London facilities or services
- b. Temporary suspension from TEDI-London
- c. Withdrawal from TEDI-London
- d. Any penalty considered by the Discipline Committee to be lighter.

17.14. In deciding upon the appropriate sanction(s), the Disciplinary Panel will consider each sanction in turn and shall impose the lowest sanction(s) commensurate with the misconduct. The Disciplinary Panel shall record the reasons for the sanctions imposed.

17.15. The Secretary of the Disciplinary Panel will send you a written document explaining the Disciplinary Panel's decision within 5 working days of the decision. They will outline the reasons for the decision, any sanction applied and the right of appeal. You will receive the notes of the Disciplinary Panel meeting within 10 working days of the meeting. The outcome will be shared with the Reporting Person and any witnesses.

18. APPEALS

18.1. You have the right to appeal the decision of the Disciplinary Panel within 10 working days of receiving the written decision. A member of the Registry who has had no previous involvement in the case will act as Secretary to the Appeal Panel.

18.2. An appeal can be submitted on the following grounds, that:

- a. The procedures were not followed properly
- b. The Disciplinary Panel reached an unreasonable decision
- c. You have new material evidence that you were unable, for valid reasons, to provide earlier in the process
- d. There is bias or reasonable perception of bias during the procedure
- e. The penalty imposed was disproportionate, or not permitted under the procedures.

18.3. In order to appeal the Disciplinary Panel's decision, you will need to write to the Disciplinary Panel Secretary outlining the reason for the appeal and including any necessary evidence. Decisions will normally be made on an appeal within 21 working days of its receipt.

18.4. If the appeal has been made on the specified grounds and within the timeframe, as determined by the Secretary of the Disciplinary Panel, the Secretary shall assign a Chair and two panel members from the panel pool.

18.5. The Secretary of the Appeal Panel shall organise a meeting of the Appeal Panel either physically or virtually and communicate the date, time, and location for the meeting to members of the Panel. You will be informed of the membership of the Disciplinary Panel attending the meeting.

- 18.6. The Appeal Panel will receive your appeal and evidence, the Disciplinary Panel outcome, the notes of the Disciplinary Panel and the material considered by the Disciplinary Panel at least 5 working days before the Appeal Panel meeting.
- 18.7. The Appeal Panel will consider an appeal in private based on the written materials but has the discretion to request further information where this happens you will be sent a copy of any further information and be given an opportunity to provide a written response.
- 18.8. The Appeal Panel shall consider all the information that has been provided and decide to either dismiss or uphold the appeal.
- 18.9. Where the Appeal Panel has upheld an appeal on the grounds of new material evidence, it will normally send the matter back for re-consideration by a Disciplinary Panel. Where the Appeal Panel has upheld an appeal on any other ground(s), it can choose to send the matter back for re-consideration by a Discipline Panel, or impose its own decision, including sanctions. Where the Appeal Panel considers that misconduct has taken place, it can impose any sanction outlined in paragraphs 16.2 and 17.13 of this procedure, including more or less significant sanctions or measures than were imposed by the Disciplinary Panel for the same issue.
- 18.10. You will receive the outcome of the Appeal Panel within 5 working days along with reasons for the decision, and any substituted decision. This is the final stage of the internal process, and you will be issued with a Completion of Procedures (CoP) letter.
- 18.11. Where the Disciplinary Panel has imposed a sanction or measure and you have appealed, the sanction will not normally be implemented while the appeal is being considered. Following the Appeal Panel's decision, any sanctions or measures shall be implemented, even if you intend to raise a complaint with an external body.
- 18.12. Where you subsequently fail to comply with any sanctions imposed by the Appeal Panel, further disciplinary action may be taken under this Policy.

19. OFFICE OF THE INDEPENDENT ADJUDICATOR

- 19.1. If you remain dissatisfied with the final decision on your case, you may be able to apply to the Office of the Independent Adjudicator (OIA) for Higher Education, an independent agency established to consider complaints from students in higher education. The OIA will only consider a case once our own internal procedures have been exhausted. You must have received a letter of Completion of Procedures (CoP) in order to submit a complaint to the OIA.
- 19.2. Information and eligibility rules are available at: www.oiahe.org.uk.

20. TRAINING, DISSEMINATION AND IMPLEMENTATION

- 20.1. All TEDI-London staff will be made aware of this Policy at induction.
- 20.2. The Policy is available on the TEDI-London website and it will be highlighted to students when they join.

21. MONITORING AND REVIEW

- 21.1. Academic Board will monitor the effectiveness of this Policy by considering key indicators of number of disciplinary cases raised, sanctions issued, and appeals submitted.
- 21.2. This version of the Policy is valid from September 2021 and will be reviewed in September 2024 by the Registrar, with recommendations for amendments made to Academic Board.