

Student Disciplinary Procedure



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1. Introduction

- 1.1 This policy aims to regulate student behaviour to provide and maintain a safe environment conducive to teaching, learning, and the enjoyment of a positive environment.
- 1.2 The Principal is ultimately responsible for maintaining discipline among students of the ICMT. However, the Principal generally delegates specified powers under these procedures to the Senior Management Team (SMT).
- 1.3 These procedures seek to ensure that student disciplinary matters are dealt with fairly and promptly at the appropriate level by those with clear authority from the ICMT. The procedures apply to students enrolled at the ICMT or who were enrolled at the ICMT at the time of the alleged misconduct, including those suspended for whatever reason.
- 1.4 Students are expected to conduct themselves at all times to demonstrate respect for the ICMT, its staff, fellow students, and the wider community. Students are also expected to maintain a standard of conduct that does not cause actual or potential damage or harm to the ICMT or others, and which does not impede or interfere with the functioning, activities or operation of the ICMT now with the work, studies or activities of those who are in any way connected with the ICMT.

2. Scope

- 2.1 These procedures apply to alleged misconduct:
- a) On the ICMT premises, this extends to all buildings and grounds belonging to or leased by the ICMT.
 - b) During both term-time and term breaks.
 - c) Whilst students are undertaking studies away from the ICMT, including placements and field trips.
 - d) Occurring on or off the ICMT premises (including online), where the alleged victim is the ICMT itself, a student or employee of the ICMT or others visiting, working or studying at the ICMT.
 - e) Occurring off the ICMT premises, where the allegation raises concern of a risk to the ICMT, its staff, students or visitors, or could damage or harm the ICMT reputation.

- 2.2 Examination and other assessment irregularities are dealt with per the Academic Misconduct Policy.
- 2.3 Disciplinary proceedings may be deferred if a student is temporarily withdrawn. However, the matter will normally be considered in anticipation of or upon the student's return to the ICMT.
- 2.4 Students shall not be permitted to graduate until disciplinary proceedings have been completed.
- 2.5 Allegations of misconduct should be reported within ten working days of the incident or the last in a series of incidents.
- 2.6 Allegations of misconduct received from an anonymous source will be dealt with appropriately. However, anonymous allegations could impede an investigation. Consideration will be given as to whether anonymity can reasonably be maintained.

3. General Principles

- 3.1 This policy should be read in conjunction with the policies and procedures relating to Bullying and Harassment, Equality and Diversity and Safeguarding.
- 3.2 The ICMT recognises that health conditions or disabilities may affect students' behaviour. However, we have a duty to ensure that all members of the ICMT community are not subjected to unacceptable behaviour and ensure that any allegations of inappropriate behaviour may be investigated. Where health conditions or disabilities may be a contributing factor, evidence of these will be taken into account where appropriate.
- 3.3 This Conduct and Disciplinary policy does not deal with issues relating to academic misconduct. These are addressed in the Academic Misconduct Regulations.
- 3.4 The ICMT may initiate a disciplinary procedure if there is an alleged act of misconduct, regardless of how that concern has been brought to the ICMT's attention. Whenever possible, allegations that a student has committed a minor breach of the Student Code of Conduct should be handled informally between the individuals involved.

3.5 Misconduct, in any form, can be reported to any member of the Senior Management Team.

The staff member should complete a Disclosure of Misconduct Form (attached). Any information provided is confidential and will only be shared on a need to know basis.

3.6 If an individual does not wish to pursue the matter, wishes to remain anonymous, or the matter can be resolved informally between the parties, the ICMT reserves the right to investigate where appropriate.

3.7 The ICMT has the right to report any suspected criminal offence to the police. Where the alleged misconduct is suspected as a potential criminal offence, the member of staff investigating must inform the Principal of the ICMT.

3.8 Where complaints against students are investigated, the complainant will be informed if there is substance to their complaint and if disciplinary procedures will commence. However, details may not be released to the complainant about any details relating to the disciplinary procedure or imposed sanctions. This is because data protection legislation regards such information as personal data and prohibits disclosure unless the subject of the complaint has given their consent.

4. Support for study

4.1 If there are serious concerns expressed over a student's health, well-being or behaviour at any point during a disciplinary investigation, they can be referred to the Support for Study policy.

5. Expectations

5.1 Students are expected to understand and follow the Code of Conduct. This includes observing all other ICMT policies, regulations, terms and conditions.

a) People

Students are required to behave consistently in a considerate, respectful manner towards staff, fellow students, and visitors. Rights to freedom of expression and belief must be respected. Sexual violence, hate incidents and harassment will not be tolerated.

Students must not impede staff in the performance of their duties and must comply with any reasonable requests or instructions issued by a member of staff.

b) Property

Students must respect all property, whether it belongs to the ICMT, a staff member, a fellow student or a visitor. Property must not be moved without authorisation.

c) Premises

The ICMT premises must not be damaged or defaced in any way. Students are only allowed to access areas that have been made available for them for study, social and recreational use. Access to other areas such as roofs, storerooms, electrical cupboards, and boiler cupboards is strictly prohibited. There is a strict no smoking policy in all ICMT locations.

d) Attendance, Lateness and Performance

Students are expected to maintain an acceptable level of attendance and performance during their time at the ICMT. These expectations can be found in the Attendance and Performance policy. Any areas of concern are subject to the procedures outlined in this Student Code of Conduct policy.

6. Definition and Examples of Misconduct

6.1 For these procedures, a breach of discipline is called an "act of misconduct".

6.2 Examples of misconduct include, but are not limited to the following:

a) General

- i. Failure to observe all the ICMT rules and regulations or codes of conduct.
- ii. Disruption of, or improper interference with the academic, administrative or other activities of the ICMT, whether on the ICMT premises or elsewhere.
- iii. Obstruction of or improper interference with the functions, duties or activities of any student, staff member, or other employee of the ICMT or any authorised visitor.
- iv. Acts/omissions/statements intended to deceive the ICMT include making false claims, submitting fraudulent documents, or impersonating others connected with admission, academic attainments, or financial awards.

- v. Behaviour, on or off-campus, which has damaged or could have damaged the reputation of the ICMT or raises concern of a risk to the ICMT, its staff, students or visitors.
- vi. Behaviour that interferes with the legitimate exercise of freedom of speech, ideas, actions or enquiry of other students or staff members or disrupts or interferes with the ICMT processes and procedures.
- vii. Failure to disclose the name and other relevant details to an employee of the ICMT in circumstances when it is reasonable to require that such information be given.
- viii. Attempts to subvert the ICMT procedures by means of fraudulent claims or documents.
- ix. Breach of written undertaking.

b) People

- i. Conduct (including behaviour on social media) that causes or could cause physical or mental damage, harm, alarm or distress to others, including:
 - Physical misconduct including fighting, punching, kicking, slapping, biting, pushing.
 - Sexual misconduct including sexual intercourse or engaging in a sexual act without consent; attempting to engage in sexual intercourse or engaging in a sexual act without consent sharing private sexual materials of another person without consent; kissing without consent; touching inappropriately through clothes without consent; inappropriately showing sexual organs to another person; repeatedly following another person without good reason; making unwanted remarks of a sexual nature.
 - Abusive behaviour including making threats to hurt another person; abusive comments relating to an individual's gender, sexual orientation, religion or belief, race, pregnancy/maternity, marriage/civil partnership, gender reassignment, disability or age; acting in an intimidating and hostile manner; repeatedly contacting another person (for example, by phone, email, text, or on social networking sites) against the wishes of the other person.

c) Property

- i. Damage to or defacement of the ICMT property or any student's property, staff member or visitor of the ICMT caused intentionally or recklessly.

- ii. Taking property belonging to another without permission or assisting/permitting others to do so.
- iii. Misappropriation, misuse or unauthorised use of the ICMT funds, assets or property.
- iv. Act/omission that caused or potentially caused a health and safety concern on the ICMT premises, including throwing objects from premises and tampering with fire safety equipment.

d) Criminal conduct

- i. Any conduct which constitutes a criminal offence. For example, where it appears that the conduct:
 - Involved the ICMT, other students, a member of staff or visitor to the ICMT (or others studying, working or visiting the ICMT) directly or indirectly.
 - Took place on the ICMT premises.
 - Affected the interests of the ICMT.
 - Affected or concerned other members of the ICMT community.
 - Damaged the reputation of the ICMT.
 - Breached the ICMT rules and regulations.

The above lists are illustrative only and are not exhaustive.

7. Offences under Criminal Law

7.1 The following shall apply where the alleged misconduct may also constitute an offence under the criminal law if proved in a court of law, even where the alleged victim is not the ICMT, a student or employee of the ICMT or others visiting, working or studying at the ICMT.

7.2 Reporting

Where a potential criminal offence has been committed against the ICMT, the ICMT will decide whether or not to report the incident to the police. Where the victim is not the ICMT, the ICMT will usually allow the victim to decide whether or not to report the matter to the police. The ICMT may report an alleged crime to the police contrary to the wishes of the victim if the ICMT decides that such action is justified (for example, if disclosure of the information is necessary to protect the reporting student(s) from harm or to prevent a further crime taking place).

7.3 Criminal Process

If the matter is being investigated or prosecuted under the criminal law, then save for taking any necessary precautionary action (see section 6 below), the internal disciplinary process shall usually be suspended until the criminal process ends. However, the ICMT may invoke its disciplinary procedures more immediately if it considers this to be appropriate.

7.4 Outcome of a criminal process – conviction

If a student is convicted of a criminal offence, then the conduct or behaviour that they have been found to have committed can be relied upon to establish a disciplinary offence, and the focus of any disciplinary process by the ICMT will be to consider the impact and effect of the conduct or behaviour in order to determine the sanctions (if any) to be applied by the ICMT.

7.5 The Senior Management Team will conduct a risk assessment where a student is convicted of a criminal offence. Where that risk assessment indicates that the student would present an ongoing and unacceptable or unmanageable risk to the ICMT, its staff, its students, or its wider community should the student remain enrolled at the ICMT (for example, sentence/license conditions may make attendance at the ICMT unmanageable), the Principal has the power to exclude the student immediately or to immediately impose conditions on the student for the remainder of their course, a breach of which would lead to exclusion.

8. Precautionary Measures

11.1 The ICMT may impose precautionary measures, including suspension to any student alleged to have committed a breach of conduct at any stage, including the pending outcome of any police or criminal investigation.

11.2 Any decision to impose an order of precautionary suspension or other measure is at the Principal's discretion. This does not constitute an indication or the finding of misconduct.

11.3 A decision to impose any precautionary measure by the Principal will only be considered where:

- There is a risk of re-offending or further offending.
- There is a risk or perceived risk that the student might harm themselves or others or cause damage to property.

- There is a risk that the students continued presence may inhibit a proper investigation.

11.4 Precautionary action will be reasonable and proportionate, seeking to mitigate any detriment that the student may potentially experience in connection to their studies or academic progression.

Such action may include:

- Suspending the accused student from their studies for a defined period (which may be extended). A student subject of a precautionary suspension is prohibited from entering the ICMT premises and participating in any ICMT activities. There may be certain exceptions, such as permission to take an exam/assessment.
- Imposing conditions on the accused student for a defined period (which may be extended). For example, requiring the accused student not to contact the reporting individual or certain witnesses.

11.5 The terms of the precautionary measures will be recorded by the Principal and made available to the student in writing together with details of their right to make representations.

11.6 The Principal may determine to implement a precautionary measure immediately or until the student has been allowed to make representations. The representations may be made in person or writing and may be put forward by the student, a friend or other non-legal representative. In cases deemed urgent by the Principal, a student may be suspended or other precautionary measures imposed immediately. An opportunity will be given to the student to make representations as soon as reasonably practicable.

11.7 The Principal may review, extend or repeal the precautionary measure when:

- The defined period has expired; or
- New evidence has come to light that alters the circumstances of the alleged misconduct; or
- The student has successfully challenged the alleged misconduct; or
- A decision by the Principal has deemed the allegation as resolved; or
- An external investigation, such as a police investigation, has been resolved.

11.8 International students sponsored to study at the ICMT on a Tier 4 visa may be required to leave the UK during the restriction or suspension period. The ICMT will assess students on a case-by-case basis, taking into account the duration and nature of the suspension and, if appropriate, seek advice from UK Visas and Immigration. If it is decided that sponsorship must be withdrawn, a notification will be made to UK Visas and Immigration, leading to the curtailment of the student's Tier 4 visa. The ICMT will advise the student that they must leave the UK, and a new visa will be required if the student is approved to resume their studies at a later date.

9. Investigatory Proceedings

9.1 Where matters are not referred directly to the Principal for a decision, a Senior Management Team member will investigate. The appointed member of staff to investigate should be a person with no previous involvement in the alleged incident, and the following process should take place:

- i. The investigator shall arrange to meet with the reporting individual and any other witnesses to gather evidence. Evidence could be in the form of a written statement, CCTV footage, emails, text messages, messages and comments on social media, and screenshots. A template for taking witness statements is attached to this document.
- ii. If an investigatory meeting is required, the student against whom the allegation is made will be requested in writing to attend. This meeting aims for the student to answer questions pertaining to the alleged misconduct and present their version of events. At this meeting, the student is entitled to be accompanied by another non-legal representative. If the student admits the allegation of misconduct, the matter may proceed to consider the relevant sanctions to be taken as outlined in section 13 of this policy.
- iii. The student against whom the allegation has been made should also be provided with a copy of this procedure before any meeting. Any evidence obtained should also be given before the meeting to allow the student to respond to the allegations. The student should be clearly told what the allegation against them is about and who is making the allegation before any meeting. The student should be asked to bring any evidence or information to the meeting if the allegation is denied. A record of what has been discussed should be

recorded and signed by the investigator and the student after the meeting. Another ICMT representative may be present to record the details of the meeting.

- iv. If the student fails to attend the meeting without good reason or fails to provide representations or evidence after being given the opportunity, the investigator may reach a conclusion based on the evidence they have collected.
- v. The investigator should produce a report to include information on the process followed, the information gathered, and their conclusions. A copy of the report should be provided to the accused student and information on the next steps.

9.2 Upon the conclusion of the investigation, the investigator may take one of the following actions (the investigator should consult with appropriate Heads of Department/Course before imposing a sanction)

- Dismiss the allegation.
- Uphold the allegation but take no further action.
- Uphold the allegation and impose a sanction outlined in section 13 of this policy.
- Conclude that the alleged misconduct is such that it would be considered severe enough to involve the Principal. For the avoidance of doubt, any matter of alleged misconduct that may result in the suspension or expulsion from the ICMT shall be considered sufficiently serious to involve the Principal.

10. Appeal

10.1 A student may request an appeal against a decision of the investigator. The appeal must be made in writing to the Student Liaison Manager, setting out the grounds of appeal within five working days of the original written outcome. An appeal can only be made on the following grounds:

- That the decision should be overturned in the light of new evidence that was not reasonably available before.
- That the process was not conducted fairly.
- That the decision was unreasonable in the light of the findings of fact.
- That the sanction was too severe given the circumstances.

10.2 The Principal will consider the request and determine whether there are valid grounds for appeal. If the Principal determines that grounds for appeal are not valid, they will inform the student in writing, and this procedure will be exhausted.

10.3 If the Principal accepts the grounds for appeal, they may investigate in whatever reasonable manner they see fit.

10.4 If the opportunity is given to the student to meet with the Principal, the student has a right to be accompanied by a friend or a non-legal representative.

10.5 Following the Principals investigation, they may:

- Refuse the appeal and uphold the original decision in whole or in part.
- Allow the appeal in whole or in part.
- Make a new decision.

10.6 The Principal or a nominee will inform the student in writing normally within five working days of the conclusion of the appeal. The Principal's decision is final, and in respect of an appeal against the findings of the investigator or the sanction imposed, there is no further right of internal appeal.

11. Sanctions

11.1 When determining the sanction, consideration will be given to the nature, seriousness, circumstances of the misconduct, and the general personal circumstances of the student. If a student is found to have breached the Code of Conduct, one or more of the following sanctions may be imposed:

- i. A written warning with stipulated conditions.
- ii. A requirement to pay the ICMT a reasonable sum by way of compensation for any identified loss.
- iii. A requirement to perform unpaid services for the ICMT to a maximum of 40 hours.

- iv. Prohibiting the student from involvement in any ICMT activities, including trips, professional panel/showcase, workshops, and musicals.
- v. A requirement to participate in a programme or scheme identified to help individuals with a particular type of misconduct.
- vi. Prohibiting access to specific facilities or contact with named staff or students, for a defined period, up to a maximum of twelve months.
- vii. Deferred expulsion for a fixed period, up to a maximum of 12 months. Any further breach of the Code of Conduct within that period or failure to comply with any other sanctions imposed will normally result in the student being expelled from the ICMT.
- viii. Suspension from the ICMT for a fixed period, up to a maximum of 12 months. A suspended student is prohibited from entering the ICMT premises and participating in ICMT activities. An order of suspension may require that the student have no contact with a named member of staff or student.
- ix. Expulsion from the ICMT, meaning the student ceases to be a member of the ICMT and loses all rights and privileges, including the right to complete their studies.

11.2 It should be noted that only the Principal can impose sanctions vi, vii, and viii.

Disclosure of Student Misconduct Form

Name of person making disclosure:	
Address	
Telephone:	
Email:	
Name of person allegation of misconduct is against:	
Address:	
Telephone:	
Email:	
Details of alleged misconduct. Please include the misconduct, relevant dates, times, location, names and contact details of any witnesses.	
Date reported to Student Liaison Manager:	
Name of person & contact details of the person completing this form:	
Office Use Details of any action to take & reason:	

Witness Statement Form

Witness statement of _____

I _____ will say as follows:

1. I have been asked to make this statement by the ICMT in relation to an allegation regarding student misconduct. I make this statement from matters that fall within my own knowledge. Where matters are not from my own knowledge, I will state the source.
2. Please outline all information and evidence in chronological order as far as possible.
3. I understand that my statement may be used in evidence for the purpose of an investigation into student misconduct or a disciplinary hearing. I confirm that I am willing to attend any such hearing to give evidence if asked.
4. I understand and consent that the information in this statement may be shared with others within the ICMT for the purposes of investigating student misconduct. I also understand and consent that this information may be shared with the police.

I believe the facts stated in this witness statement are true:

Signed: _____

Date: _____

Document control

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