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English Path Student Disciplinary Policy and Procedure

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1. Purpose

- 1.1 The purpose of this document is to provide guidance to students and staff on the procedure to be followed in the event of a breach of the Student Code of Conduct we expect of all students, as stated in the Student Charter and the Responsibilities of Students documents¹.

2. Student Code of Conduct

- 2.1 Students of English Path (EP from now on) are expected to adhere to the principle that they are to maintain a standard of conduct which supports EP's commitment to excellence in education and scholarship and promotes the good name and reputation of EP both on and off campus. EP's Student Charter acts a guide to the code of conduct that students should adhere to at all times.

3. Student Disciplinary Policy

- 3.1 EP has the right and authority to discipline students and to suspend or exclude any student.
- 3.2 EP will contact the Police deemed appropriate.
- 3.3 Where illness/disability may prevent a student from complying fully with the Student Code of Conduct, special consideration will be made (see the EP Special Considerations and Reasonable Adjustments Policy).
- 3.4 In interpreting this Student Disciplinary Procedure the decision of EP is final.
- 3.5 EP may amend this Student Disciplinary Policy and Procedure at any time or depart from it, where justified, depending on the circumstances of an individual case.

4. Examples of breaches of Student Code of Conduct

- 4.1 EP regards the following as examples of **Misconduct**:
- continued non-participation in class
 - threats to health and safety, such as misusing fire extinguishers and fire alarms;
 - smoking on EP premises
 - disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of EP or the duties or activities of any student, visitor or member of staff of EP
 - breach of the provisions of any of EP's policies including the Equality and Diversity Policy, Safeguarding Policy and the Anti-Harassment and Anti-Bullying Policy
 - failure to disclose personal details to a member of staff of EP or keep details up to date in circumstances in which it is reasonable to request the information or where funding or fees may be affected
 - failure to respect the rights of others to freedom of belief and freedom of speech
 - failing to respond to a reasonable instruction relating to discipline, issued with the authority a senior member of staff at EP
 - persistent use of mobile phones in any way (including videos) in learning areas;
 - use of e-cigarettes

¹ EP's Student Charter and Student Responsibilities documents are taken to constitute EP's Student Code of Conduct

4.2 EP regards the following as examples of **Gross Misconduct**:

- any conduct that constitutes a criminal offence
- action likely to cause injury or impair safety on EP premises, including organised transport to and from EP, such as violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language
- possession of or use of weapons
- antisocial behaviour, including: sexual, racial or any other bullying or harassment of any learner or member of staff of EP, or any visitor to EP including making malicious and unfounded accusations against another individual
- fraud, deceit, deception or dishonesty in relation to EP or its staff, students or visitors
- damage, theft, misappropriation or misuse of EP property or its premises, or the property of EP's staff, students or visitors, including computer misuse caused intentionally or recklessly
- drug, alcohol or solvent possession in EP, on EP transport or other related activities
- attending the EP under the influence of alcohol or drugs
- driving without due care and attention on EP premises and to and from EP
- offences in relation to computers, for example hacking or downloading pornography or games or abusive e-mails
- bringing the institution into disrepute, for example, by being found guilty of committing a criminal offence or damaging property outside EP premises
- for the avoidance of doubt, any breaches of the Student Attendance Policy will be dealt with in accordance with the procedures in the Student Attendance Policy

5. Investigation

5.1 EP may nominate a member of staff to promptly and thoroughly investigate any matter that is reasonably suspected or believed to contravene any of the EP's policies or the Student Code of Conduct or may otherwise be a disciplinary matter. Those accused will be informed as soon as possible as to the fact of an investigation and when it has been concluded. The duration of any investigation required will depend on the nature of the allegation and will vary from case to case. If a matter is being investigated by the Police, EP will not be obliged to await the outcome of any police investigation before undertaking its own investigation. Depending on the circumstances of the case, a student may be invited to attend an investigatory interview prior to a disciplinary hearing. EP reserves the right to dispense with an investigatory interview and to proceed directly to a formal disciplinary hearing.

5.2 In the event of an investigation of an allegation of gross misconduct EP may suspend you until the disciplinary hearing where EP believes that this is necessary.

Suspension of this kind does not imply that a decision has already been made about the allegations.

6. Disciplinary Procedures Stages 1, 2 and 3 (Misconduct)

6.1 Where, upon completion of an investigation or if no investigation is appropriate, there are reasonable grounds to believe that a student has committed an act of misconduct, the student will be invited to attend a meeting.

6.2 **Stage 1:** This stage is used to address minor breaches of the Student Code of Conduct. EP shall be entitled to issue the student with either a verbal or written warning as

appropriate. This stage is conducted by the Head of Programme Management or a nominated member of staff.

6.3 **Stage 2:** This stage is used to address more serious breaches of the Student Code of Conduct or failure to improve after a verbal or written warning. EP shall be entitled to issue a student with either a further verbal or written warning, or a final written warning as appropriate. This stage is conducted by the Head of Programme Management or a nominated member of staff.

6.4 For **Stage 1 and Stage 2** a member of the EPs staff may apply one or multiple combinations of the following actions in an effort to address the misconduct:

- A verbal or written warning, a written final warning (Stage 2) or a written contract may be issued.
- The student may be put on report for a specified period with review dates.
- A list of conditions may be devised whereby the student may be allowed to remain at EP.
- The student may be referred to their Programme Manager or Academic Support Lead for guidance and/or counselling.
- The actions agreed will be formally recorded and kept on the student's personal file. The student will be requested to sign the agreed action(s) to address the misconduct.

6.5 **Stage 3:** This stage is used following a further breach of the Student Code of Conduct and may result in exclusion from EP. This stage will be carried out by the Head of School or nominee.

6.6 **Procedure for Gross Misconduct**

Where, upon completion of an investigation or if no investigation is appropriate, there are reasonable grounds to believe that the student has committed an act of gross misconduct, the student will be invited to attend a disciplinary hearing. In the event of a disciplinary hearing taking place EP will:

- give the student a minimum of two working term-time days advance notice of the hearing
- give the student written details of the nature of the alleged misconduct
- inform the student of the purpose of the hearing and that it will be held under EP's Disciplinary Procedure
- explain the student's right to be accompanied at the hearing by a companion (but not legal representation)
- where a student is unable to attend a disciplinary hearing for reasons beyond the student's control, the hearing will be adjourned to another day. EP will give notice of the rearranged hearing. Unless there are special circumstances mitigating against it, if the student is unable to attend the rearranged hearing, the rearranged hearing may take place in the student's absence
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7. Role of companion

7.1 Students have the right to bring a companion to the disciplinary hearing, but not with legal representation. The choice of companion is a matter for the student and the student must notify EP of his or her choice prior to the hearing. If EP believes that the student's choice is unreasonable, EP will ask the student to choose someone else. This will come into effect if, for example, in EP's opinion, your companion:

- may have a conflict of interest or prejudice the meeting
- is a legal representative
- is unavailable at the time of the meeting, where the original meeting date has already been rearranged once due to the companion's non availability.

7.2 At any disciplinary hearing, the student's companion may address the Panel and respond on the student's behalf to any views expressed. However, the meeting is essentially a meeting between the student and EP and any questions put directly to the student should be answered by the student and not the student's companion, unless the student request his or her companion to reply on your behalf.

8. The disciplinary hearing

8.1 A disciplinary hearing will normally be arranged and conducted by the Head of Programme Management or a nominated member of staff. Any member of EP's staff responsible for the investigation of the disciplinary offence(s) shall not be a member of the Panel, although such staff may present any information or material to the disciplinary hearing. The Disciplinary Panel will aim to meet within 10 working term-time days of the suspension/referral. The Disciplinary Panel will comprise senior staff, which may include Programme Leaders, Programme Managers. The following procedure will be followed:

- The Disciplinary Panel will be chaired by the Head of Academic Management or by a nominated member of senior staff.
- The student will be invited to arrive 30 minutes prior to the start of the hearing for a briefing.
- EP will give the student advance notice if the student intends to call relevant witnesses to the disciplinary panel hearing.
- The student must also give EP advance notice if it is intended to call witnesses.
- The relevant senior member of staff will present the case to the Panel with a breakdown of the student's academic record at EP, including the attendance record, and any causes for concerns recorded.
- At the hearing the student will be given a reasonable opportunity to ask questions, present evidence and call any relevant witnesses.
- EP may adjourn the disciplinary proceedings if it appears necessary or appropriate to do so (including for the purpose of gathering further information). In these circumstances the Panel should be reconvened with its original members and the student will be given notice of the date of the reconvened hearing.
- As soon as possible after the conclusion of the disciplinary proceedings, and no longer than 10 working days, EP will write to the student, providing information concerning whether disciplinary action, if any, is to be taken. The student will be notified of his or her right of appeal under EP's Disciplinary Appeals Procedure.

- The Chair will advise relevant members of staff of all exclusions in order that support services can be advised, where appropriate.

8.2 The Disciplinary Panel may find that:

- (i) There has not in a breach of EP's Student Code of Conduct and the student will be allowed to return to their studies immediately.
- (ii) The student has breached EP's Student Code of Conduct and will be issued with a written warning with conditions.
- (iii) The student has breached EP's Student Code of Conduct and will be issued with a final written final with conditions and may be given an extended suspension with or without conditions.
- (iv) The student has breached EP's of Student Conduct and will be permanently excluded from EP.

9. Referral to the Fitness to Study Policy and Procedure

9.1 Where the student is known to suffer from a particular illness which impacts on their Health and Safety, and that of fellow students and/or staff, EP may deem it inappropriate for the student to continue to attend EP. In such circumstances a disciplinary hearing may not be the appropriate course of action to consider breaches of the EP's Student Code of Conduct.

10. Appeal against the outcome of the Disciplinary Panel

10.1 Students have the right to appeal against any decision made by the Disciplinary Panel. You may only make an appeal on one or more of the grounds given below and not because you do not like the outcome of the Disciplinary Panel hearing. The grounds for which EP will consider an appeal are as follows:

- (i) The procedures outlined above for the Disciplinary Panel hearing have not been properly followed.
- (ii) The student has produced new evidence to submit which existed at the time of the Disciplinary Panel Hearing and has recently come to light.
- (iii) There may be bias or a conflict of interest with one or more of the Disciplinary Panel members.
- (iv) The student was ill at the Disciplinary Panel hearing and consequently not able to present their case properly (a Doctor's certificate would be required).

10.2 Only an appeal made on one or more of the above four grounds will be considered. If the student submits an appeal on any other grounds the appeal will be dismissed.