

Title:	Student Disciplinary Procedure
Responsible	Regional Directors of Colleges, Chief Operating Officer
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1. Purpose

- 1.1. The Procedure set out in this document is to be used where a student is alleged to have committed any action which may amount to misconduct (as defined in the Code of Conduct) and which is not suitable to be addressed informally.
- 1.2. This Procedure should be used with reference to other Kaplan policies including Drugs and Alcohol Policy and the E-Safety and Acceptable IT Use Policy, Prevent Policy, Safeguarding Policy, and the Bullying, Harassment and Sexual Misconduct Policy.
- 1.3. When applying the Procedure, Kaplan International Pathways seeks to comply with all relevant legislation, observe privacy and promote equality of opportunity and anti-discrimination.
- 1.4. Behaviour within the student residence (Kaplan operated or third party operated) may be dealt with under either the provisions of this Procedure or the Behaviour Policy. Kaplan Living Determination of the Code of Behaviour will be made by the senior member of staff leading the investigation at the time of review. In serious matters, the College Code of Conduct will take precedence.
- 1.5. Under this Procedure, members of Kaplan International Pathways have authority to investigate and act over instances of alleged student misconduct.

2. Allegation

- 2.1. Any complaint or concern about a student:
 - 2.1.1. Should, where possible, be in writing (which includes email and other permanent forms of communication) and must be passed to a member of senior management; and
 - 2.1.2. May be initiated by any member of staff or student of Kaplan International Pathways, or by anyone affected by the alleged misconduct.
- 2.2. Where a complaint is received other than in writing, Kaplan International Pathways reserves the right to take no further action or to commit the complaint to writing and progress it in accordance with this procedure.

3. The Response to the allegation/complaint

- 3.1. The Head of College Services or other member of staff as nominated by the College Director from time to time will be the main administrator in relation to the process and will be the first point of contact for all complaints. The Head of College Services will appoint a deputy if they have a conflict.
- 3.2. On receipt of a complaint, the Head of College Services will need to consider whether the complaint raises a disciplinary matter. The following may be considered as a disciplinary matter:
- 3.2.1. Any breach of Kaplan's Code of Conduct.
 - 3.2.2. Any breach of Kaplan's Residence Anti-Social Behaviour Management Policy.
- 3.3. On receipt of a complaint that raises a disciplinary matter, the Head of College Services will decide:
- 3.3.1. whether the complaint should be considered under a different procedure of Kaplan International Pathways.
 - 3.3.2. whether the complaint should be reported to or raised with the police or relevant authority.
 - 3.3.3. whether the complaint raises issues of sufficient seriousness that consideration should be given to suspending one or more students (see section 4 below).
 - 3.3.4. whether the complaint should be investigated further and by whom (see section 5 below).
 - 3.3.5. whether the complaint should be addressed informally; and/or
 - 3.3.6. whether no further action should be taken by Kaplan International Pathways in relation to the complaint.
- 3.4. There is no appeal from the Head of College Services' decision at 3.3.

4. Suspension

- 4.1. Suspension is not a sanction and should not be regarded as an automatic response to an allegation that a serious disciplinary offence has been committed.

Alternatives to suspension, including agreed arrangements with the accused student, should be considered.

- 4.2. The decision to suspend a student is to be taken by the College Director. In their absence, the Regional Director of Colleges or Chief Operating Officer may make the decision to suspend the student.
- 4.3. Suspension may be used for one or more of the following reasons:
 - 4.3.1. to protect members of the College community.
 - 4.3.2. to protect the College's reputation.
 - 4.3.3. to protect the College's property or premises.
 - 4.3.4. to allow an investigation to be carried out unimpeded.
- 4.4. The suspension may apply to individual classes, all classes, named individuals, parts of the college premises or the college and/or university premises. Managed residences may also be included in the suspension, if appropriate.
- 4.5. The College Director or nominee will inform the student of the suspension without delay.
- 4.6. A written notice of suspension will be sent to the student within two working days of the suspension. This notice states the allegation against the student, the reason for suspension, the classes or areas covered by the suspension and the duration of the suspension. A copy of this policy will also be made available to the student with the notice of suspension.
- 4.7. A suspension will be reviewed by the College Director at least every two weeks with an email follow-up and an updated notice of the suspension sent to the suspended student. A suspended student may request a review of the decision to suspend at any time. The review will be conducted by the College Director based on any written representations received.
- 4.8. During the suspension period, students will be required to maintain contact, in person, with the College for immigration purposes. Details of these arrangements will be confirmed, in writing, to the student. Should the student require additional information or assistance during the suspension period with arrangements previously made, a request submitted to a nominated member of staff will consider reasons and arrange a suitable appointment, if required.

5. Investigation

- 5.1. If the Head of College Services determines that the complaint raises issues that should be investigated, they will conduct the investigation or will appoint an appropriate member of staff to conduct the investigation.
- 5.2. The Head of College Services may take such steps in connection with the investigation as are reasonable and proportionate to the issues raised by the complaint. The Head of College Services may extend the investigation into other matters or issues that are identified as part of the investigation. The Head of College Services may consult with the Kaplan Legal team or other Kaplan staff where necessary.
- 5.3. At any point during the investigation (including at the end) the Head of College Services may decide:
- 5.3.1. that the complaint should be considered under a different procedure of Kaplan International Pathways.
 - 5.3.2. that the complaint should be reported to or raised with the police; and/or
 - 5.3.3. that the complaint raises issues of sufficient seriousness that consideration should be given to suspending one or more students (see section 4 above).
- 5.4. Following the investigation, the Head of College Services will decide:
- 5.4.1. that no further action is required.
 - 5.4.2. that the complaint should be addressed informally with the student(s) involved (if the complaint is dealt with informally the College may provide the student with a written warning. If this is contested by the student, the student may elect for the complaint to be heard under the Formal Process); or
 - 5.4.3. that the matter should be dealt with under the Formal Process (see section 6 below) by referring the matter to the College Director.
- 5.5. There is no appeal from the Head of College Services decision at 5.4. However, a student may be able to use Kaplan International Pathways' complaints procedure to complain about the decision.

6. Formal Process

- 6.1. The Head of College Services will prepare a report for the College Director setting out:
 - 6.1.1. The complaint made.
 - 6.1.2. The steps taken by the Head of College Services in relation to the investigation.
 - 6.1.3. The findings of the investigation; and
 - 6.1.4. The specific act(s) of misconduct to be considered (“the allegation(s)”).
- 6.2. The Head of College Services will send the report to the College Director and the student against whom the allegation(s) is made (“the student”).
- 6.3. The College Director or nominated member of staff as nominated by the College Director will invite the student to admit or deny the allegation(s).
- 6.4. If the Student admits all the allegation(s), the College Director will convene a Disciplinary Panel to determine the validity of the claim and any sanction to be imposed. The Panel will receive a copy of the report.
- 6.5. If the Student admits some of the allegation(s) and denies others, the nominated member of staff will decide whether the allegation(s) has been denied should be considered by a Disciplinary Panel. If the denied allegations are to be considered, the nominated member of staff will convene a Disciplinary Panel to consider the allegation(s). If only the admitted allegations are to be considered, the nominated member of staff will proceed as set out at 6.4 above.

7. The Disciplinary Panel

- 7.1. The College Director convenes the Disciplinary Panel.
- 7.2. The Disciplinary Panel shall consist of the following:
 - 7.2.1. the College Director or nominated person to act as Chair; and
 - 7.2.2. two members of the College staff nominated by the College Director.
- 7.3. The Disciplinary Panel shall be supported by a Clerk appointed by the Chair.
- 7.4. The Clerk will inform the student of the date of the hearing before the Disciplinary Panel, giving no less than 5 working days’ notice. In that notice, the Clerk will

include the procedure to be followed by the Disciplinary Panel (see section 8 below).

7.5. The Clerk will inform the student of the identities of the Disciplinary Panel. The student will have 5 working days within which to object in writing with reasons to proposed member(s) of the Disciplinary Panel. The Disciplinary Panel or the College Director where appropriate will consider any objection raised and appoint an alternative person to the Disciplinary Panel if upholding the student's objection.

7.6. At least 5 working days before the hearing before the Disciplinary Panel the Clerk will send to the student:

7.6.1. A statement of the allegations to be considered by the Disciplinary Panel.

7.6.2. A copy of any written or other evidence that the Head of College Services proposes to present to the Disciplinary Panel.

7.6.3. A copy of any written or other evidence that the student proposes to present to the Disciplinary Panel.

7.6.4. The names of any witnesses whom the Head of College Services proposes to invite to give evidence to the Disciplinary Panel and a summary of each witness's evidence.

7.6.5. The names of any witnesses whom the student proposes to invite to give evidence to the Disciplinary Panel and a summary of each witness's evidence.

7.7. The student may be accompanied by a member of the College of their choosing. If the Student wishes to be accompanied, they should inform the Clerk at least 5 working days before the date of the hearing and provide the name.

7.8. The Hearing should take place within a timeframe following the submission of the complaint.

8. Hearing to consider the allegation(s)

8.1. The Chair of the Disciplinary Panel will determine the detail of the procedure to be followed at the hearing, which shall include the following:

8.1.1. The Head of College Services will introduce the allegation(s) against the student.

8.1.2. The Head of College Services will introduce any written or other evidence.

- 8.1.3. The Head of College Services will call any witnesses in support of the allegations. The Disciplinary Panel will be given the opportunity to question each witness.
- 8.1.4. The student will introduce any written or other evidence.
- 8.1.5. The student will call any witnesses in support of their response to the allegations. Both the Disciplinary Panel and the Head of College Services will be given the opportunity to question each witness.
- 8.1.6. The student will have the opportunity to address the Disciplinary Panel
- 8.1.7. The Chair may allow at their discretion, for members of the panel to interview witnesses separately or allow witness statements in lieu of in person testimony.
- 8.2. The Disciplinary Panel will withdraw to consider the evidence it has received and heard. The Clerk may retire with the Disciplinary Panel but may not participate in the decision-making.
- 8.3. The Disciplinary Panel shall find the allegation(s) of misconduct proven if the Panel is, on the balance of probabilities, satisfied that the allegations are more likely than not to be true.
- 8.4. The Disciplinary Panel may ask any clarification questions of both the Head of College Services and the Student.
- 8.5. The Disciplinary Panel will decide the sanction to be imposed in relation to each finding of misconduct. Sanctions may be combined.
- 8.6. The Disciplinary Panel will inform the student of its decision.
- 8.7. The range of sanctions that are available are:
 - 8.7.1. No formal sanction to be imposed.
 - 8.7.2. Nominated member of staff to provide guidance to the student.
 - 8.7.3. The student being required to attend specified training.
 - 8.7.4. The student being asked to apologise to those affected by the misconduct.
 - 8.7.5. The student being required to accept financial costs for any damage to property.
 - 8.7.6. Restrictions and/or conditions being applied to the student's attendance at Kaplan International Pathways; or

- 8.7.7. Temporary or permanent exclusion of the student from all or any part of the Kaplan International Pathways.
- 8.8. The Disciplinary Panel may refer any element of the misconduct to another Kaplan International Pathways procedure for further consideration.
- 8.9. In all cases a record is to be kept of the misconduct and sanction on the student record in KSS.
- 8.10. The decision of the Disciplinary Panel will be sent to the Chief Operating Officer for review.
- 8.11. Following the confirmation from the Chief Operating Officer, the Clerk will provide a written notice of the decision and sanction to the student within 5 working days of the Hearing.
- 8.12. The student will have 5 working days from delivery of the written notice within which to appeal (see section 9 below).
- 8.13. If the Disciplinary Panel decides that an allegation is not found to be true, no further action will be taken in relation to that allegation.

9. Appeal

- 9.1. A student may appeal the decision of, and/or sanction(s) imposed by, the Disciplinary Panel.
- 9.2. The student's appeal must be based on one or more of the following grounds:
- 9.2.1. A material procedural irregularity which might have impacted significantly on the validity of the original hearing and subsequent penalty; and/or
- 9.2.2. New evidence that could not reasonably have been made available to the Disciplinary Panel.
- 9.3. The College Director will nominate an Appeal Panel to be made up of a Chair and two nominated members of staff as nominated by the College Director.
- 9.4. The student must submit to the Clerk of the Appeal Panel a written statement of the grounds and basis of the appeal.
- 9.5. The student may withdraw the appeal at any time before the issue of an Appeal Decision Notice, in such cases, the appeal shall be deemed to have failed.
- 9.6. The Appeal Panel will consider the student's written appeal. The Appeal Hearing shall normally take the form of review rather than a complete re-hearing. It shall be

at the discretion of the Chair of the Appeal Panel to order a re-hearing if they considers it to be appropriate in the circumstances.

9.7. Having considered the appeal, the Appeal Panel may uphold or reject an appeal in whole or part.

9.8. Where the Appeal Panel upholds an appeal, it may:

9.8.1. Dismiss the allegation against the student.

9.8.2. Require that the allegation is considered afresh by a differently constituted Disciplinary Panel; or

9.8.3. (Where the appeal is against sanction only) impose a lesser sanction to the student.

9.9. The student will be provided with an Appeal Decision Notice setting out the Disciplinary Panel's decision.

9.10. The Appeal Decision Notice will be provided to the student in writing within five working days from the decision of the Chair of the Disciplinary Panel.

9.11. The Appeal Decision Notice concludes the Kaplan International Pathways' disciplinary procedure.

ANNEX

1. Criminal matters

1.1. Where a criminal offence may have been committed and/or where the alleged misconduct may amount to a criminal offence, Kaplan International Pathways may refer the matter to the police. The college can continue their internal procedures while the police investigation is taking place.

1.2. Whether or not a matter results in a criminal prosecution or other forms of civil reprimand, Kaplan International Pathways may pursue disciplinary action in relation to any matter brought to its attention.

2. Home Office UK Visas & Immigration

- 2.1. Students sponsored by Kaplan International Pathways under the Student Route should be aware that non-compliance with their visa responsibilities might result in the withdrawal of sponsorship from Kaplan International Pathways and therefore termination of their right to study in the UK under a Student visa.
- 2.2. Kaplan International Pathways has a duty to inform UK Visas and Immigration of any sponsored student's change of circumstances, including exclusion from the College following the conclusion of any investigation.