

Title:	Suspension and Termination of Students for Disciplinary Reasons
Policy Number:	P051
Approval Date & Version:	July 2022, Ver. 1.8
Approved by:	Academic Board (AB)
Next Review Date:	January 2024

External Reference Points:

External Source	Reference Points
UKQC- Core Practices	N/A
UKQC- Advice and Guidance	<ul style="list-style-type: none"> Enabling Student Achievement
Awarding Body Reference	<ul style="list-style-type: none"> Programme Specifications London Met Academic Regulations Pearson BTEC Recognition of Prior Learning Policy
Other reference Points	<ul style="list-style-type: none"> Recruitment, Selection and Admission Policy Assessment Policy Student Attendance and Progression Policy Code of Practice on Freedom of Speech within Nelson College London Student Handbooks/ Course Handbooks Prevent Duty Guidance: for higher education institutions in England and Wales, by HM Government. Nelson College London- Student Terms and Conditions Equality and Diversity Policy Policy and Guidance on Intermission

1. Aims and scope of the Policy

Aim:

- 1.1. The aim of this policy is to outline the Code of Conduct that the College expects all students to follow.
- 1.2. The College reserves the right to warn, suspend or terminate student(s) for breach or failure to comply with policies, procedures, rules, regulations and/or code of conduct.
- 1.3. Equality issues have been taken into account to develop this policy and all protected characteristics have been considered as a part of 'Equality Analysis'.

Scope:

- 1.4. This Policy deals with non-academic misconducts.
 - 1.4.1. This policy does not deal with offences related to academic issues, for example academic misconduct, inadequate academic performance or persistent neglect of academic work. *(Please refer to Assessment Policy).*

1.4.2. This policy does not deal with sexual misconduct issues. *(Please refer to Harassment and Sexual Misconduct Policy).*

1.5. If a student has been excluded from the College, then he/she will no longer be entitled to attend lectures, classes or seminars, use the College's facilities or services, submit assessments, take tests / examinations, or proceed to any degree, diploma or other award of the College.

2. The Policy

2.1. The following table sets out the types of behaviours which the College defines as non-academic misconduct. The behaviours listed in the table are non-exhaustive.

Type of Misconduct	Example of Misconduct
Creating obstructions in College working processes	<ul style="list-style-type: none"> • Administrative disruptions (e.g. refusal to present a Student ID card when requested by an employee of Nelson College London) • Academic disruption (e.g. disruption of teaching or learning environment through the usage of mobile phone. • Social (e.g. disruption during an event).
Reputational Damage	<p>Examples of reputational damage could include:</p> <ul style="list-style-type: none"> • Behaviour which could have damaged the reputation of the College or could have brought the College into a disrepute • Behaviour which has damaged the reputation of the College or brought the College into disrepute.
Unauthorised or Inappropriate Use of Property	<p>Examples of unauthorised or inappropriate use of property could include:</p> <ul style="list-style-type: none"> • Unauthorised use of / entry onto College premises or property, including computer labs and library. • Deliberate misuse of the College computer network e.g. hacking • Unauthorised recording of a learning activity • Unauthorised publication of a

	recorded activity (e.g. on You Tube, Facebook etc.) including malicious or defamatory comment.
Removal of Property	<p>Examples of removal of property could include:</p> <ul style="list-style-type: none"> • Taking property belonging to another person without permission. • Stealing personal property (e.g. goods, cash etc.)
Abusive Behaviour	<p>Examples of abusive behaviour could include:</p> <ul style="list-style-type: none"> • Use of inappropriate language (violent, aggressive, abusive, threatening, defamatory or offensive). • Sending inappropriate messages by email, text or on social media. • Repeatedly contacting another person (by phone, email, text or on social media sites against the wishes of another person). • Threats to hurt another person • Abusive comments relating to an individual's sex, sexual orientation, religion or belief, race, pregnancy/ maternity, marriage / civil partnership, disability or age. • Any form of harassment in person, including acting in an intimidating and hostile manner.
Deceitful Behaviour	<p>Examples of deceitful behaviour could include:</p> <ul style="list-style-type: none"> • Use or issue of fraudulent documentation relating to qualification and academic performance. • Use or issue of fraudulent documentation NOT relating to qualifications or academic performance. • Knowingly making false and vexatious allegations against the College or against any student or staff member • Fraud/attempted fraud, deceit,

	deception or dishonesty in relation to the College.
Antisocial Behaviour in the Campus	<p>Examples of antisocial behaviour in the campus could include:</p> <ul style="list-style-type: none"> • Smoking / E-smoking on College premises, other than in designated smoking area. • Consumption of alcohol in a teaching / learning environment.
Causing a Health or Safety Concern	<p>Examples of causing a health or safety concern could include:</p> <ul style="list-style-type: none"> • Act / Omission that did cause or could have caused a health and safety concern on College premises (e.g. smoking cigarettes in non-designated areas) • Act / Omission that did cause or could have caused serious harm, injury or impairment of safety on College premises (e.g. disabling fire extinguishers or covering up a smoke detector)
Criminal Offence	<p>Examples of criminal offence could include:</p> <ul style="list-style-type: none"> • The possession or use of any controlled drugs as covered by the Misuse of Drugs Act 1971 and the Psychoactive Substances Act 2016
Breach of College Rules, Regulations, Policies and Procedures	<p>Examples of breach of College rules, regulations, policies and procedures could include:</p> <ul style="list-style-type: none"> • Breach of 'Terms and Conditions' of Registration and/or 'Non-Payment' of course fees. • Breach of Attendance and Progression Policy.

3. Breach of 'Terms and conditions of Registration and /or Non-Payment of Course Fees

Terms and conditions of registration of the NCL

3.1. The terms and conditions of registration lays out the requirements for students to comply with the College rules, regulations, policies and procedures (located on our website and amended from time to time); and the College Prospectus. These are

considered an important part of the contract formed between student and the College in relation to their studies.

- 3.2. The terms and conditions include a provision for the College to take disciplinary action against a student if:
- 3.3. There is any breach of the contract.
- 3.4. It is found that a student's application contains material inaccuracies or fraudulent information, or that significant information has been omitted from the application form.
- 3.5. They fail to pay their course fees, as and when they fall due.
- 3.6. They are withdrawn/terminated after two weeks from the course commencement date, where 100% annual tuition fee is payable, and payment is not made. The College reserves the right to initiate legal proceedings in relation to non-payment of course fees in accordance with the College's regulations.

Terms and conditions of registration with the awarding bodies

- 3.7. As Nelson College London offers either validated or franchised programmes of other awarding bodies, each student registered and enrolled with the College is also subject to the terms and conditions of registration with their respective awarding bodies. The College attempts to align the College policies with the regulations of the awarding bodies. However, these regulations may be subject to change. If there is any conflict between the College policies and the awarding bodies, then the policies of the awarding bodies will override the College policies.
- 3.8. The Registrar may, at any time up to graduation, suspend or terminate the registration of any student who breaches the terms and conditions of the College and/or Non-payment of Course Fees.
- 3.9. The 'Terms and Conditions' are available on the College website. The link is as follows;
<https://nelsoncollege.ac.uk/sites/default/files/2018-03/Terms%20and%20Conditions..pdf>
(If the link is broken, then you can find the updated link using any established search engine).
- 3.10. The Registrar may exceptionally permit the re-registration of a student(s) whose registration has been terminated under this procedure.
- 3.11. The student is allowed to make an appeal against any suspension / termination decision within ten working days.

Appeal Procedure:

- 3.12. The appeals should be addressed to the Head of Programme Delivery and supported with accompanying evidence. The case will be systematically reviewed and the relevant circumstances will be investigated. An appeal hearing may be arranged, if necessary. This will normally take place within ten working days of receiving an appeal.
- 3.13. In case of dissatisfaction, the applicant can request a final review by the Principal of

the College, who will normally within ten working days issue a formal written judgement.

4. Breach of Attendance and Progression Policy

- 4.1. The College has a policy on Student Attendance and Progression.
- 4.2. All students will be warned if they are in breach of Attendance and Progression policy.
- 4.3. Following the issue of a warning / notification letter to a student because of failure to meet the attendance criteria, if the student does not turn up to attend classes and / or meet the Programme Administrator / Programme Leader, the student will be sent a letter stating that they are 'assumed to have been withdrawn'. Their record will be amended accordingly unless they contact the above individuals within 10 working days from the issue of this letter. Once a student is terminated, no refund of fees will be made and they will not be allowed to continue with the same cohort.
- 4.4. A student who does not meet the progression rules will not be allowed to continue their course in subsequent academic terms / year.
- 4.5. Students demonstrating non-attendance on a course of study will be asked to attend a meeting in the College with the course leader or tutor.
- 4.6. Where a student does not attend the scheduled meeting in the College and no viable reason is given for non-attendance, the programme team must discuss their reasons for retaining a student on the course of study, or choose to exit them at the next exam board.
- 4.7. A student must be informed of withdrawal in writing, prior to withdrawal. At the exam board, the reasons will be documented and the student shall be sent a certificate of any exit award for which they may be eligible.
- 4.8. Students with zero attendance and students with low attendance will be subject to this policy.

Procedures to follow in case of students whose attendance rate is zero:

- 4.9. Invoke the following disciplinary actions/procedures for non-attendance:
 - a) Letter of Concern:
 - i) Who: Students with zero attendance.
 - ii) Content: This letter will remind the students of their responsibility to attend the classes and improve their attendance rates.
 - iii) When: To be issued in the third week of the academic term.
 - b) Warning Letter:

The letter will contain the following points:

 - i) Who: Students with zero attendance in the first three weeks.
 - ii) Content: Invite the student for a preliminary meeting on a given date or within a specified date. If the student does not attend the meeting or if no satisfactory viable reason was given, disciplinary actions will be taken which may lead to withdrawal of the students from the course.
 - iii) When: To be issued in the fourth week.
 - c) Notification of Termination Letter:

i)Who: Those who received the warning letters but did not attend the interview OR those who attended the interview but did not give a viable reason for their non-attendance OR their attendance did not improve as agreed since that point on.

ii)Content: The letter will contain the following points:

- Inform that the College has the power to withdraw the student from the course.
- The student can make an appeal within the 14 days from the date of the letter. Appeal must be made to the Principal of the College.
- The student is obliged to pay the requisite fees to the College.

iii)When: To be issued in the sixth week.

d)Confirmation Letter of Withdrawal

i) Who: Those who received the Notification of Termination Letter but did not make an appeal within the specified time.

ii)Content: The letter will contain the following points:

- Inform that the College has decided to withdraw the student from the course.
- The student is obliged to pay the requisite fees to the College.

iii)When: To be issued to student in the eighth week

Procedures to be followed for less than 50% attendance rate:

Invoke the following disciplinary actions for students whose attendance rate is less than 50%:

a) Letter of concern (this letter is optional):

Who: Any students whose attendance rate is below 50% in the first four weeks.

Content: This letter will remind the students of their responsibility to attend the classes and improve their attendance rate.

When: This letter will be issued in the fifth week.

b) Warning letter:

Who: Any students whose attendance rate is below 50% at the midpoint of the current term.

Content: The letter will contain the following points:

- Come for a preliminary meeting on a given date. or within the specified time.
- If the student does not attend the meeting or if no satisfactory viable reason is given, disciplinary actions will be taken which may lead to withdrawal from the course.

When: To be issued on the sixth week or week after the midpoint

c) Notification of Termination Letter:

Who: Those who received the Warning Letter but did not attend the interview OR those who attended the interview but did not give a viable reason OR their attendance did not improve as agreed since that point.

Content: The letter will contain the following points:

- Inform that the college has the power to withdraw the student from the course.
- The student can make an appeal within 14 days from the date of the letter.
- Appeal must be made to the Principal of the College.
- The student is obliged to pay the requisite fees to the College.

When: After 14 days from the warning letter.

d)Confirmation Letter of Withdrawal:

Who: Those who received the Notification of Termination Letter but did not make an appeal within the specified time.

Content: The letter will contain the following points:

- Inform that the College has decided to withdraw the student from the course.
- The student is obliged to pay the requisite fees to the College.

When: To be issued to student 21 days after the notification of termination letter issued.

Appeal against Termination

- 4.10.** A student can make an appeal within 14 days from the date of the letter. The appeal must be made to the Principal of the College.
- 4.11.** Appeal Procedure: 3.5. The appeals should be addressed to the Head of Programme Delivery and supported with accompanying evidence. The case will be systematically reviewed and the relevant circumstances will be investigated. An appeal hearing may be arranged, if necessary. This will normally take place within ten working days of receiving an appeal.
- 4.12.** In case of dissatisfaction, the applicant can request a final review by the Principal of the College, who will normally within ten working days issue a formal written judgement.

5. Disciplinary Procedures for Non-Academic Misconduct

- 5.1.** The penalties for non-academic misconduct are determined depending upon the gravity of the case and/ or the ongoing nature of misconduct. The greater the severity of the misconduct, the greater the severity of the penalty. The range of penalties available include: informal warning, formal warning, restrictions / conditions, a written apology, suspension or termination.
- 5.2. Informal Resolution and Early Intervention:**
NCL staff are encouraged to intervene early and address petty incidents, for example low-level anti-social behaviour or unauthorised absences, through informal means. Where such discussions are found to be ineffective or insufficient, then the formal procedures stated below can be triggered.
- 5.3. Formal Procedures:**
 - 5.3.1. Investigation:**
 - 5.3.1.1. Formal complaints of non-academic misconduct should be forwarded to the Registrar.
 - 5.3.1.2. The Registrar will commence the investigation stage which constitutes gathering of information and collating evidence relating to the allegation of misconduct.
 - 5.3.1.3. Evidence is likely to be, but not exclusively in the form of a written statement from the reported party/parties; statements from other parties, for example a member of staff, emails, text messages, messaging on social media / mobile phones, screenshots etc. In addition, a student may be invited to attend an investigatory meeting where they will be asked questions relating to alleged misconduct and be provided with the opportunity to present their version of the events.

- 5.3.1.4. If an investigatory meeting is required, the student will be requested to attend. The purpose of the investigatory meeting is for the students to answer questions pertaining to the alleged misconduct.
- 5.3.1.5. At an investigatory meeting, the students are entitled to be accompanied by a student or a member of a staff. Legal representation is not permitted.
- 5.3.1.6. On conclusion of investigatory meeting, the Registrar using a 'Risk-based Approach' to consider the gravity of the misconduct and determine whether the incidence is potentially a minor, gross or a repeated misconduct.

5.4. Minor Misconduct:

- 5.4.1. An informal process will be used to deal with the incidents that are deemed to be minor in nature.
- 5.4.2. A 'Minor Misconduct' could constitute an incident which contains one or more of the following elements:
 - I. Any material loss or damage is minor and can be repaired quickly and inexpensively.
 - II. Informal guidance to the student is likely to resolve the matter.
 - III. No one suffered as a result of the incident.
 - IV. The student has shown sincere regret/contrition about the incident.

5.5. Penalties for Minor Misconduct:

- 5.5.1. The Registrar will inform the student that, any repetition of the misconduct incidence will result in the serious or repeated misconduct procedure being invoked and issue the following penalties:
 - I. A verbal warning
 - II. A written warning
 - III. To order making good or restitution of damage or loss i.e. to impose a fine
(*A risk based approach may be used to inform any of the above outcomes*)
- 5.5.2. If appropriate, issue a formal written warning to the student with 7 working days of the meeting.

5.6. Repeated or Gross Misconduct:

- 5.6.1. The 'Gross Misconduct' could constitute an incident which contains one or more of the following elements:
 - I. Damage or loss of property is significant
 - II. Previous misconduct has been repeated
 - III. Breach of 'Health and Safety regulations
 - IV. Possession of illegal drugs or substances
 - V. The law has been or may have been broken
 - VI. Another person has been harmed, or could have been harmed due to the alleged misconduct.
 - VII. Repeats of minor misconduct
- 5.6.2. Where the alleged misconduct is Serious and/ or Repeated, then a disciplinary panel will be convened.

5.7. Disciplinary Panel:

- 5.7.1.1. A disciplinary panel is a meeting whereby a student will be required to discuss allegations against them in front of a panel and answer questions relating to the allegation of misconduct.
- 5.7.1.2. The panel will be made up of the College staff.
- 5.7.1.3. The student will have the opportunity to present their version of events and comment on the documentary evidence presented to them by the panel.
- 5.7.1.4. At any disciplinary panel, the students are entitled to be accompanied by a student or a member of a staff. Legal representation is not permitted.
- 5.7.1.5. The student will be advised in writing of his / her requirement to attend a disciplinary panel with no less than 5 working days' prior notice.
- 5.7.1.6. The student will have the opportunity to address the panel through a formal written statement in which the student will specifically address the allegations presented against the student.
- 5.7.1.7. At the disciplinary panel, the panel will consider: the evidence presented before them; the student's response to the allegations; any witness statements, including those provided to the panel in person and gravity and frequency of the misconduct. The outcome of this disciplinary will be based on one or more of the following options:
 - I. To take no further action
 - II. A written apology from the student
 - III. To issue a written warning
 - IV. To order the making good or restitution of damage or loss i.e. to impose a fine
 - V. To suspend or terminate the student.

(A risk based approach may be used to inform any of the above outcomes)

5.8. Appeal:

- 5.8.1.1. The student shall have the right of appeal to the Principal within 10 working days, giving the grounds for appeal, if:
 - I. The student is aggrieved by the verdict and wishes to appeal the outcome
 - II. The student is aggrieved by the decision to suspend or exclude
 - III. The student is aggrieved by an order to make good of damage or loss i.e. the decision to impose a fine.
- 5.8.1.2. The Principal's decision shall be final.
- 5.8.1.3. Following the decision on the appeal, a letter of Completion of Procedures will be issued, which will open the way for the student to approach the Office of Independent Adjudicator. Further information about OIA can be accessed at <https://www.oiahe.org.uk>

6. Disciplinary Procedures for Recruitment, Admission, and selection

- 6.1. Any students who do not attend any classes within the first two weeks from the commencement of the first term may be deemed, at the discretion of the College, as not registered with the College.
- 6.2. An application for entry from a student who has previously withdrawn / terminated their registration shall be treated as a new application.
- 6.3. The College shall reserve the right to terminate a student's registration, temporarily or permanently who:
 - is in arrears with the payment of fees or any other dues to the College or to an affiliated institution; or
 - has failed to satisfy the academic requirements necessary to continue on the programme of studies concerned; or
 - has temporarily withdrawn from the College and has failed to meet the conditions laid down for the resumption of study; or
 - has been disciplined in so far as the disciplinary action taken by the College relates to registration or re-registration; or
 - has provided materially inaccurate information in support of their application; or
 - has lost immigration status/ permission to study in the UK; or
 - has acquired a criminal conviction of sufficient seriousness or has failed to declare a police caution or a criminal conviction occurring during the course of their studies.

7. Breach of Attendance and Repeat Policy

- 7.1. Nelson College London registers a full-time HND student for a period of two years. Therefore, the student's registration with the College automatically ends at the end of the two-year period as stipulated in the offer letter. The College will assume that the registration is automatically terminated at the end of the course duration as stipulated in the offer letter unless they are permitted by the College to repeat some or all of their outstanding units of the programme.

8. Breach of Code of Conduct, Values, and Ethics Policy

- 8.1. The College expect the students to abide by the Code of Conduct as listed in the Code of Conduct Values and Ethics Policy. Failure to comply may result in disciplinary actions been taken.

9. Disciplinary Procedure for Intermission

- 9.1. An 'Intermission' is a temporary withdrawal / leave of absence which provides a student with the opportunity to take break from his/her studies which is for reasons beyond their control (e.g. health or personal problems).

- 9.2. An intermission is approved for a definite period of time after which the student is expected to return to their studies.
- 9.3. A request to interrupt needs formal approval and is governed by Nelson College London rules and regulations.
- 9.4. Student(s) should seek relevant information and advice from Nelson College London authorities before making an application for intermission as it may have some significant consequences.
- 9.5. A student may also be given an option by the College either to interrupt or withdraw from the course if they do not meet the Student Attendance and Progression Policy for personal circumstances such as a prolonged sickness (cumulatively 35 days or more in an academic year).
- 9.6. Student(s) should consider the following issues before making an application for intermission:
 - Academic Issues
 - Funding Issues