

# Student Discipline & Attendance

2009/2010

# Contents

03	Interpretation
03	Purpose and scope
03	Informal procedure
04	Investigation of complaint or allegation
04	Suspension and exclusion pending a disciplinary meeting
05	Formal procedure
05	Ordinary Disciplinary matters
06	Decisions in Ordinary Disciplinary matters
07	Gross Misconduct
08	Decisions in Gross Misconduct cases
08	Cheating and other assessment related offences
09	Decisions in academic related cases
09	Misconduct which may constitute a criminal offence
10	Appeals
10	Counselling
11	Notices
11	Revision

# 1 Interpretation

## 1.1 In these Rules:

“the Centre” means one of the regional centre locations of the College.

“the Regional Director” means the person who is, from time to time, responsible for the internal organisation and management of the Centre, or his or her nominee.

“the College” means The College of Law.

“the course” means the prescribed series of lectures, seminars, tutorials, individual tuition periods, assessments and examinations for which the Student has registered with the College.

“Director of the College” means any person who is, from time to time, a member of the College’s directorate.

“student” means any person who is registered on a College course.

## 2 Purpose and scope

- 2.1 The purpose of these Rules is to help and encourage students to achieve and maintain acceptable standards of behaviour and self-discipline (both on and off College premises) and acceptable levels of attendance on College courses.
- 2.2 The standard of behaviour and self-discipline and the level of attendance which is acceptable are determined by the Regional Director.
- 2.3 The Rules apply to behaviour by all students, whether or not on College premises and whether or not connected with College courses. In exercising his or her functions under these Rules the Regional Director and other College officers shall take account of the extent to which any such conduct is likely to reflect upon the reputation or standing of the College or of the legal profession, or is relevant to the student’s status as a student or as a future legal practitioner.

## 3 Informal procedure

- 3.1 Minor infringements of discipline and minor lapses in attendance will normally be dealt with on an informal basis and every effort will be made by informal discussion between a student and his/her personal tutor to encourage good behaviour and attendance. However, where infringements or lapses persist or are more serious, the following disciplinary procedure shall apply.

## 4 Investigation of complaint or allegation

- 4.1 Following a complaint or an allegation against a student, the Regional Director shall arrange for another College employee to investigate fully the circumstances surrounding the complaint or allegation.
- 4.2 While the complaint or allegation is investigated, the student may be temporarily suspended or excluded from attending the course by the Regional Director under the provisions of paragraph 5.
- 4.3 Following the investigation, the Regional Director may rule that the complaint or allegation should not be the subject of further action.

## 5 Suspension and exclusion pending a disciplinary meeting

- 5.1 A student who is the subject of a complaint or allegation of misconduct or against whom a criminal charge is pending or who is the subject of a police, Law Society or Bar Council investigation may be suspended or excluded by the Regional Director pending a disciplinary meeting or a trial.
- 5.2 Suspension involves a total prohibition on attendance at or access to the course and to any College premises and of any participation in College activities; but it may be subject to qualification, such as permission to attend for the purpose of an examination.
  - 5.2.1 Exclusion involves selective restriction on attendance at or access to the course and to College premises or prohibition on exercising the functions or duties of any office or committee membership in the College or the Students' Representative Committee, the exact details to be specified in writing.
- 5.3 Suspension shall be used only where exclusion from specified activities or facilities would be inadequate.
- 5.4 An order of suspension or exclusion may include a requirement that the student should have no contact of any kind with a named person or persons.
- 5.5 Suspension or exclusion pending a hearing shall not be used as a penalty. The power to suspend or exclude under this provision is to protect the members of the College community in general or a particular member or members and the power shall be used only where the Regional Director is of the opinion that it is urgent and necessary to take such action. Written reasons for the decision shall be recorded and made available to the student.

- 5.6 Subject to paragraph 5.7 below no student shall be suspended or excluded unless he or she has been given a prior opportunity to make representations in person to the Regional Director. Where for any reason it appears to the Regional Director that it is not possible for the student to attend in person, he or she shall be entitled to make written representations.
- 5.7 In cases of great urgency, the Regional Director may suspend a student with immediate effect without the student having a prior opportunity to make representations. This decision to suspend shall be reviewed by the Regional Director within seven days and he or she shall then consider any representations received from the student or made on his or her behalf. The student may make representations in person except that they shall be made in writing if it is not possible for the student to attend in person or if the Regional Director is of the opinion that it would be inappropriate in the circumstances for him or her to do so. After the initial review of the position, paragraph 5.9 shall apply.
- 5.8 A decision to suspend, or exclude from academic activities associated with the course, shall be subject to review, at the request of the student, where it has continued for four weeks. Such a review will not involve a meeting or submissions made in person, but the student may submit written representations. The review shall be conducted by a Director of the College.
- 5.9 The Regional Director who took the original decision shall review the suspension or exclusion every four weeks in the light of any developments and of any representations made by the student or anyone else on his or her behalf.

## 6 Formal procedure

- 6.1 If a formal disciplinary procedure is to be followed, the student must be given at least 24 hours' notice of a disciplinary meeting with the Regional Director.
- 6.2 The student must be told the substance of the complaint or allegation and of his/her right to be accompanied at the disciplinary meeting by a friend or relative.
- 6.3 If the student fails to attend the meeting, the evidence may be considered and a decision taken by the Regional on the basis of it.

## 7 Ordinary Disciplinary Matters

- 7.1 The following list, which is not exhaustive, provides examples of matters which are normally regarded as Ordinary Disciplinary Matters and which may lead to the informal procedure in paragraph 3 or the formal procedure in paragraph 6:
- poor attendance
  - unauthorised absences
  - poor timekeeping

- minor breaches of College rules
- abusive or disrespectful behaviour
- behaviour disruptive of other students' study
- minor insubordination
- frequent sickness absence
- discrimination on the grounds of race or sex
- racial or sexual harassment
- failing to pay College course fees
- failing to pay for goods, tickets or other items or services obtained from the College during a course, or failing to ensure that a cheque tendered in payment is met

7.2 For assessment related offences, see section 11

## 8 Decisions in Ordinary Disciplinary Matters

The decision in an Ordinary Disciplinary Matter may be:

### 8.1 Written Warning

8.1.1 The student may be given a Formal Written Warning. This must give details of the complaint or allegation, the improvement required, and the timescale. It must warn that the second stage will be considered if there is no satisfactory improvement in the areas originally alleged or complained of, or if the student commits some other breach falling within the scope of Rule 7. The written warning should advise of the right of appeal and a copy of it may be held on the student's file throughout the student's Course.

### 8.2 Final Written Warning

8.2.1 The student will receive a Final Written Warning if:

- (a) there is still a failure to improve conduct, or
- (b) the student commits some other breach within the scope of Rule 7, or
- (c) attendance is still unsatisfactory, or
- (d) the misconduct is sufficiently serious to warrant only one written warning, but insufficiently serious to justify expulsion.

8.2.2 The Final Written Warning must give details of the complaint or allegation, must warn that expulsion may result if there is no satisfactory improvement and must advise of the right of appeal.

8.2.3 A copy of the Final Written Warning may be held on the student's file throughout the student's course.

## 8.3 Expulsion

8.3.1 If there is no satisfactory improvement the Regional Director may:

- (a) expel the student either immediately or after expiration of a stated period; or
- (b) where the Regional Director regards expulsion as inappropriate, impose such other penalty as he or she considers appropriate in the circumstances.

8.3.2 If the Regional Director expels the student he or she must give the student as soon as practicable written notice of the reasons for the expulsion, the date on which it is to take effect (if it is not an immediate expulsion), and of the right of appeal.

## 9 Gross Misconduct

9.1 The following list provides examples of matters which will normally be regarded by the Regional Director as Gross Misconduct and which will lead to the formal procedure under paragraph 6:

- theft
- fraud
- assault causing bodily harm
- sexual assault
- deliberate damage to College property
- blatant disregard of safety rules
- serious incapacity through alcohol or illegal drugs
- serious recklessness which causes loss, damage or injury
- serious acts of insubordination, for example, refusal to obey a reasonable and authorised instruction
- serious discrimination on the grounds of race or sex
- serious racial or sexual harassment
- behaviour giving rise to reasonable apprehension that serious bodily harm will be caused

9.2 The list above is not exhaustive. Nothing in these Rules implies that the Regional Director will not take action in accordance with his or her rights and duties under criminal law, or report the student's conduct to the Solicitors Regulation Authority or to the Bar Standards Board pursuant to his or her professional duty.

9.3 For assessment related offences, see section 11

## 10 Decisions in Gross Misconduct cases

- 10.1 Where the Regional Director is satisfied that there is gross misconduct on the part of the student the Regional Director may:
- (a) expel the student either immediately or after expiration of a stated period of time; or
  - (b) where the Regional Director regards expulsion as inappropriate, impose such other penalty as he or she considers appropriate in the circumstances. In such a case the Regional Director must also issue a Written Warning under paragraph (c) below; or
  - (c) issue a Written Warning. This must give details of the complaint or allegation, give warning that expulsion may result if there is repetition or some other breach of these Rules, and advise of the right of appeal.
- 10.2 If the Regional Director expels the student he or she must give the student as soon as practicable written notice of the reasons for the expulsion, the date on which it is to take effect (if it is not an immediate expulsion) and of the right of appeal.
- 10.3 A copy of any Written Warning may be held on the student's file throughout the student's course.

## 11 Cheating and other assessment related offences

- 11.1 The following list provides examples of matters which will normally be regarded by the Regional Director as academic dishonesty and which will lead to the formal procedure under paragraph 6:
- Using or possessing for use in assessments materials which are not permitted or authorised by the College
  - Copying or attempting to copy the work of any other student
  - Allowing another student to copy ones work
  - Knowingly submitting work which is substantially the work of another
  - Taking or attempting to take any step likely to afford the student an unfair advantage over other candidates whether before, at the time of, or after the assessment
  - Assisting a student to take any step likely to afford them an unfair advantage over other students
  - Impersonating another student or allowing another student to impersonate oneself
  - Making a false statement as to the number of words in any assessment
  - Plagiarism (see 11.3)
- 11.2 The list above is not exhaustive.

- 11.3 A student is guilty of plagiarism if he or she (whether or not knowingly) submits coursework a significant part of which consists of a copy or summary of the work of one or more academic or other authors without acknowledgement, or a paraphrase of material without proper attribution of each item to its sources.
- 11.4: Breaches of the assessment rules are an assessment related offence.

## 12 Decisions in assessment related cases

- 12.1 Where the Regional Director is satisfied that there has been an assessment related offence on the part of the student the Regional Director may:
- (a) deem the assessment(s) in question to be failed;
  - (b) deem the assessment(s) in question to be failed and notify Professional Bodies;
  - (c) expel the student immediately and notify Professional Bodies.
- 12.2 If the Regional Director expels the student he or she must give the student as soon as practicable written notice of the reasons for the expulsion, the date on which it is to take effect (if it is not an immediate expulsion) and of the right of appeal.
- 12.3: A failure of individual assessments(s) must be notified to the student in writing as soon as practicable including reasons for the failure and of the right of appeal. The Board of Examiners will be instructed accordingly.

## 13 Misconduct which may constitute a criminal offence

- 13.1 The following procedures apply where any misconduct (whether under paragraph 7, paragraph 9 or paragraph 11) would also constitute an offence under the criminal law if proved in a court of law.
- 13.2 Where the offence under the criminal law is considered to be not serious, action under these Rules may continue, but such action may be deferred pending any police investigation or prosecution, or any investigation by the Solicitors Regulation Authority or by the Bar Standards Board.
- 13.3 In the case of all other offences under the criminal law, no action (other than suspension or exclusion pursuant to paragraph 5) may be taken under these Rules unless the matter has been reported to the police and either prosecuted or a decision not to prosecute has been taken, at which time the Regional Director may decide whether disciplinary action under these Rules should continue or be taken, or be deferred until such time as the matter has been decided upon by the Solicitors Regulation Authority or by the Standards Board.

13.4 Where a finding of misconduct is made and the student has also been sentenced by a criminal court or been disciplined by the Solicitors Regulation Authority or by the Bar Standards Board in respect of the same facts, the court's penalty, the Solicitors Regulation Authority's penalty or the Bar Standards Board's penalty shall be taken into consideration in determining the penalty under these Rules.

## 14 Appeals

- 14.1 A student may appeal against a decision under these Rules by informing the Academic Registrar, at the address stated below, in writing within three working days of the disciplinary meeting or receipt of the written warning or the notification of expulsion.
- 14.2 The appeal must be heard by a Director of the College (other than the Regional Director making the disciplinary decision).
- 14.3 The appeal meeting shall be at such place as the Director of the College may determine, but within a reasonable distance of where the student is studying.
- 14.4 At the appeal meeting the student may state his or her case and may be accompanied by a friend or relative.
- 14.5 Any disciplinary decision imposed may be reviewed but it cannot be increased.
- 14.6 The decision given on appeal is final.
- 14.7 The address for appeal is:

*Academic Registrar  
The College of Law,  
Braboeuf Manor, St. Catherines,  
Portsmouth Road,  
Guildford,  
Surrey GU3 1HA  
Tel. no: 01483 460200 Fax no: 01483 460305*

NB. Any communication to the Academic Registrar under this paragraph should be marked clearly "Disciplinary Appeal".

## 15 Counselling

- 15.1 Any student making a complaint or allegation and any student against whom a complaint or allegation is made will receive sympathetic consideration and will in appropriate circumstances be offered the support of confidential counselling from the College Counselling Service. This service is independent of the disciplinary procedure described in these Rules.

## 16 Notices

- 16.1 Any written notice to be served on a student under these Rules may be served personally on the student; or by post addressed to the student at the student's last known address; or, if the student has a professional adviser, at the address of the professional adviser; or left at any of those addresses.

## 17 Revision of these Rules

- 17.1 The College may revise these Rules from time to time and shall notify students of the changes which will apply after notification.

The College of Law, Braboeuf Manor, Portsmouth Road, St Catherines, Guildford, Surrey GU3 1HA  
DX: 2400 Guildford Tel: 01483 460200 Fax: 01483 460305 E-mail: [info@lawcol.co.uk](mailto:info@lawcol.co.uk)  
[www.college-of-law.co.uk](http://www.college-of-law.co.uk)

The College of Law pursues a policy of continuous development of its courses and services. This document is for guidance only and does not form part of any contract. It is subject to change without notice. The information contained within it is correct at the date of publication.

Registered Charity ©The College of Law 2009