

HENLEY MANAGEMENT COLLEGE

COLLEGE REGULATIONS

REGULATION N° AR8

THE CONDUCT AND DISCIPLINE

OF PROGRAMME PARTICIPANTS

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AR8.1 Powers and Responsibilities

AR8.1.1 *Royal Charter and Statutes*

- (a) Under the provisions of Statute 6(2)(D), the Court of Governors is empowered to:

"...prescribe by Regulation the requirements of the College concerning the discipline of all persons subject thereto".
- (b) Under the provisions of Statute 7(5)(A), and subject to the Regulations relating to the conduct and discipline of participants, the Principal, or any person appointed by the Principal for the purpose, is authorised to:
 - (i) suspend or expel any participant from the whole or part of any programme of study on the grounds of a breach of discipline or otherwise;
 - (ii) suspend or expel any participant, other than a member of the staff of the College, from the whole or any part of the precincts and/or facilities of the College.
- (c) The Principal, or the person appointed by the Principal for the purpose, shall then ensure that action is taken forthwith under the disciplinary procedures contained in AR8.5 and/or AR8.6.

AR8.1.2 *Responsibilities*

- (a) Each participant admitted to a programme of study or programme of supervised research shall be informed of the requirements relating to conduct and discipline and shall undertake to comply with them.
- (b) Each participant shall ensure that he or she is familiar with the Regulations and Procedures relating to conduct and discipline.
- (c) Any person admitted to a programme of study or programme of supervised research offered by the College, whether within the College or through any collaborating organisation including an Associate Organisation or Accredited Centre, and whether or not leading to an award of the College or Brunel University shall undertake to abide by the College's requirements for the conduct and discipline of those participating in its programmes of study or of supervised research.

AR8.2 **Disciplinary Matters**

AR8.2.1 *Conduct*

- (a) No participant shall engage in any conduct which:
 - (i) may be detrimental to the reputation and good order of the College, or any collaborating organisation including an Accredited Centre, an Associate Organisation and/or Brunel University or
 - (ii) deliberately obstructs, , harasses, abuses or constitutes an assault or attempted assault on, or in any other way interferes with, attempts or incites others deliberately to obstruct, harass, abuse or assault or in any other way interfere with, any member of the staff of the College or of any collaborating organisation including an Accredited Centre, an Associate Organisation, or Brunel University; any other participant therein; or any Students with thereto; or
 - (iii) misappropriates, destroys, damages, defaces or improperly uses, or attempts deliberately to misappropriate, destroy, damage, deface or improperly use, any property, equipment or facilities belonging to the College or to any collaborating organisation including an Accredited Centre, an Associate Organisation, or Brunel University; or belonging to any employee or contractor or any visitor thereto; or any other participant therein.
 - iv) is at variance with appropriate standards of behaviour whilst engaged in professional practice, training or employment which forms part of his/her programme of study.

AR8.2.2 *Unlawful Acts*

- (a) No participant shall commit any act which:
 - (i) prevents, or is intended to prevent, the exercise of a person's legal right to freedom of speech and to enjoy academic freedom on College premises or the premises of any collaborating organisation including an Accredited Centre or an Associate Organisation; or
 - (ii) is in breach of any relevant legislation including human rights, equal opportunities, copyright, data protection, computer misuse, use/abuse of illegal or other substances, intellectual property rights and performing rights; or
 - (iii) falsifies, forges or misuses College records and documents, or attempts to do same.

- (b) As appropriate, the College will refer a breach of the law involving a programme participant to Police Officers for investigation and it will co-operate with Police Officers conducting any such investigations.

AR8.2.3 *Regulations*

- (a) No participant shall knowingly or intentionally act or attempt to act in breach of the College's Royal Charter and Statutes or Regulations.
- (b) No participant shall breach the requirements relating to the conduct of examinations and assessments or engage in any academic misdemeanour, including cheating, committing plagiarism, falsifying data or personation (see note 2).

AR8.3 **Distance Learning or e-Learning**

AR8.3.1 *Procedures*

With regard to a participant in a programme of study and/or supervised research delivered through distance learning or e-Learning, the procedures for considering any disciplinary matter or appeal against a decision relating to discipline shall take account of the nature of the relationship and communications between the participant and the College, and/or any collaborating organisation including any Associate Organisation and/or any Accredited Centre involved in the matter.

AR8.4 **Disciplinary Committee**

AR8.4.1 *General Requirements and Membership*

- (a) A Disciplinary Committee shall be established to consider cases relating to alleged serious breaches of discipline by participants.
- (b) The membership of the Disciplinary Committee shall be:
 - (i) two full-time College Professors appointed by the Principal, one of whom shall be designated as Chairman and the other, with experience and/or expertise relevant to the particular case, but no previous involvement in it, being appointed on an ad hoc basis.
 - (ii) one member of the Academic Board appointed by the Academic Board from the elected members of the Board for such term as the Board shall determine subject to a maximum of two years.
- (c) The Chairman appointed under (b) (i) above shall serve for a term of three years and may be re-appointed at the expiry of that period.
- (d) If the Chairman is either unable to attend any meeting of the Disciplinary Committee, or has previously been involved in a

particular case, the Principal shall appoint another College Professor to act in his or her stead.

- (e) If any member appointed under (b) (i) and (ii) above is unable to attend any meeting(s) of the Disciplinary Committee convened to consider a particular case, the Chairman shall appoint an alternate member of the Academic Board, if possible, from the same category of membership.
- (f) The College Secretary (or nominee) shall act as the Secretary to the Disciplinary Committee.

AR8.5 **Disciplinary Procedures**

AR8.5.1 *Informal Procedure*

Wherever appropriate and practicable, any allegation of misconduct made against a programme participant shall be resolved informally by the Director of Studies/Programme Director or member of staff concerned.

AR8.5.2 *Formal Procedure*

AR8 5.2.1 Initial consideration:

- (a) Any allegation of serious misconduct by a participant which cannot appropriately or practicably be resolved in accordance with Regulation AR8.5.1 or which has been referred by the Board of Examiners shall be submitted in the first instance to the College Secretary. Allegations not referred by the Board of Examiners shall be submitted in writing, normally by the Director of Studies/Programme Director concerned.
- (b) The College Secretary (or nominee) shall refer the written formal allegation to a member of academic or non-academic staff to be designated by the Principal. The College Secretary (or nominee) shall also inform the participant of the nature of the allegation and of its referral to the Principal's nominee.
- (c) The person designated by the Principal shall consider the evidence to determine whether or not there is a case to answer and may make one of the following summary decisions:
 - (i) that no serious breach of discipline has occurred or been proven; or
 - (ii) that a serious breach of discipline has occurred but that no further action should be taken; or
 - (iii) that a serious breach of discipline has occurred and that the participant concerned should be reprimanded; or

- (iv) that a serious breach of discipline has occurred and that, for a period not exceeding four weeks, the participant concerned should be suspended or excluded from specified areas of the College and/or prohibited from using specified facilities of the College and/or
- (v) that the allegation should be referred to the Disciplinary Committee.
- (d) As soon as practicably possible after the initial consideration, the College Secretary (or nominee) shall notify the participant of the outcome in writing.

AR8.6 **Consideration by the Disciplinary Committee**

AR8.6.1 *Procedures for convening a Hearing*

- (a) A hearing of the Disciplinary Committee shall be arranged to consider a formal allegation referred to the Disciplinary Committee by the person designated by the Principal to give initial consideration to the allegation.
- (b) The College Secretary (or nominee) shall give the participant at least ten days written notice of the time and date of the hearing.
- (c) The participant shall be advised of his or her right to attend the hearing and to:
 - (i) be accompanied by a friend who may, if the participant so wishes, present his or her case;
 - (ii) respond to the allegation and to hear and question all the evidence given at the hearing.
- (d) Neither the College nor the participant may be represented by a legal practitioner.
- (e) No participant shall be obliged to attend a hearing and his or her absence shall in no way prejudice the consideration of the allegation.
- (f) Any costs associated with the participant's attendance at a hearing shall be borne by the participant.

AR8.6.2 *Proceedings*

- (a) If a participant fails to attend the hearing of the Disciplinary Committee and the Chairman is satisfied that due and proper notice of the hearing has been given to the participant, the hearing may proceed.

- (b) The allegation against the participant shall be presented first by a person appointed for that purpose by the Principal to represent the College.
- (c) Both sides shall have the right:
 - (i) to call and if necessary to recall witnesses;
 - (ii) to question all witnesses;
 - (iii) to make concluding statements provided that the participant's concluding statement shall be heard last.
- (d) Subject to the agreement of the Disciplinary Committee, any person attending a hearing may remain throughout the proceedings but, with the exception of the Secretary to the Committee, shall be required to withdraw when the Committee begins to determine its findings and decisions, which shall be reached in private.

AR8.6.3 *Decisions*

- (a) The Disciplinary Committee may make one of the following decisions:
 - (i) that no serious breach of discipline has occurred or been proven; or
 - (ii) that a serious breach of discipline has occurred but that no further action should be taken; or
 - (iii) that a serious breach of discipline has occurred and that the participant concerned should be reprimanded; or
 - (iv) that a serious breach of discipline has occurred and that, for a specified period, the participant concerned should be suspended or excluded from specified areas of the College and/or prohibited from using specified facilities of the college; and/or
 - (v) that a serious breach of discipline has occurred, and that the participant concerned should pay a fine up to a maximum sum as shall be stipulated by the Court of Governors for the time being; and/or
 - (vi) that a serious breach of discipline has occurred and that the participant should be permanently excluded from the College.

- (b) Where the serious misconduct and breach of discipline involves theft of, or damage to, personal possessions or property, or College property or equipment by the participant, the Disciplinary Committee, in addition to imposing a sanction under Regulation AR8.6.3 (a) above, may require that such theft or damage be made good, in whole or in part, at the expense of the participant.
- (c) The participant shall be informed, by the College Secretary (or nominee), in writing of the decision of the Disciplinary Committee as soon as practicable after the hearing.
- (d) If the decision of the Disciplinary Committee be that the participant should be suspended or excluded, whether permanently or temporarily, the reasons for that decision shall be given to the participant.
- (e) The decision of the Disciplinary Committee shall be reported to the next meeting of the Court of Governors following the hearing.

AR8.6.4 *Records*

The College Secretary (or nominee) shall maintain full and accurate records of the Committee's proceedings and decisions and of the reasons for those decisions.

AR8.7 **Rights of Appeal**

AR8.7.1 *Decisions to Suspend Exclude or Fine*

- (a) Where the decision of the Disciplinary Committee or the person designated by the Principal be that the participant should be suspended or excluded from the College, whether temporarily or permanently, or that a fine should be imposed, the participant shall have the right of appeal to the College Adjudicator or, if a College Adjudicator be not appointed or available, such person as the Chairman of the Court of Governors shall appoint for the purpose providing that person is not a member of staff of the College. Notification of any such appeal shall be made by the participant, in writing, within ten days of the date of the notification of the decision concerned. The notification of any such appeal shall be sent to the College Secretary.
- (b) In the case of a participant in a programme of study through distance learning or e-Learning, the notification of any appeal under Regulation AR8.8.1 (a) shall be made, in writing, within twenty one days of the date of the notification of the decision concerned.

AR8.7.2 *Other Decisions*

There shall be no right of appeal against any other decision of the Disciplinary Committee.

AR8.8 **Procedure for the Hearing of Appeals**

AR8.8.1 An appeal against the decision of the Disciplinary Committee or the person designated by the Principal shall normally be heard within fourteen days of receipt by the College Secretary of the notice of appeal.

AR8.8.2 The College Secretary (or nominee) shall, as soon as is practicable, notify the participant in writing of the date of the appeal hearing and shall inform the participant of his or her right to appear at the hearing, to be accompanied by a friend, and to call or cross examine any witness(es) at the hearing.

AR8.8.3 The College Adjudicator (or the appointee of the Chairman of the Court of Governors) shall conduct the hearing and shall determine the procedure for the hearing of the appeal save that it shall include the right of the participant to appear and to present his or her appeal, to be accompanied by a friend who may speak on behalf of the participant and to call and/or cross examine any witness(es) at the hearing.

AR8.8.4 The decision of the person conducting the hearing shall be reached in private. The decision may be:

- (a) that grounds for appeal have been established in which case the decision of the Disciplinary Committee or the person designated by the Principal may be reversed or varied in a manner to be determined by the person conducting the hearing; or
- (b) that no grounds have been established in which case the decision of the Disciplinary Committee or the person designated by the Principal shall be confirmed.

AR8.8.5 Minutes of the hearing shall be kept by the College Secretary (or nominee).

AR8.8.6 The College Secretary (or nominee) shall forthwith notify the participant in writing of the outcome of the hearing and shall report the matter to the Court of Governors in such manner as shall maintain confidentiality.

AR8.8.7 The decision of the person conducting the hearing shall be final.

AR8.9 **Examinations**

AR8.91 *Appeals against Suspension or Expulsion*

When a participant has appealed to the College Adjudicator or other person appointed for the purpose by the Chairman of the Court of Governors, he or she shall none the less be permitted to take any examinations scheduled to take place between the effective date of the expulsion or suspension and the notification of the outcome of the Appeal.

AR8.10 **Course Fees**

AR8.10.1 Course fees shall not normally be refunded in respect of any period of suspension imposed under this Regulation. In the case of expulsion of a student under this Regulation a refund of fees may be made at the discretion of the Principal for any period or part of the student's programme which has not been commenced. The decision of the Principal on the question of any refund of fees shall be final.

AR8.11 **Expenses**

AR8.11.1 Where an appeal against a decision of the Disciplinary Committee is successful, the College shall meet any reasonable expenses incurred by the participant in submitting the appeal.

Notes

1. *Whenever a word meaning the masculine gender is used (e.g. Chairman), it shall include the feminine.*
2. *Definitions of terms:*

Cheating: Actual or attempted deception or dishonest action in relation to any academic work or assessment. Aiding, or attempting to aid, another person in deception or dishonest action shall also be regarded as cheating.

Plagiarism: The presentation of another person's thoughts, writings or inventions as one's own. It includes the unacknowledged direct copying, or the close paraphrasing, of another person's work, from published or unpublished sources, without indicating that the material has been taken from those sources.

Personation: The act of pretending to be another person for dishonest purposes (e.g. in examinations).