



STUDENT DISCIPLINARY POLICY

Purpose

These procedures seek to ensure that student disciplinary matters are dealt with fairly and promptly at the appropriate level by those with clear authority from MediPro. The procedures apply to persons who are studying with MediPro.

The purpose of the procedures is to regulate student behaviour to secure the smooth working of MediPro in the broadest sense. As serious consequences may follow a finding of misconduct, it is necessary in every case for it to be shown that the conduct in question falls within the general definition before it may be characterised as misconduct.

Scope

The principles of this procedure apply to all registered MediPro students in all locations on and off course both in the UK and overseas (when it is found that there is some link to MediPro or its reputation). On a case by case basis, some staff roles may vary from those detailed below.



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Version number	002	Used by	Student
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Version status	Live document	Document classification	Internal Use



STUDENT DISCIPLINARY POLICY

Contents

Purpose	1
Scope	1
Definitions	3
Procedure	4
Examples of Misconduct	4
General Procedures	6
Procedure	8
Interim Suspensions	9
Supplementary Provisions	10
Appeals	11
General Provisions for the Conduct of Hearings	12



Education With A Purpose

Version number	002	Used by	Student
Version date	06 January 2021	Business Area	ST
Version expiry	06 January 2023	Document ID number	ST 002
Version status	Live document	Document classification	Internal Use

STUDENT DISCIPLINARY POLICY

Definitions

Authorised Person

Under the Local Procedures, the following persons shall be deemed to be the authorised person for dealing with student discipline: member of the SMT (Senior Management Team) or nominated deputy. Under the Central Procedures, the authorised person shall be a member of the SMT or nominated deputy.

Senior Management Team

A member of academic staff appointed by Medipro to convene Disciplinary issues and Disciplinary Appeal issues.

Friend / Supporter

In accordance with all formal Medipro procedures, a student may be accompanied by a friend or supporter of their choice. The friend or supporter may not act as a representative unless given permission by the person conducting the proceedings and the student. There are limitations on who the friend or supporter can be in a disciplinary context: anyone who may be involved in the incident or otherwise in the proceedings is excluded.

Misconduct

A breach of discipline is, for these procedures, called an 'act of misconduct', and this will include, but not be limited to, failure to observe all Medipro rules and regulations. The essence of misconduct under this code is improper conduct or improper interference, in the broadest sense, with the proper functioning or activities of Medipro, or those who work or study in Medipro. It also includes conduct which otherwise damages the reputation of Medipro Ltd.

Sanctions

These are the penalties imposed upon students when there is a finding of misconduct.

Version number	002	Used by	Student
Version date	06 January 2021	Business Area	ST
Version expiry	06 January 2023	Document ID number	ST 002
Version status	Live document	Document classification	Internal Use

STUDENT DISCIPLINARY POLICY

Procedure

Medipro shall have the right to investigate any allegation of misconduct against a student, and may take disciplinary action where it decides, on the balance of probabilities, that an act of misconduct has been committed.

Examination and other assessment irregularities are normally dealt with in accordance with the Quality Assurance policy.

As part of the function of Medipro, graduation from certain courses entitles a graduate to practise in the medical field and to be eligible to apply for HCPC registration. In some cases where professional fitness to practise issues arise (e.g. medicine, education), Medipro may also invoke relevant procedures. In such cases, the disciplinary case file may be shared with HCPC or other third parties.

The Fitness Policy may be used by or with the misconduct in rare cases where conduct creates serious concerns about the student's welfare.

Examples of Misconduct

The following paragraphs elaborate upon, but do not limit the breadth of, the general definition of misconduct (see definitions above). The following shall, subject to the above, constitute misconduct:

- disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of Medipro, including offensive behaviour, whether on Medipro premises or elsewhere;
- obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of Medipro or any authorised visitor to Medipro;
- behaviour which brings Medipro into disrepute;
- intentional or reckless damage to, or defacement of, Medipro property or the property of members of Medipro and community;
- misuse or unauthorised use of Medipro premises, facilities or items of property;

Version number	002	Used by	Student
Version date	06 January 2021	Business Area	ST
Version expiry	06 January 2023	Document ID number	ST 002
Version status	Live document	Document classification	Internal Use

STUDENT DISCIPLINARY POLICY

- failure to disclose name and other relevant details to a staff member or employee of Medipro in circumstances when it is reasonable to require that such information be given;
- failure to treat others (students, staff, neighbours and other people in the community) fairly with respect. (This applies to all communication methods including personal contact, email, written communication and social community websites.);
- failure to comply with a previously-imposed penalty under these procedures (including non-payment of a compensation payment);
- failure to attend a disciplinary interview or provide a statement / response to alleged misconduct when requested to do so by the relevant person of authority;
- acts of dishonesty, including theft, fraud, deceit, or deception in relation to Medipro, its staff or students;
- action likely to cause injury, impair safety or raise false alarm on Medipro premises, e.g. acts involving damage to or discharge without just cause of, or other misuse of or interference with, a Fire Extinguisher or other Fire Safety Equipment; (such acts endanger Medipro community and are likely to result in severe sanctions.)
- harassment of any student, member of staff, or any authorised visitor to Medipro, whether sexual, racial or bullying, including defamation of character or slander. (Medipro has a published Equal Opportunities Policy and Procedure for Making and Dealing with complaints of Harassment and Bullying.)
- violent, indecent, disorderly, threatening or offensive behaviour or language whilst on or off Medipro premises whether directed towards a member of staff, another student, professional service staff (eg Police, ambulance, fire crew) or a member of the public;
- breach of the policies of Medipro;
- conduct which constitutes a criminal offence where that conduct:
 - takes place on Medipro premises, or
 - affects or concerns other members of Medipro community, or

Version number	002	Used by	Student
Version date	06 January 2021	Business Area	ST
Version expiry	06 January 2023	Document ID number	ST 002
Version status	Live document	Document classification	Internal Use

STUDENT DISCIPLINARY POLICY

- damages the good name of Medipro, or
- itself constitutes misconduct within the terms of these procedures. For the avoidance of doubt, Medipro may proceed under the Student Disciplinary Policy notwithstanding the instigation of any criminal proceedings.
- obstruction of, or improper or fraudulent interference with, attendance monitoring of any student by Medipro;
- Permitting another student to copy, verbatim or in substance, formative or summative assessed coursework (this includes providing an opportunity for another student to copy work, even if it was not the explicit intention that the work should be copied). Being party to any act, otherwise than for an academic reason, allowing the sharing of any such assessed work on a website or in any other medium; the fact that work has already been assessed when it is so copied or shared shall not negate the offence,
- Any other act or behaviour which may be reasonably interpreted as misconduct notwithstanding the lack of equivalent examples above.

Where in this procedure reference is made to any named Medipro role, such references are to be read as including reference to their nominees.

In implementing this procedure, Medipro will always remain mindful of its duty of care of the confidential and sometimes sensitive nature of disciplinary matters. It will also remain mindful of its obligations under the General Data Protection Regulations. All Medipro staff and students involved in any investigation of misconduct by a student have a duty of confidentiality to the student to limit disclosure to those who need to know. The student is also expected to respect the confidentiality of the process.

General Procedures

Any investigation into an alleged act of misconduct shall normally include in its early stages an interview of the student(s) concerned by the relevant authorised person.

Version number	002	Used by	Student
Version date	06 January 2021	Business Area	ST
Version expiry	06 January 2023	Document ID number	ST 002
Version status	Live document	Document classification	Internal Use

STUDENT DISCIPLINARY POLICY

Failure to attend a disciplinary interview or provide a statement / response to alleged misconduct when requested to do so by the relevant person of authority, may itself lead to disciplinary proceedings. When the subject of an allegation refuses to engage, or attend, the case may be concluded in their absence and reasonable inference may be drawn from non-engagement.

For cases where a student withdraws from Medipro whilst a disciplinary investigation is ongoing, the disciplinary case shall normally be concluded in the student's absence, if necessary, by the Disciplinary Committee.

Sanctions and other actions available under the Procedure

- Any authorised person may issue a Verbal Warning, in writing. A Verbal Warning is advice on future conduct together with a record that the advice has been given. The student should be informed that the fact that a Verbal Warning has been issued may be considered should any misconduct be found in the future. The issuing of a Verbal Warning is not a sanction and does not, of itself, imply misconduct; a Verbal Warning may be issued even when no misconduct has been found. However, a Verbal Warning may also be issued as a minimal response to a finding of misconduct when the misconduct is very minor. A Verbal Warning will not normally be disclosed in references.

If it is determined at a hearing that misconduct has been committed, one or more sanctions may be imposed. The main sanctions available under the Student Disciplinary Policy are listed below:

- A First Written Warning (only one FWW will be issued within the 12 month live period) advising the student about their future conduct. This represents a serious statement by Medipro of a finding of misconduct (the gravity/level of misconduct will be identified on a case by case basis) and shall be held on record for the duration of the student's studies.
- Where a student has previously received a First Written Warning, or where it is deemed fit, the student may receive a Final Written Warning.

Version number	002	Used by	Student
Version date	06 January 2021	Business Area	ST
Version expiry	06 January 2023	Document ID number	ST 002
Version status	Live document	Document classification	Internal Use

STUDENT DISCIPLINARY POLICY

- A compensation payment for the direct cost of reparations to property or other reasonable loss of money by person(s), institution or third party because of the misconduct.
- Disciplinary suspension from Medipro or such part as may be specified for a determined period.
- Deferred dismissal from Medipro. This means that dismissal has been determined in principle to be an appropriate sanction but that the sanction be deferred. Should the student be found to have committed further misconduct the student shall normally be dismissed from Medipro.
- Dismissal from Medipro with immediate effect. A student dismissed will not be eligible for an exit award, unless this is cleared by the Clinical Director.

A student dismissed or suspended because of disciplinary proceedings shall have no right to a refund of fees.

Procedure

Acts of misconduct which are to be considered by these procedures, shall be dealt with under the following procedure:

Where SMT so decides, s/he shall have the right to deal with an allegation of misconduct. If it is determined at the hearing that the offence is not proven, no further action shall be taken against the student but if it is determined that misconduct has been committed, one or more of the following may be imposed:

- A Verbal Warning, in writing.
- A First Written Warning.
- A Final Written Warning.
- A compensation payment.
- Disciplinary suspension.
- Deferred expulsion from Medipro.
- Expulsion from Medipro with immediate effect.
- Sanctions available under local procedures.
- Alternative sanctions may also be imposed after consultation with the Managing Director.

Version number	002	Used by	Student
Version date	06 January 2021	Business Area	ST
Version expiry	06 January 2023	Document ID number	ST 002
Version status	Live document	Document classification	Internal Use

STUDENT DISCIPLINARY POLICY

For clarity, SMT may suspend a student upon report of a serious allegation, pending further investigation.

Interim Suspensions

During the investigation of a disciplinary matter, it may be appropriate for SMT to determine that an interim suspension be applied to suspend the student from Medipro pending determination of the allegations against the student. Instances where interim suspensions may be applied include, but are not limited to, the following:

- Criminal matters:
 - Alleged or proven acts of violence
 - Alleged or proven sexual offences
 - Alleged or proven possession of drugs with intent to supply
 - Alleged or proven harassment
- Non-criminal matters:
 - Alleged further offences within Medipro procedures, including alleged breaches of instructions during suspension.

Interim suspension means that the student may not be on Medipro property other than for specific appointments which must be agreed in advance, and in writing, between the student and SMT.

Interim suspension means that the student may not, amongst other activities, attend classes as normal. To mitigate the impact of the interim suspension on the student's studies requests for occasional and limited access to services and facilities, such as appointments with key staff or to attend examinations, will be considered by SMT. Ordinarily learning material will be made available electronically and a member of academic staff will be appointed to manage liaison with the student and ensure the availability of materials and discuss academic queries.

Version number	002	Used by	Student
Version date	06 January 2021	Business Area	ST
Version expiry	06 January 2023	Document ID number	ST 002
Version status	Live document	Document classification	Internal Use

STUDENT DISCIPLINARY POLICY

The SMT may determine that an interim suspension is limited to specified areas, activities and facilities of Medipro.

Review of interim suspension

- Where an interim suspension has been applied this shall be subject to review every two weeks or at key stages as determined within the case management process by the SMT.
- Where a student has been subject to an interim suspension for a period of 6 weeks or more during the teaching term the student has the right to apply in writing to the SMT for a review of the interim suspension. The student shall specify the grounds for the review. Subsequent independent reviews may be conducted where a reasonable case may be made that circumstances have changed.
- A review will normally be conducted by a member of the Instructional Staff or other senior academic nominated by the SMT.

Supplementary Provisions

Non-payment of compensation or fines levied under these procedures by the given date will be deemed to be failure to comply with a previously-imposed penalty under these procedures and may result in further disciplinary action being taken. Outstanding payments may also be reported to the Accountants Dept for debt collection action to be initiated.

During the investigation or at conclusion of a disciplinary matter it may be appropriate for the authorised person to place an instruction on the student. Possible instructions include, but are not limited to, the following:

- No direct or indirect contact with the complainant
- Avoidance of certain areas or activities.

Breach of a specific instruction of an interim suspension shall be regarded as a disciplinary offence. The SMT will consider each case on its merits to determine the appropriate response which may include warnings and recommendations for stronger sanctions should the overall case proceed to a disciplinary hearing.

Version number	002	Used by	Student
Version date	06 January 2021	Business Area	ST
Version expiry	06 January 2023	Document ID number	ST 002
Version status	Live document	Document classification	Internal Use

STUDENT DISCIPLINARY POLICY

Breach of a specific instruction of a disciplinary suspension shall be regarded as a disciplinary offence. The SMT will consider each case on its merits to determine the appropriate response under the Student Disciplinary Procedure.

In some circumstances a breach of the restrictions of a suspension may be regarded as sufficiently serious that the student be deemed to have withdrawn from the registration agreement 'to conform to the discipline of Medipro and to all statutes, regulations and rules in force for the time being in so far as they concern me'. Such a decision may only be reached after a review normally conducted by the SMT or other senior academic nominated by the Managing Director. A review for this purpose shall be treated as a disciplinary hearing under these procedures. If it is determined that the breach is sufficiently serious that the student be deemed to have withdrawn from their registration agreement, the SMT will process the withdrawal with immediate effect.

In the event that further misconduct is alleged or established following a sanction of deferred expulsion, the matter will be referred to the SMT. The SMT will determine whether the deferred expulsion should be enacted, but will not decide on a sanction for the further misconduct. The review may either be conducted on the basis of written submissions or by means of a personal hearing. The SMT will instigate appropriate procedures for consideration of the further misconduct, if necessary.

Appeals **Education With A Purpose**

Where the decision includes a compensation payment. The payment must be paid by the given date and shall be refunded if the appeal is successful.

A student wishing to appeal against a decision because of a breach of previously imposed sanctions / specific instruction shall follow the appropriate procedure as shown in the following paragraphs.

Where the decision against which a student is appealing involves partial or full suspension or expulsion, the student shall not, subject to this paragraph, be permitted to attend that part or all of Medipro, as appropriate, while the appeal is being determined. Students may apply for permission to attend if they can demonstrate that it would be unreasonable to debar them from attending their programme of study or for assessment pending the

Version number	002	Used by	Student
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Version expiry	06 January 2023	Document ID number	ST 002
Version status	Live document	Document classification	Internal Use

STUDENT DISCIPLINARY POLICY

appeal. Grounds for such an appeal may include, but are not limited to, a change in circumstances since the disciplinary hearing or the fact that the timing of an appeal hearing means that a successful appellant will be prevented from returning to study immediately. Applications should be made to the Managing Director who may refuse or grant permission to attend Medipro and may, if granting permission to attend, limit attendance to specific locations and/or times.

An appeal shall be lodged within 7 calendar days of the decision of the SMT. The Appeal shall be in writing and shall specify the grounds of appeal.

The appeal shall be accompanied by supporting documentation that shall be relied upon in the event of a hearing. It shall be for the Managing Director to decide whether a late appeal shall be allowed.

The appeal shall be considered initially by the Managing Director to decide whether on the face of it (prima facie) there is a case under the specified grounds. The Managing Director may dismiss an appeal which does not provide a prima facie case. If the MD decides that a prima facie case has been established, the appeal shall be considered by the MD

The Managing Director may, in determining the appeal, confirm or vary or quash the original decision. If a student is reinstated to Medipro on an appeal against exclusion or expulsion, he or she shall not suffer any loss of time counted towards residence qualifications for a particular course. The student, nevertheless, shall be required to pay appropriate fees, notwithstanding temporary loss of tuition and other facilities in Medipro.

Where the Managing Director dismisses an appeal, there shall be no further appeal within Medipro.

General Provisions for the Conduct of Hearings

All proceedings before the SMT shall take evidence and receive submissions, either in writing or in person, and consider the allegation and all other circumstances which appear to them to be relevant.

The person may take evidence from such other persons as they think fit in order to reach a decision.

Version number	002	Used by	Student
Version date	06 January 2021	Business Area	ST
Version expiry	06 January 2023	Document ID number	ST 002
Version status	Live document	Document classification	Internal Use

STUDENT DISCIPLINARY POLICY

In cases in which a student is appealing against the decision of the SMT, the HR Lead responsible for the presentation of the original case shall attend to outline the original case. Unless specifically provided elsewhere, the student shall be invited to attend and present their case, and to be present and be heard during the hearing. Students may waive their right to attend; the hearing shall proceed in their absence. The hearing shall also proceed if the student fails to attend the hearing or give any advance notification of absence for the Chair to assess whether there is good cause for an adjournment of the hearing to a later date.

All students shall be informed of the allegation against them and given an opportunity to make a written statement. The student may be accompanied by a friend or supporter and shall have the right to be informed of all of the evidence. In all other respects, the conduct of the hearing shall be a matter for the authorised person or the Chair to determine. The student and any other person's present, except, where appropriate, shall withdraw whilst the decision is reached. A written but not verbatim record of the hearing shall be made by the HR Lead.

In the case of an appeal only, the Managing Director may authorise a hearing on the basis of the papers alone where it is expedient and just to do so. In such a case the parties shall be given appropriate notice and invited to make a full submission in writing.

Education With A Purpose

Version number	002	Used by	Student
Version date	06 January 2021	Business Area	ST
Version expiry	06 January 2023	Document ID number	ST 002
Version status	Live document	Document classification	Internal Use

STUDENT DISCIPLINARY POLICY

Name and Role of Author: Paul Ashfield, HR Lead
Name and Role of Responsible Person: Paul Ashfield, HR Lead
Ratified by: Kevin Scorer, Head of Education

Signed: 

Date Ratified: 20th April 2021



Version Control

This policy and procedure will be reviewed 2 yearly or as changes in legislation dictate.

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2	06/01/2021	Policy expired

Version number	002	Used by	Student
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