



TEMPLEGATE TRAINING  
ACADEMY CIC

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# Templegate Training Academy (TTA)

## Malpractice Policy and Procedure

### **CODE OF CONDUCT FOR STUDENTS**

**Reviewed: June 2020**  
**Next Review Date: May 2021**

# **CODE OF CONDUCT FOR STUDENTS**

## **1. Good Conduct**

The TTA is an extremely diverse one which draws people from a wide range of social, cultural, religious, ethnic, ideological and geographical backgrounds. Good conduct on the part of all members of that is essential for the well-being and safety of others and for the maintenance of an environment in which students and staff can work, study and meet one another effectively. The TTA requires staff and students to treat each other with respect and courtesy and to comply with TTA rules. It takes a serious view of conduct which falls short of the required standard. The arrangements set out below apply to students both on campus and at placements or study visits and to certain other circumstances where the interests of the TTA are affected.

As laid down in the Campus rules the jurisdiction of Management includes the obligation to regulate and superintend the discipline of students of the TTA and the power to suspend or expel students. All students are required to sign, inter alia, the following declaration at enrolment:

**“I accept that as a student of TTA I am bound by all the Rules and Bye-laws in force under the Articles of TTA Campus Rules”**

## **2. Misconduct**

2.1 It is not feasible to identify every way in which student misconduct might occur. It is likely, however, to fall into one or more of the following categories:

### **a) Misconduct relating primarily to staff and other students:**

a.1) Conduct causing or being liable to cause personal injury, offence or distress to any other person or damage to TTA property or premises or affecting good order

- (i) within the TTA or
- (ii) outside the TTA, provided that such conduct involves another student(s) or member(s) of staff of the TTA;

a.2) The behaviour, which affects the rights of other member of the TTA to a quiet environment and the peaceful enjoyment of facilities for work, study, leisure and accommodation. Such behaviour shall include all acts having the intention or effect of harassment, including producing (whether within the TTA or by using TTA facilities), sending, or distributing to any other person any written material (including by e-mail) or words likely to subject such person to threats, abuse or insult on the grounds of colour, race, sex, sexual orientation, political beliefs or ethnic or national origins.

a.3) Conduct which obstructs frustrates or disrupts:

- (i) Any lecture, class or other instruction, or any laboratory work, or any research or any examinations or other forms of assessment authorised to be held, given or undertaken within the TTA; or
- (ii) Any meeting or other function (including sporting activities) authorised to take place within the TTA; or
- (iii) The conduct of the administrative work of the TTA or its public or official functions, activities or legal duties.

a.4) Refusal to provide identification when asked to do so by a member of TTA staff in connection with security, administration of TTA business or alleged misconduct;

a.5) Attempting or inciting others to commit any act of misconduct covered in this Code.

**b) Misconduct relating primarily to regulations and the law:**

- b.1) Conduct which infringes any Regulation or Code of Practice of the TTA or any instructions relating to conduct given by members of TTA staff in the exercise of their duties;
- b.2) Falsification or misuse of the TTA's name, its logo or formal TTA records, including Diploma certificates;
- b.3) Fraudulent or dishonest behaviour in connection with registration and the conduct of assessed work;
- b.4) Theft, fraud, misappropriation, misuse of, or negligence in connection with, TTA resources or property of any kind, including computer misuse;
- b.5) Unauthorised access to, and use of, any TTA computing facilities;
- b.6) Unauthorised access to computer material;
- b.7) Unauthorised modification of computer material;  
(The TTA's Regulations concerning computer use can be found on the Information Services website).
- b.8) Infringement of any published TTA requirements concerning Data Protection legislation;
- b.9) Misuse of fire appliances or infringing any safety regulation or requirement within TTA property or on the campus;
- b.10) Using or knowingly possessing within the TTA controlled drugs as defined in the Misuse of Drugs Act 1971 or any legislation modifying or replacing that Act;
- b.11) Unauthorised possession of a key to TTA property or allowing others such unauthorised possession;
- b.12) Behaviour within or outside of the TTA (including conviction of a criminal offence) which is liable to, or does, bring discredit upon, or affect the interests of, the TTA;
- b.13) Breaching any undertaking given in connection with previous misconduct.

2.2 The following TTA staff ('TTA Officers') are responsible for dealing with cases of misconduct except for academic misconduct that falls within the scope of the Policy on the Conduct of Assessed Work:

- CEO
- Quality Manager
- Student Welfare Officer

2.3 A TTA Officer to whom a complaint of misconduct is made shall determine on the basis of the details of the complaint the apparent gravity of the misconduct. If this appears to warrant it, or an appropriate penalty is considered to be within the remit of the Discipline Committee alone, the TTA Officer must report the case to the Head of Academics with responsibility for student discipline and to the CEO. The matter will then be dealt with in accordance with Section 4 below.

2.4 If the misconduct is considered insufficiently serious to require referral to the CEO, the TTA Officer shall proceed to deal with the matter in accordance with the following section.

### **3. Misconduct Dealt with by TTA Officer**

3.1 The student will be informed in writing to his/her Term-time address+ by the TTA Officer of the details of the alleged misconduct, and given the opportunity of responding; the student will also be given reasonable notice of the date, time and location of the hearing of the matter. He/she may be accompanied at the hearing by one other person. The TTA Officer will be accompanied by the Admin Manager\*.

3.2 In cases where the student's misconduct is admitted or the complaint is upheld by the TTA Officer, a record of the hearing and of the penalty imposed will be

made by the Admin Manager\*. The record will be kept on the student's central TTA file for a period of one year.

- 3.3 The penalties to be applied by a TTA Officer shall be reprimand, or suspension from academic or other services for a period not exceeding one week, or a fine not exceeding £200, or a requirement to make good the cost in whole or in part of any damage caused, or any or all of these. The limits of these penalties and the purpose to which fines are to be applied may be reviewed periodically by authority of the Senate. Where a student is required to pay a fine or cost of damage the payment will be made to the Admin Manager and credited to the appropriate TTA account.
- 3.4 If the student fails to pay a fine or cost of damage in the time set by the TTA Officer, then the Admin Manager shall refer the matter to the Quality Manager who may take such action as he/she deems appropriate.
- 3.5 Where the misconduct is admitted by the student, the TTA Officer's decision regarding penalty is final subject to the lodging of an appeal (through the Admin Manager) within ten working days, to the Discipline Committee in mitigation of penalty. The Note of Appeal must state the grounds upon which an appeal in mitigation is made.
- 3.6 Where the misconduct is denied, and the student is not prepared to accept the TTA Officer's decision to uphold the complaint, he/she has the right to appeal in writing (through the Admin Manager) to the Discipline Committee within ten working days of notification of the decision. The appeal can be made only on the grounds that the TTA Officer's approach to and handling of the hearing was unfair or biased and the appeal must set out fully the grounds on which the student relies in making the appeal.

- 3.7 The Discipline Committee in such cases will, as soon as is practicable after receipt by the Admin Manager of the note of appeal, call on the Admin Manager for the record of the hearing which will also be submitted to the student in advance of the hearing. The Committee may ask the TTA Officer for further written information on the circumstances of the case, in which case this too will be submitted to the student in advance of the hearing.
- 3.8 The date and place of the hearing of the appeal will be notified in writing to the student at his/her Term-time address+. The student must confirm in writing that he/she will attend at the time given. If such confirmation is not received five working days before the date of the hearing the student will be deemed irrevocably to have withdrawn the appeal and the hearing will be cancelled.

#### **4. Misconduct Referred to the Quality Manager**

- 4.1 In accordance with Sections V (b) and XIX (hh) of the Statutes it may be necessary in the interests of a student or the TTA to suspend a student. If the Quality Manager considers that this is the case, he/she should first discuss the matter with the Admin Manager. If it is decided to proceed with suspension, the Quality Manager may order the immediate suspension of the student pending a disciplinary hearing or pending the outcome of any appeal arising therefrom. Suspension in these circumstances is a neutral act which does not imply guilt or innocence,
- 4.2 Upon receiving a complaint, the Quality Manager shall at his/her discretion determine one or more of the following actions to take:

- a) calling for such further information as he/she believes will be relevant in reaching a view on the gravity of the misconduct or the nature and quality of the evidence available;
  
- b) where he/she believes that there is a likelihood that the misconduct has taken place because the student might be displaying the symptoms of mental illness, the Quality Manager may after consultation with the Mental Health Advisor suspend the student until such a time as (i) the student can supply a medical report to confirm that he/she is fit to resume his/her studies/attendance at the TTA or (ii) the student supplies a medical report to indicate that mental health was not a cause of the misconduct, in which case the matter will be treated under the normal provisions of the Code;
  
- c) taking no further action in respect of the complaint on the grounds that there is insufficient or unsatisfactory evidence, or that no useful purpose is served by proceeding with the complaint;
  
- d) where he/she believes that the misconduct is insufficiently serious to refer to the Discipline Committee, he/she shall send back the matter to the relevant TTA Officer to be handled according to the provisions of Section 3;
  
- e) having received further information under
  - (a) above and/or having taken action under
  - (b) above or having done neither of these, as soon as is reasonably practicable, calling the student to an interview, setting out briefly in the letter the nature of the alleged misconduct and advising the student that he/she may be accompanied by one other person.



The Admin Manager shall also attend the interview. In this interview the complaint will be explained in more detail to the student who shall have the opportunity to respond.

## **5. Misconduct Referred to the Discipline Committee**

5.1 Misconduct may be referred to the Discipline Committee either via the Quality Manager or under the provisions of the Policy on the Conduct of Assessed Work.

5.2 The Admin Manager will send to the student's Term-time address+ a brief but clear specification of the complaint and calling upon the student on at least ten working days' notice to appear before the Discipline Committee.

If the student gives prompt and good reason why he/she will not be able to attend on the date given, the hearing will be re-arranged. If no adjournment is requested and agreed, or if the students fail to attend at the stated time, the hearing will go ahead in the student's absence.

5.3 The penalties applicable in respect of misconduct dealt with under the provisions of Section 4 are one or more of the following (for any period and subject to such conditions the Discipline Committee at its discretion imposes):

a) a requirement for the student to give an undertaking as to future conduct;

b) a reprimand or fine as well as in the case of damage to property or premises a requirement to pay for that damage in whole or in part. (In the case of a fine or an order to pay for damage, if the student fails to pay the money to the Admin Manager\* by the date prescribed by the Discipline Committee, the matter will be referred back to that Committee which may take any such action as it deems fit.)

c) suspension from academic or other services provided by the TTA;

d) Expulsion from the TTA (i.e., the student would not be permitted to study within the TTA for a period of at least 10 years);

e) In the case of the use of unfair means in an academic assessment on an award bearing programme the following penalties will normally apply, as set out in the Policy on the Conduct of Assessed Work.

At level 0 or 1 (including equivalent level of an HND or HNC), module mark of 0 is awarded).

At level 2 or 3 (including equivalent level of an HND or HNC), a module mark of 0 is awarded for the module(s) in question and marks for all other modules at that level are capped at 40%

f) Not to award credit for any part of a programme, module, assessment or examination;

g) Recommendation to Senate to withdraw an award already made.

5.4 The decision of the Discipline Committee will be given at the end of the hearing in person to the student (and subsequently it will be confirmed in writing), or by letter as soon as possible thereafter to the student's Term-time address+. It is the student's responsibility (particularly bearing in mind the time limits for lodging a notice of appeal) to make all arrangements necessary to ensure that such a written confirmation reaches him/her expeditiously if he/she is absent from that address following the hearing.

5.5 In the case of academic misconduct where a penalty under 5.3(e) or (f) has been imposed the matter will be referred back to the Board of

Examiners/Postgraduate Research Awards Board for implementation of the penalty.

**6. Procedure for Appeal to the Disciplinary Appeals Committee**

- 6.1 The student will be allowed ten working days from receipt of the confirmation of the Discipline Committee's decision in which to lodge notice of an appeal, in writing, to the Admin Manager for a hearing by the Disciplinary Appeals Committee. The appeal may be either (or both) against the decision of the Discipline Committee on the grounds that it acted unfairly in its hearing or against the penalty and in either case must state fully the grounds the student relies upon.
- 6.2 When notice of appeal has been received, the Disciplinary Appeals Committee (through the Admin Manager) will notify the student of the time, date and place of an appeal hearing allowing at least ten working days for the student's preparation of his/her case. If the student gives prompt and good reason why he/she will not be able to attend on the date given, the hearing will be re-arranged.
- 6.3 The student will be provided at that time with a copy of the minute of the proceedings of the Discipline Committee. The Discipline Committee may prepare its own report to the Disciplinary Appeals Committee in addition to the minute of proceedings, with such other comments as it may wish to make. This report will also be made available to the student as soon as reasonably practical but at least five clear days before the hearing.

- 6.4 The decision of the Disciplinary Appeals Committee is final and not subject to further review within the TTA. (For information on further external appeal see OIA in AQA Handbook or [www.oiahe.org.uk](http://www.oiahe.org.uk)).

## **7. Procedure at Hearings**

- 7.1 In all cases of (i) appeals to the Discipline Committee against a TTA Officer's or Pro-Vice-Chancellor's decision, (ii) the hearing by the Discipline Committee of complaints of misconduct, (iii) appeals to the Disciplinary Appeals Committee, the following provisions shall apply:

- a) The student may obtain from the Admin Manager any clarification as to procedures under this Code, and as to any actions the student can take in relation to the hearing.
- b) Both the student and the TTA may call witnesses to give evidence in the hearing but shall inform the other party three working days prior to the date of the hearing of the names of all such witnesses to be called. However, in all cases of appeal in respect of mitigation of penalty only, no witnesses shall be admitted. If either party proposes to submit written evidence, a copy must be given to the other party at least five working days before the hearing. If no, or shorter, notice is given the relevant Committee in its entire discretion shall be empowered to postpone the hearing or proceed without reference to the evidence.
- c) The student may be accompanied at the hearing by one person of his/her choosing or be legally represented, provided that the student gives notice to the Admin Manager not less than five working days before the hearing of such

intention to be represented legally. The TTA shall then be empowered to be legally represented also. In such cases, neither party shall be able to recover its legal costs, regardless of the decision in the matter. If no, or shorter, notice is given, the relevant Panel in its entire discretion shall be empowered to postpone the hearing.

d) The relevant Committee is empowered to hear a matter and impose a penalty in the event of the student not appearing, or remaining, at the hearing.

e) The relevant Committee may at its reasonable discretion adjourn, continue or postpone a hearing.

f) It is the duty of the relevant Committee to consider whether the alleged misconduct has taken place, and if so, to impose an appropriate penalty from the range of penalties available to it. It does not have the authority to assess the extent to which other parties involved in the hearing may have complied with policies and procedures or have the authority to impose penalties on the student other than those laid down in the Code.

## **8. Conduct of Hearing**

8.1 The TTA case will be presented by:

- the Quality Manager in cases of misconduct which have been referred to the Discipline Committee by the Quality Manager, and in the case of appeals under the provisions of paragraph 4.2(e);
- in cases of misconduct which have been referred to the Discipline Committee by an Quality Manager;
- The TTA Officer in cases of appeals under the provisions of paragraph 3.6.

- 8.2 The Admin Manager shall keep minutes of the proceedings including, where appropriate, a precise of the statements of witnesses.
- 8.3 The person appointed to present the case will be the first party to address the relevant Committee in cases where the Discipline Committee is hearing the complaint of serious misconduct. In cases where the student is appealing, the student or his/her representative shall be first to address the relevant Committee (and the following paragraphs of this section shall be read accordingly).
- 8.4 The student (or his/her representative) will then address the relevant Committee.
- 8.5 The person presenting the case will then call his/her witnesses.
- 8.6 The student will then call his/her witnesses and may him/herself give evidence.
- 8.7 Witnesses (including the student if he/she gives evidence) may be questioned by both parties and by any member of the relevant Committee.
- 8.8 The person presenting the case and the student (or their representative) will in that order is allowed to make the final address.
- 8.9 The student, the person presenting the case and anyone representing or accompanying them will withdraw while the relevant Committee considers its decision and will return to hear the decision delivered.

- 8.10 The relevant Committee has power to confirm or set aside a finding or remove, reduce, confirm, or increase the penalty appealed against.
- 8.11 Committee shall take into account any record of previous misconduct by the student.

**9. Criminal or Civil Proceedings and Scope of Code**

- 9.1 The fact that criminal or civil proceedings have been instituted in respect of the misconduct or, conversely the fact that the Police, Crown Prosecution Service or third party are unable or unwilling to proceed does not preclude the TTA from taking its own action under this Code, if it is thought appropriate by the relevant TTA Officer.
- 9.2 If action under this Code follows the conclusion of criminal or civil proceedings any finding of guilt or liability by the court will be regarded as conclusive proof of the misconduct complained of and only evidence in mitigation of the penalty imposed by a TTA Officer or Committee will be allowed.
- 9.3 For the avoidance of doubt, the procedure for the hearing of misconduct matters, and the penalties applicable thereto, shall remain available to the TTA in respect of students who have left the TTA prior to the commencement of the proceedings or the hearing of the matter.

**10. Guidance on Code**

Guidance on the Code and on its operation will be provided by TTA. Details of whom to contact are available in TTA Office.

## **APPENDIX ONE**

### **Constitution of the Discipline Committee and Disciplinary Appeals Committee**

(1) The Discipline Committee hears and decides (i) appeals in respect of misconduct dealt with by TTA Officers or the Quality Manager (ii) matters involving misconduct of a serious nature.

(2) The Discipline Committee consists of four members of Senate appointed by the Senate and two students appointed by the Senate on the recommendation of the Students' Union. The chairman of the Committee shall be one of the four members of Senate and shall be appointed by the Senate.

(3) The Disciplinary Appeals Committee hears and decides appeals from decisions of the Discipline Committee.

(4) The Disciplinary Appeals Committee consists of three members of TTA appointed by the TTA Board and one independent student. The chairman of the Disciplinary Appeals Committee shall be one of the three members of Appeals Committee. Members of the Discipline Committee may not serve concurrently as members of the Disciplinary Appeals Committee.

(5) In situations where any member of the respective Committee has been involved in the case that is to be considered by the Committee or there is any other conflict of interest, that member shall not be involved in consideration of the case and the arrangements.