

Conduct and Discipline Policy (Staff & Students)

Revised August 2017 (due for review August 2018, KC/TQE & BOD)

1.1 INTRODUCTION - MPA adopts a management style which:

- Respects individuals and minimises hierarchy;
- Invites, whenever possible, those affected by decisions to participate in making them;
- Provides access to all information (except where it is confidential to an individual);
- Is clearly structured and reflects well-maintained boundaries;
- Encourages self-responsibility and the development of competence.

1.2 MPA's aim is to ensure that all staff and students are treated with respect and courtesy and, in return, treat with respect and courtesy other members of the MPA community (including their peers, other students, tutors, staff, the general public and anyone else within MPA). MPA staff and students are asked to be ambassadors for MPA, who are sensitive to our culturally diverse environment and profession.

1.3 This document is intended to provide fair and open procedures to maintain staff and student conduct and behaviour at MPA. These guidelines are made available to all staff and students during their time with MPA and it is the intention to allow this guide to encourage the development of mutual respect between staff and students. To this end it is important that both staff and students exercise their rights responsibly and with respect for others, and so contribute to the orderly running of MPA as a whole.

1.4 The aim of the Conduct and Discipline Policy is to set out the standards of conduct expected of all staff and students at MPA and to provide a framework within which managers and teaching staff can work with the student body and other staff to maintain those standards and encourage improvement where necessary.

1.5 It is MPA's policy to ensure that any disciplinary matter is dealt with fairly and in accordance with these guidelines. If you are in any doubt as to your responsibilities or the standards of conduct expected you should speak to the Principal or Vice-Principal.

1.6 GENERAL NOTES ON CONDUCT AND DISCIPLINE - STUDENTS

1.6.1 This Policy concerns the conduct and discipline of all members of the MPA community. Action taken under this Policy will supersede any action taken under any other rules relating to the conduct of those enrolled with MPA.

1.6.2 Students are accepted subject to their signed Terms, their Contract with MPA, as part of the enrolment process each year.

1.6.3 Students will observe all lawful regulations or directions in relation to their attendance and their studies which may be made or given by staff of MPA in order to support the effective organisation and management of the College; directives may be made or given by staff acting by authority of the Board of Directors (for example, regulations or directions in relation to safety, the use of the library, the use of facilities).

- 1.6.4 Students will inform MPA of their home address, telephone number and email address, and will inform them within seven days of any change to those details.
- 1.6.5 Students are expected to ensure that they understand and follow the MPA Code of Conduct. This includes observing all MPA policies, procedures and regulations which are notified to you from time to time by means of notice boards, e-mail, the website or otherwise; take reasonable care in respect of the health and safety; comply with all reasonable instructions given by staff and management; and act at all times in good faith and in our best interests and those of our students and other staff.
- 1.6.6 Failure to maintain satisfactory standards of conduct may result in action being taken under this Policy.

1.7 **GENERAL NOTES ON CONDUCT AND DISCIPLINE – STAFF**

- 1.7.1 Whilst working for MPA staff should at all times maintain professional and responsible standards of conduct. In particular Staff are required to observe the terms and conditions of agreed employment commitments, particularly with regard to dates/ hours of work as appropriate and issues of confidentiality.
- 1.7.2 Staff are expected to ensure that they understand and follow the MPA Code of Conduct. This includes: observing all MPA policies, procedures and regulations which are notified to you from time to time by means of notice boards, e-mail, the website or otherwise; take reasonable care in respect of the health and safety of colleagues and third parties; comply with all reasonable instructions given by HOD and management; and act at all times in good faith and in our best interests and those of our students and other staff.
- 1.7.3 Failure to maintain satisfactory standards of conduct may result in action being taken under this Policy.

1.8 **DEFINITION OF BEHAVIOURAL MISCONDUCT**

- 1.8.1 Please note, specific procedures exist already for dealing with the following matters (please see specific guidance and Academic Regulations documents for further information). These are:

- appeals against the decisions of the Assessment Board
- issues of academic misconduct;
- alleged harassment;
- alleged inequality of opportunity; and
- conduct which constitutes a criminal offence.

- 1.8.2 The following will constitute behavioral misconduct:

- Disruption of, or improper interference with, the academic, administrative, social or other activities of MPA, whether on College premises or elsewhere
- Obstruction of, or improper interference with, the functions, duties or activities of any staff or

student of MPA or any contractor or visitor to MPA

- Violent, indecent, disorderly, threatening, obstructive, defamatory or offensive behaviour or language whilst on College premises or engaged in any MPA activity, taking account of attitude and context
- Fraud (or attempted), deceit, deception or dishonesty in relation to MPA or its staff or students or in connection with being a student of MPA
- Action which causes or is likely to cause injury or impair safety on MPA premises
- Breach of the provisions of MPA policies, as detailed in this Manual
- Damage to, or defacement of, College or associated property or the property of other members of the MPA community caused intentionally or recklessly or by negligence, and/or misappropriation of such property
- Misuse or unauthorised use of MPA premises or items of property, including misuse or unauthorised use of MPA IT-related infrastructure
- Behaviour which brings MPA (or relevant professions) into disrepute
- The deliberate false activation of a fire or panic alarm
- Minor breaches of our other policies (see Quality Manual)
- Minor breaches of your Terms of Enrollment / Terms of Employment;
- Damage to, or unauthorised use of, our property;
- Poor timekeeping/ Time wasting
- Refusal to follow instructions
- Excessive use of our telephones for personal calls/ excessive personal e-mail or internet usage
- Obscene language or other offensive behaviour
- Negligence in the performance of your duties
- Smoking in no-smoking areas.

1.8.3 This list is intended as a guide and is not exhaustive.

1.9 MINOR MISCONDUCT

1.9.1 Minor conduct issues can often be resolved informally between you and nominated senior management. These discussions should be held in private and without undue delay whenever there is cause for concern.

1.9.2 Where appropriate, a note of any such informal discussions may be placed on your personal records but will be ignored for the purposes of any future disciplinary hearings. In some cases an informal verbal warning may be given, which will not form part of your disciplinary records.

1.9.3 Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).

1.9.4 You will not normally be dismissed for a first act of misconduct, unless we decide it amounts to gross misconduct.

1.9.5 If you have difficulty at any stage of the procedure because of a disability, you should discuss the situation with Senior Management.

1.10 GROSS MISCONDUCT

1.10.1 Gross misconduct is a serious breach of contract/ agreements which, in our opinion, is likely to prejudice our business or reputation or irreparably damage the working relationship and trust between us. Gross misconduct will normally lead to dismissal/ expulsion.

1.10.2 The following are examples of matters that are normally regarded as gross misconduct:

- Theft, or unauthorised removal of our property or the property of a colleague, contractor, customer or member of the public; or fraud, forgery or other dishonesty, including fabrication of expense claims and time sheets;
- Physical violence or bullying; or actual or threatened violence, or behaviour which provokes violence;
- Deliberate damage to our buildings, fittings, property or equipment, or the property of a colleague, peer, contractor or member of the public;
- Serious misuse of our property or name;
- Misuse or unauthorised use of MPA premises or items of property, including IT-related infrastructure;
- Repeated or serious failure to obey instructions, or any other serious act of insubordination;
- Unlawful discrimination or harassment;
- Bringing the organisation into serious disrepute;
- Being under the influence of alcohol, illegal drugs or other substances during College / working hours;
- Causing loss, damage or injury through serious negligence;
- Serious or repeated breach of health and safety rules or serious misuse of safety equipment;
- Unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure;
- Accepting or offering a bribe or other secret payment.
- Possession, use, supply or attempted supply of illegal drugs;
- Serious neglect of duties, or a serious or deliberate breach of your contract/ terms or our operating procedures;
- Unauthorised use, processing or disclosure of personal data contrary to our Data Protection Policy; Giving false information as to qualifications or entitlement (including immigration status)
- Making a disclosure of false or misleading information under a Whistleblowing Policy or similar, maliciously, for personal gain, or otherwise in bad faith;
- Making untrue allegations in bad faith against a colleague/peer;
- Victimising a colleague/peer who has raised concerns, made a complaint or given evidence or information under another College policy;
- Unauthorised entry into an area of the premises to which access is prohibited

1.10.3 This list is intended as a guide and is not exhaustive.

1.11 WARNINGS

1.11.1 Where students or staff members engage in any activity which may constitute misconduct under this policy the following procedures will apply:

- Where issues concerning conduct and behaviour arise in the day to day running of the College, it is hoped that these issues will be resolved by the Head of the relevant Department
 - A verbal warning may be issued by the Head of Department and the member/ student informed that a note regarding the fact that a verbal warning has been issued will be placed on their personal file
 - Where issues concerning conduct and behaviour arise after a verbal warning has been issued, the issue should be drawn to the attention of the Principal who will issue a written warning. A note that a written warning has been issued will be placed on the individual's file
 - Where issues concerning conduct and behaviour arise after a written warning has been issued, the issue should be drawn to the attention of the Principal and the student/ staff member informed that this will happen
 - The Principal will convene a Conduct Panel consisting of the relevant Head of Department and two other members of Senior Management who will consider the gravity of the misconduct and will determine whether:
 - further action is necessary;
 - to issue a written warning;
 - to impose a charge in cases of damage or loss;
 - to deal with the individual concerned by setting up an appropriate disciplinary meeting, where the Head of Department will have authority to take any action listed within this section. Should the student/ staff member fail, after reasonable notice, to attend such a hearing, the meeting may proceed to take any action listed within this section;
 - to expel, exclude or suspend the member of staff / student.
- 1.11.2 The Conduct Panel will consider reported misconduct and determine whether to order the making good or restitution of damage or loss; and/or, expel, exclude or suspend the student.
- 1.11.3 Staff or Students who are the subject of a complaint of misconduct or against whom a criminal charge is pending or who is the subject of a police investigation may be suspended or excluded by the Management Team pending the relevant Hearing, Conduct Panel or trial
- 1.11.4 Accumulation of recorded warnings – MPA operates a warning points system. Where a staff member or student's behaviour is being considered then warning points may be recorded according to the seriousness and nature of the behaviour. Offences, for the purpose of warnings, fall into different levels of seriousness classified on a four point scale: minor; serious; grave; suspension/expulsion.
- 1.11.5 A guide to the type of warning which might be issued is provided in the table below. It is expected that MPA will use their discretion and take into account the individual circumstances of each offence and vary the type of warning and/or penalty issued accordingly as required.
- 1.11.6 Where an individual accumulates four or more warning points within any period of 12 months (the period to start from the date of the first confirmed warning), then a Hearing/ Conduct Panel will consider the suspension or exclusion of the student. Before making a

decision to suspend or expel a student, the Panel will consider the detail of the individual offences which have led to the accumulation of four or more warning points and will hear representations from the student.

1.11.7 GUIDE TO WARNINGS LIKELY TO BE APPLIED *(This is a guide only and serious cases of any behaviour may incur more serious action to that indicated.)*

Warnings	Against property of MPA, staff, students/ candidates and visitors	Against the person	Against the work of MPA	Against the good name of MPA
Minor Warning (1 Warning Point)	Negligent damage; Inconsiderate behaviour towards others.	Offensive language to other staff or students.	Disruption of the teaching/ learning environment through e.g. intoxication.	Offensive or disruptive behaviour affecting people adjacent to MPA's premises.
Serious Warning (2 Warning Points)			Deliberate refusal to provide information required for statutory purposes	Knowingly making a false and vexatious allegation against MPA or against any student or staff member
Grave Warning (3 Warning Points)	Deliberate damage to property and goods; Deliberate false activation of a fire or panic alarm		Repeated disruption of teaching	Use/issue of fraudulent documentation NOT relating to qualifications / academic performance
Suspension/ Expulsion (4 Warning Points)	Theft of MPA property, cash or goods, of the theft of property, cash or goods belonging to another; Fraud/attempted fraud; Deliberate misuse of MPA computer network, eg hacking; Deceit, deception or dishonesty which would bring MPA into disrepute.	Verbal or physical harassment or intimidation. Physical violence. Sexual assault; Deceit, deception or dishonesty which would bring a student, graduate, staff member or any other person engaged upon MPA business into disrepute.	Major disruption of academic programmes or the running of MPA. Serious plagiarism. Deceit, deception or dishonesty which would bring MPA into disrepute.	Sexual assault; Dealing drugs; Use/ issue of fraudulent documentation relating to qualifications/academic performance; Deceit, deception or dishonesty which would bring MPA or the related professions into disrepute.

1.12 CONFIDENTIALITY

1.12.1 Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved.

1.12.2 You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure

- 1.12.3 You will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against you, unless we believe that a witness's identity should remain confidential.

1.13 INVESTIGATIONS

- 1.13.1 The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against you, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents.
- 1.13.2 Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.
- 1.13.3 You do not normally have the right to bring a companion to an investigative interview. However, we may allow you to bring a companion if it helps you to overcome any disability, or any difficulty in understanding English.
- 1.13.4 You must co-operate fully and promptly in any investigation. This will include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required.

1.14 CRIMINAL CHARGES

- 1.14.1 Where your conduct is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding whether to take formal disciplinary action.
- 1.14.2 We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.
- 1.14.3 A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to your employment/ College activities.

1.15 OUTCOMES

- 1.15.1 In some circumstances we may need to suspend you/ your studies. The suspension will be for no longer than is necessary to investigate the allegations and we will confirm the arrangements to you in writing.
- 1.15.2 'Suspension' normally refers to a total prohibition on attendance at or access to College and on any participation in activities unless you have been authorised to do so by the Board of Directors.

- 1.15.3 Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations.
- 1.15.4 'Exclusion' involves selective restriction on attendance at or access to the College or prohibition on exercising the functions or duties of any activity at MPA; the exact details will be specified in writing.
- 1.15.5 'Expulsion' involves the permanent withdrawal of the student from all activities concerned with MPA.
- 1.15.6 No individual will be suspended, excluded or expelled unless he or she has been given an opportunity to make representations in person. Where for any reason it appears to the relevant Hearing Panel that it has not been possible for the student to attend in person, he or she will be allowed to make written representations.
- 1.15.7 Where the case is judged to be one of great urgency a Director will be empowered to suspend or exclude an individual with immediate effect provided that opportunities above are subsequently given and the matter reviewed within five working days.
- 1.15.8 Suspension or exclusion will be reviewed in the light of any developments and of any representations made by the individual or anyone else on their behalf.
- 1.15.9 Any breach of an order of suspension or exclusion may lead to further disciplinary action.

1.16 NOTIFICATION OF A HEARING

- 1.16.1 Following any investigation, if we consider there are grounds for disciplinary action, you will be required to attend a disciplinary hearing. We will inform you in writing of the allegations against you, the basis for those allegations, and what the likely range of consequences will be if we decide after the hearing that the allegations are true. We will also include the following where appropriate:
- a summary of relevant information gathered during the investigation;
 - a copy of any relevant documents which will be used at the disciplinary hearing;
 - a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.
- 1.16.2 We will give you written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but you will be given a reasonable amount of time, usually two to seven days, to prepare your case based on the information we have given you.
- 1.16.3 Further details will be provided to support this stage of the proceedings in all cases.

1.17 APPEALS AGAINST DISCIPLINARY ACTION

- 1.17.1 If you feel that disciplinary action taken against you is wrong or unjust you should appeal

in writing, stating your full grounds of appeal, to the Head of Academic Quality & Curriculum within one week of the date on which you were informed of the decision (but if suspended, you will remain suspended during the appeal process – please see full Appeals Policy).

- 1.17.2 If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. If your appeal is successful however, you will be reinstated/ restart with no loss of continuity.
- 1.17.3 If you raise any new matters in your appeal, we may need to carry out further investigation. If any new information comes to light we will provide you with a summary including, where appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before the hearing.
- 1.17.4 We will give you written notice of the date, time and place of the appeal hearing. This will normally be two to seven days after you receive the written notice.
- 1.17.5 The appeal hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at our discretion depending on the circumstances of your case. In any event the appeal will be dealt with as impartially as possible.
- 1.17.6 Where possible, the appeal hearing will be conducted impartially by the Head of Academic Quality & Curriculum. The Investigating Officer and a member of the Board of Directors/ Senior Management will also usually be present.
- 1.17.7 We may adjourn the appeal hearing if we need to carry out any further investigations in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 1.17.8 Following the appeal hearing we may:
 - a) confirm the original decision;
 - b) revoke the original decision; or
 - c) substitute a different penalty.
- 1.17.9 We will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing. Where possible we will also explain this to you in person. There will be no further right of appeal.