



## DISCIPLINARY POLICY & PROCEDURE

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# Student Disciplinary Procedure

## 1 Purpose

- 1.1 Fareham College expects that students will behave considerately at all times and respect the rights of other students, staff and members of the public both on and off campus.
- 1.2 This policy is designed to give staff a clear framework when dealing with issues of student discipline, including academic misconduct. The process aims to ensure that the College deals fairly, promptly and transparently with students who are believed to have committed a breach of College discipline.

## 2 Scope

- 2.1 The policy applies to all students enrolled on a programme of study at Fareham College participating in any college related activity and covers both academic and non-academic misconduct.
- 2.2 This policy does not apply to school pupils attending courses within the College. If a student breaches the Student Disciplinary Code and is still on roll as a pupil at a secondary school, the 14-16 Learner Agreement and allied Code of Conduct is referred to and the matter should be referred to the student's school. The College will however, reserve the right to request that the student is withdrawn from their programme as required.

## 3 Definitions

- 3.1 **College Related Activity:** Activities undertaken by enrolled students either as part of a course or as extra-curricular on College premises or away from the College. At the discretion of College Senior Management, this may also involve students travelling to the College on public transport.
- 3.2 **A Breach of Discipline:** Any behaviour that contravenes the Student Disciplinary Code. The Student Disciplinary Code is given in Appendix 1.
- 3.3 **Minor Misconduct:** Includes persistent disruptive behaviour, which may impact on the learning of others, the health and safety of others at a lower level. Examples are given in Appendix 2.
- 3.4 **Serious Misconduct:** Includes threatening behaviour and bullying or harassment of staff or students. Examples of serious misconduct are given in Appendix 2.
- 3.5 **Gross Misconduct:** Behaviour which may lead to exclusion from the College. Examples of gross misconduct are given in Appendix 2.
- 3.6 **Academic Misconduct:** Behaviour or intention to use unfair means in any test, examination or coursework, or to assist another student to make use of such unfair means.

## 4 Responsibilities

- 4.1 **All College Staff:** All College staff have a responsibility to challenge students acting in a way that is disruptive or causes a nuisance to others.
- 4.2 **Teaching Staff and Tutors:** Teaching Staff and Tutors are expected to take an active role in maintaining discipline. This involves using the student record system; Pro-Monitor, to register meetings with students, record verbal warnings and set improvement targets as required. They must also ensure that the Head of Department/Programme Manager is kept informed of all disciplinary matters and outcomes.
- 4.3 **Head of Department and Programme Managers:** Heads of Department and Programme Managers are responsible for managing the behaviour of their students. They are also responsible for ensuring that all staff in their area are familiar with the policy and the procedure and understand how it should be implemented. Heads of Department and Programme Managers will be responsible for escalating the disciplinary process as required and ensuring that targets set for students are reviewed and discussed with the student as necessary.
- 4.4 **Assistant Principal & Directors:** The Assistant Principal and Directors are responsible for ensuring that all staff in their areas are familiar with this policy and understand how it should be implemented. As members of the Senior Management Team, the Assistant Principal and Directors may also be required to act as Investigating or Hearing Officer if a matter requires investigation.
- 4.5 **Deputy Principal and Principal:** The Deputy Principal or Principal is responsible for hearing any appeals made in accordance with this policy. In the absence of the Deputy Principal and the Principal, another member of the Senior Management Team may hear the appeal.
- 4.6 **Investigating Officer:** The Investigating Officer is responsible for conducting investigations in a thorough, objective and fair manner and will meet with the relevant staff, students and their representatives/parents and present the evidence in written form to the Hearing Officer.
- 4.7 **Hearing Officer:** The Hearing Officer will make a decision based on the evidence presented by Investigation Officer and will meet with the relevant student and their representatives/parents and advise them of the outcome of the investigation.

## 5 Procedure

### 5.1 Minor Misconduct

- 5.1.1 All staff have a role to play in student discipline in that any staff member can and should challenge a student or students they see acting in a way that is disruptive or which causes a nuisance to others.
- 5.1.2 The member of staff will request that the student cease whatever behaviour is causing the problem and, if necessary, ask the student to leave the immediate area.
- 5.1.3 If, having challenged a student, the staff member considers that further action is required, the student's name and course should be ascertained and the matter referred to the relevant Tutor and Head of Department/Programme Manager.
- 5.1.4 The Tutor will meet with the student and caution against any further repetition of the offending behaviour (i.e. will deliver a verbal warning). The verbal warning will be recorded on Pro-Monitor as a disciplinary meeting and appropriate targets and deadlines set. Tutors must escalate repeated incidents of minor misconduct to the next stage by informing the Head of Department/Programme Manager.
- 5.1.5 Any member of teaching staff may issue a verbal warning but they must ensure that

the student's Tutor and Head of Department/ Programme Manager are notified.

## **5.2 Serious Misconduct and Gross Misconduct**

- 5.2.1 In the case of a more serious breach of the Student Disciplinary Code, persistent repetition of minor acts where previous warnings have failed to improve the behavior, or refusal to accept a verbal warning, a more formal procedure will be implemented. Any member of staff who observes behaviour they believe to be serious misconduct must inform the student that the matter will be referred to their Head of Department/Programme Manager.
- 5.2.2 Responsibility for invoking the formal procedure, e.g. written and final written warning lies with the Head of Department/Programme Manager
- 5.2.3 Upon receipt of information concerning an allegation of serious misconduct, the Tutor will inform the Head of Department/Programme Manager who will meet with the student at the earliest opportunity.
- 5.2.4 The Head of Department/Programme Manager, may consider a fixed period suspension as a penalty for their behaviour. This will allow the student time to reflect on their behaviour. In this instance, the student will be expected to access and complete course work via the VLE.
- 5.2.4 If an investigation is necessary, an Investigating Officer will be appointed.
- 5.2.5 If the behaviour in question applies to academic misconduct, the procedure in Section 5.8 will be followed.

## **5.3 Suspending a Student**

- 5.3.1 In some instances, it will be necessary to suspend a student from the College pending an investigation. Suspension of a student requires the agreement of a member of the Senior Management Team. In the absence of a Senior Manager, a Department Manager/Programme Manager may suspend a student if it is considered in the best interests or safety of that student or other students and staff.
- 5.3.2 If it is necessary to suspend a student, the student must be advised that an investigation will take place and that they will be invited in to attend a disciplinary hearing as soon as is practicably possible.
- 5.3.3 The letter confirming the suspension process (Appendix 5) should be sent on the same day that the decision is taken or the next working day thereafter.
- 5.3.4 The suspension should remain in force until the disciplinary hearing. Suspension normally involves complete exclusion from the campus.
- 5.3.5 In order not to disadvantage the student while under suspension, every effort should be made to enable the student to continue his or her studies, either by means of the VLE or by notes, hand-outs and work activities being sent by post or email to the student. The student's Head of Department/Programme Manager is responsible for coordinating this and communicating with the student.
- 5.3.6 During any suspension, teachers should mark the student as absent for all lessons.

## **5.4 Investigation**

- 5.4.1 Once appointed, the Investigating Officer will meet separately with staff, students and any other witnesses involved in the incident. The investigation will be conducted within 5 working days of notification wherever possible.
- 5.4.2 The letter template 'Invitation to an Investigation Meeting' (Appendix 4) can be used to invite a student or witness to an investigation meeting with the Investigating Officer.
- 5.4.3 The student who is the subject of the investigation may be accompanied by a supporter of his or her choosing (other than a legal representative). Student Services is able to offer support to students involved in a disciplinary situation and, where possible, will provide a supporter/representative to attend meetings with the student if requested by the student.
- 5.4.4 Notes will be taken at these meetings (either by the Investigating Officer or by a member of administrative staff) and will be sent by email to the staff, student or witness for an accuracy check. Staff, students and witnesses will be required to respond within 5 working days. Failure to respond will be taken as agreement that the notes are an accurate record of the meeting. This will be made clear by the Investigating Officer to the staff, students and other witnesses at the conclusion of the meeting.
- 5.4.5 The Investigating Officer is also responsible for collecting any other relevant evidence such as college records, information from social media sites etc. which may be required by a Disciplinary Panel.
- 5.4.6 Throughout the investigation, all staff and students involved will be reminded that the proceedings are confidential and that due care should be taken regarding information of a sensitive nature.
- 5.4.7 It may be necessary, as part of the investigation, to consult with staff from Student Services, the Head of Department/Programme Manager or any other relevant person with information connected to the student's behaviour. These statements will be taken in the same way as any other witness statements and will be considered by the Hearing Officer.
- 5.4.8 When the investigation is complete or when enough evidence has been collected for a decision to be made, the evidence will be presented to the Hearing Officer who will decide whether disciplinary action should be taken. A disciplinary hearing must be convened even if the decision is to permanently exclude the student.
- 5.4.9 If any statements gathered in the investigation indicate that attendance at a disciplinary hearing could be detrimental in any way to the health and wellbeing of the student concerned, the Hearing Officer will decide the most appropriate action to take.

## **5.5 The Disciplinary Hearing**

- 5.5.1 After completing the investigation, if a disciplinary hearing is deemed to be necessary, it will take place as quickly as possible. To avoid unnecessary delays, arrangements for the hearing can be made before the investigation is fully complete.
- 5.5.2 The student(s) will be advised in writing of the date and time of the hearing, details of the allegation(s) against them and their right to be accompanied to the hearing by a parent or another person of the student's choosing other than a member of the legal profession acting in a professional capacity. (Appendix 6)

- 5.5.3 Guidance for students required to attend a Disciplinary Hearing will be provided to the student. (Appendix 8 and 9)
- 5.5.4 Every effort will be made to arrange the hearing at a time suitable to all concerned. The initial date and time set will be re-arranged if the student provides evidence of a genuine reason to be unable to attend.
- 5.5.5 If the student does not respond and does not attend the hearing, it will be conducted in their absence.
- 5.5.6 The Investigating Officer will present the evidence gathered during the investigation to show where it supports the allegation.
- 5.5.7 The student (and/or his or her representative) will be given the opportunity to respond to the evidence given and present his or her own version of events along with any other information they feel is relevant.
- 5.5.8 Members of the panel may question the student or their representative in order to seek further clarification if necessary.
- 5.5.9 The hearing may be adjourned and reconvened at a later date if the panel concludes that further investigations should be carried out.
- 5.5.10 In cases where there is police involvement, the student will be informed that any evidence the College has, including statements the student makes at any hearing, may be given to the police if this is appropriate or required.
- 5.6.11 The written decision of the Hearing Officer will normally be sent to the student within 5 working days of the hearing.

## **5.6 Possible Outcomes following a Disciplinary Hearing**

- 5.6.1 **Verbal Warning** – Recorded on Pro-Monitor with targeted actions
- 5.6.2 **Written Warning** – Recorded on Pro-Monitor with targeted actions and confirmed with a follow up letter.
- 5.6.3 **Final Written Warning** – Recorded on Pro-Monitor with targeted actions and confirmed with follow up letter
- 5.6.4 **Period of suspension** from the College during which time the student will be expected to continue their course work using the VLE and take time to reflect on their behaviour.
- 5.6.5 **Permanent Exclusion** - Student is withdrawn from their course. Recorded on Pro-Monitor and letter sent to student.

## **5.7 Compensation Orders**

In some cases, where the breach of discipline involves causing damage to property, the student may be required, in addition to any disciplinary penalty, to reimburse the College for the cost of repairs. In addition, the College reserves the right to involve the Police in relation to the damage of property or any part of the campus or buildings.

## **5.8 Academic Misconduct**

- 5.8.1 In cases where the misconduct relates directly to matters of an academic nature (for example plagiarism, cheating or collusion) the procedure to be followed differs in some aspects from that detailed above.
- 5.8.2 If the student concerned is a Further Education student, the matter will normally be treated as an educational issue and the student will be given further advice and guidance regarding appropriate conduct in examinations and assessments.
- 5.8.3 If further repetitions of similar behaviour occur, the matter will be treated as any other disciplinary issue and the procedure above will be followed.
- 5.8.4 If the student concerned is a Higher Education student, the current published version of the College's Academic Misconduct Policy will be followed.
- 5.8.5 For the purposes of those regulations, the matter should be to the Head of Quality and Compliance.

## **5.9 Appeals Procedure**

- 5.9.1 A student may appeal against any disciplinary action (including compensation orders) taken against him or her by a disciplinary panel. Appeals will normally only be considered on the following grounds:
- That evidence is produced that there was material administrative error in conducting the disciplinary procedure or that it was not conducted in accordance with the published procedure.
  - That evidence is produced that some other material irregularity has occurred.
  - That new evidence is available that was not available at the time of the hearing that could materially affect the hearing panel's decision
- 5.9.2 An appeal letter will need to detail the grounds for the appeal under one or more of the headings listed above. Appeals should be submitted to the Principal within 10 working days of the date on which the written confirmation of the hearing was sent.
- 5.9.3 The Principal, or his or her nominee, will review all documentation and witness statements and may consult with relevant parties as appropriate, including the student and each member of the disciplinary hearing panel.
- 5.9.4 The decision of the Principal will be final and the student will have no further right of appeal within the College.
- 5.9.5 If the case relates to Academic Misconduct and the student is a Higher Education student, he or she may still have the right of appeal within the Academic Misconduct Policy and Procedure. Details of who to contact in this instance will be included in the formal response from the Principal.
- 5.9.6 The Principal will arrange for the student to be informed of the outcome of the appeal in writing as soon as possible and normally within 5 working days of the appeal being received.

## Appendix 1

### Student Disciplinary Code

Fareham College expects that, while on College premises, students behave respectfully towards staff, fellow students and College property in order that all College users can enjoy and benefit from their experience. This code outlines what will be regarded as unacceptable within the College community and will therefore constitute a breach of student discipline.

Fareham College expects that, while on any College premises, or participating in any College related activity, students must **not**:

- Deliberately damage or steal any property belonging to the College, a staff member, a fellow student or a visitor.
- Defraud, or attempt to defraud the College of any money.
- Abuse, threaten, assault, or endanger the health and safety, of any person.
- Make any attempt to bribe any student or member of College staff.
- Bully, harass or intimidate another student or member of staff: This includes online or through the use of social media sites.
- Behave in any way that is grossly offensive to others.
- Possess, use or trade in, illegal drugs.
- Infringe any College policy or regulation.
- Interfere with, or disrupt the day-to-day running or business of the College. This includes teaching, study, administration or recreational activities.
- Be under the influence of alcohol or other substance within the College to the extent that it is believed to be to the detriment of his/her appropriate response or behaviour.
- Make use of any unfair means or deceive, or assist another student to behave in this way, during any College test, examination or in the carrying out of any assignment.

#### **Please Note:**

- 1 The Student Disciplinary Procedure will be instigated and followed in response to any breach of this code.
- 2 Within the parameters of the Student Disciplinary Code, the College holds the right to withdraw a student from his/her course as a disciplinary measure. There is no need for a previous warning, however the Student Disciplinary Procedure will always be followed.
- 3 In certain circumstances, it may also be necessary for the College to treat a criminal conviction or unacceptable behaviour that takes place outside College premises or activity as an infringement of this code.

## **Appendix 2**

### **Guidance on Categories of Misconduct**

#### **Minor Misconduct**

Minor misconduct includes persistent disruptive behaviour, behaviour which causes a disturbance or nuisance to others. The following examples of minor misconduct are for illustration only – the list is not prescriptive or exhaustive.

- Unauthorised use of mobile phones or other devices in classrooms or work environments.
- Failure to display wear student ID lanyard.
- Non-compliance with regulations regarding study areas (e.g. eating or drinking in unauthorised areas).
- Addressing staff or fellow students in an impolite, inappropriate or offensive manner.
- Poor attendance and/or punctuality and/or unauthorised attendance.
- Misuse or unauthorised use of College facilities or property (this could also be serious misconduct, depending on the offence).
- Obstruction or disruption of College processes and procedures.
- Failure to follow a reasonable instruction from a member of staff.

#### **Serious Misconduct**

Serious misconduct includes threatening behaviour and bullying or harassment of staff or students. The following examples of serious misconduct are for illustration only – the list is not prescriptive or exhaustive.

- Abusive, threatening or bullying behaviour towards staff and students via any means including phone, text, emails or on internet blogs, forums, Facebook, Twitter or any other social media.
- Intentional or reckless damage or defacement of College property or the property of other members of the College community.
- Repeated failure to wear student ID lanyard.
- Fraud, deceit or dishonesty in relation to the College or its staff.
- False or malicious allegations against College staff e.g. fabricated complaints that may have been raised initially as part of the College Complaints Procedure.
- Non-compliance with penalties imposed for minor misconduct.
- Failure to comply with College policies or procedures.

#### **Gross Misconduct**

Gross misconduct is behaviour which calls into question a student's status as a student of the College. The following examples of gross misconduct are for illustration only – the list is not prescriptive or exhaustive.

- Bringing the College into disrepute.
- Dealing in, possessing or using illegal substances.
- Physical assault, or threat of physical assault, on a member of staff or a student.
- Use or threaten to use a weapon.
- Racial hatred or abusive actions
- Criminal conviction for any of the above and for offences against the person of a violent or sexual nature.
- Fraud, deceit or dishonesty in relation to the College or its staff.
- Theft of College property.
- Non-compliance with penalties imposed for serious misconduct.

## Appendix 3

### Confirmation of Written Warning

Dear (insert student name)

### Confirmation of Written Warning

This letter confirms the **written warning** that was issued to you at the meeting held on (insert date) for (insert cause).

This warning has been recorded on your student record and you have been set targets for improvement. This matter will be reviewed on (insert review date) to ensure that you have met the targets as agreed.

If you are found to be in further breach of the Student Disciplinary Code, this warning will be taken into account and the matter will be dealt with at a more serious level within the Student Disciplinary Procedure.

Yours sincerely

(insert name)

Head of Department

cc Tutor (insert name)

## Appendix 4

### Invitation to an Investigation Meeting

Dear (insert student name)

I have been asked to investigate an alleged breach of the Student Disciplinary Code. I would like to meet with you to discuss this in more detail and to obtain from you a statement of your account of the matter. I hope you will be able to meet me on \_\_\_\_\_(insert date) at \_\_\_\_\_(insert time). Please report to Main Reception and I will come and collect you. You are welcome to bring a friend as informal support in this meeting if you wish to do so. My investigation will inform the decision as to whether or not a formal Disciplinary Hearing will be required.

Please let me know, by contacting me on the number or email below, whether or not you will be able to attend.

I look forward to hearing from you.

Yours sincerely

(insert name)  
Investigating Officer  
Phone: (insert direct dial telephone number) Email:  
(insert email address)

## Appendix 5

### Suspension During an Investigation

**From the Director/Assistant principal when a student is to be suspended while an investigation is underway.**

Dear (insert student name)

#### **Suspension from College during a Disciplinary Investigation**

I am writing to inform you that an investigation is being conducted into a recent incident in which it is alleged that you committed a serious breach of the Student Disciplinary Code. Details of the allegation are (insert details).

I have decided that you should be suspended from College while this investigation is underway. While you are under suspension, you will not be permitted access to College premises but your lecturers will be asked to provide you with notes, handouts and/or work activities in order for you to continue your studies at home during this period. Your Head of Department will co-ordinate this and will inform you of any arrangements that can be made in this respect.

The suspension will remain in force until a disciplinary hearing takes place and you will be allowed back onto the premises for the purpose of attending this hearing. You will be informed by letter of the date and time of the hearing and you will be provided with full details and guidance to help you through the process.

I regret that we have been forced to take this action but if you have any questions about the process, please contact .....

Yours sincerely

(insert name)

Director

Direct Line Number: (insert phone number)

cc Head of Department (insert name)

**Appendix 6**

**Invitation to a Hearing**

Dear (insert student name)

**Disciplinary Hearing**

A Disciplinary Hearing has been arranged in order to consider allegations against you that on (insert date) you did (insert details). The hearing will take place:

On:

At:

In:

Please contact .....to let us know whether or not you are able to attend on that date.

When you arrive, please report to Main Reception within C-Building.

The hearing will give you the opportunity to state your own case and to provide witness statements on your own behalf should you wish to do so. Witness statements gathered during the investigation will be considered by the Hearing Officer. I have attached some further guidance about the process and what you should expect to happen.

**[Omit this paragraph if the details are not known at the time of writing]**

The Disciplinary Panel will be Chaired by \_\_\_\_\_(insert name) and other members of the panel will be:  
(list other members of the panel)

If you have any questions about the process, please contact Student Services.

Yours sincerely

## Appendix 7

### Outcome of Hearing

[Letter from the Hearing Officer, normally the Director/Assistant Principal, informing the student of the outcome of the Hearing]

Dear (insert student name)

**Outcome of Disciplinary Hearing held on \_\_\_\_\_**(insert date) Following

the Disciplinary Hearing noted above in which it was alleged that you \_\_\_\_\_(insert details), I am now in a position to inform you of the decision of the panel.

The decision is \_\_\_\_\_(insert decision).

**[If the decision is any kind of warning, include information about how long the warning will remain on record, as agreed at the Disciplinary Hearing (normally 6 months for verbal warning, 12 months for written warning and 2 years for final written warning)]**

**[If the decision is Final Written Warning, state the reasons for the FWW and include details of any previous Warnings taken into account. Add a statement 'If any further breach of discipline occurs, you may be withdrawn from your course of study.']**

**[If the decision is dismissal from College insert the detail of when this is effective from, Note: Effective date must be after the time allowed for appeal i.e. 15 working days from the date of the letter]**

This decision was reached by a panel consisting of (list names of panel) in the presence of (list anyone else attending). The procedure being followed was explained to you and you were given the opportunity to make your own case.

You have the right to appeal against this decision. If you wish to do so, please write to the Principal stating your grounds for appeal, within 10 working days of the date of this letter.

Yours sincerely

Director

cc Head of Department(insert name)

**[Plus, in the case of Withdrawal only]**

cc Relevant Employer/Managing Agency

## Appendix 8

### Guidance for Students Required to Attend a Disciplinary Hearing

#### What Happens at a Disciplinary Hearing?

- You will have been informed by letter of the date, time and venue of the hearing.
- The meeting will last between 30 minutes and one hour. You may bring a friend or a supporter with you if you wish, however your friend or supporter cannot be a member of the legal profession acting in a professional capacity.
- When you arrive you will be asked to wait at Main Reception and someone will come and take you to the room where the hearing is being held.
- You will be introduced to the Hearing Officer and other members of the panel at the beginning of the hearing. There will be a member of staff present to take notes.
- The allegations will also have been included in your letter but these will be outlined again at the beginning of the hearing. The listing of allegations does not mean that a judgement has been made regarding your involvement in an incident. That is why a hearing is being held – to make sure all the facts are brought out into the open.
- The process and the possible outcomes will also be explained to you.
- You will be asked to explain what happened in your own words and to provide any statements from witnesses in your support.
- You can ask questions and the panel will ask you questions. The panel want to work out what actually happened so will try to put you at ease and will not 'interrogate' you.
- You will not be told the outcome on the day of the hearing because the panel will have to meet in private to consider all the evidence and reach a decision.
- You will be informed of the outcome and any penalty (if that is the decision of the panel) by letter as soon as possible after the hearing.

## Appendix 9

### Frequently Asked Questions

**Do I have to attend?** Yes. You are required to attend a disciplinary hearing when requested to do so. Even if you feel that you have not done anything wrong or there has been a misunderstanding, it is important that you attend so that your own account can be heard. If you do not attend the matter will be considered in your absence, unless you have made arrangements to reschedule the meeting.

**What should I do if I can't attend at the date and time stated?** Details of who to contact in this situation will be given in the letter. You must present a valid reason for not attending and provide evidence to support this.

**What should I do to prepare for a hearing?** Familiarise yourself with the process and collate any evidence (e.g. witness statements) in support of your own account of what happened. Take time to consider what you want to say.

**Can I bring someone with me to the hearing?** Yes. You can bring a friend or family member, but not a member of the legal profession acting in a professional capacity. You can also discuss it with your Tutor. You can bring a witness who can support your account of the incident or you can ask him or her to provide a statement and bring it with you for the panel to consider.

**Will I be issued with a penalty?** If the panel decide that misconduct has not occurred, you will not be issued with a penalty. If the panel decide that misconduct has occurred, you will be issued with a penalty. At the start of the hearing, possible penalties will be described to you. These can also be found in the Student Disciplinary Procedure.

**Can I appeal against a decision?** Yes. You can appeal against any penalty which is issued provided you have grounds for appeal. Details of how to appeal will be in the letter giving you the panel's decision. The grounds for appeal are listed in the Student Disciplinary Procedure.

**Appendix 10**

**Flow Chart**

