## MSc Course Student Disciplinary Procedures

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<td>Separation of complaints procedure from disciplinary procedure.</td>
<td>29/08/2018</td>
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<td><strong>Housekeeping changes:</strong></td>
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<td>‘Institute’ replaced by ‘ICR’</td>
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<td>‘Joint Course Leader’ replaced by ‘Course Director’</td>
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<td>‘Stage 4’ replaced by ‘Right of Appeal’</td>
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<td>Other minor changes at 2.2.; 3.3.3.; 4.1.; 5.1.</td>
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<td><strong>Operational changes:</strong></td>
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<td>2.4.; 4.1. Secretary of the ICR changed to Chief Operating Officer</td>
<td>April 2018</td>
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### 1. Introduction

1.1. In its broadest sense, misconduct is defined as any action or behaviour by an individual, which brings the Institute into disrepute. Misconduct is dealt with by this procedure.

The following circumstances are examples of misconduct, although this list is not exhaustive:

1.1.1. fraud;
1.1.2. theft;
1.1.3. breach of confidence, verbal assault or malicious complaint;
1.1.4. physical assault or threatening behaviour;
1.1.5. malicious damage;
1.1.6. gross insubordination;
1.1.7. incapability as a result of being under the influence of alcohol, or abuse of drugs or toxic substances;
1.1.8. negligence which causes unacceptable loss, damage or injury;
1.1.9. unauthorised or use of computer records, or disregard of The ICR’s IT Acceptable Use Policies;
1.1.10. intentional or reckless abuse of security and/or health and safety procedures;
1.1.11. intentional or reckless misuse of the premises of the ICR or the Royal Marsden NHS Trust;
1.1.12. bullying or harassment or behaviour towards a colleague which is perceived by the ICR as being racially or sexually discriminating or in contravention of the ICR’s Equal Opportunities Code of Practice; or
1.1.13. persistent or prolonged unauthorised absence from study.

2. **Stage 1 - Initial Allegation**

   2.1. All allegations of misconduct should be made in writing to a Course Director. Statements made by a third party may also be considered. The Course Director will then decide in consultation with the Academic Dean whether the matter can be dealt with informally or whether to invoke the formal procedure. If the matter is dealt with informally, a verbal warning may be issued to the student and a record will be kept on the student's file. Allegations of bullying and harassment will be dealt with under the ICR Bullying and Harassment Policy and Procedure.

   2.2. If the allegation of misconduct cannot be resolved informally or if the Course Director considers the allegation is more serious, the formal procedure will be invoked by providing a written report to the Academic Dean. This will normally be within 10 working days of the initial allegation. If the matter may result in suspension or expulsion from study, it must be referred directly to the Chief Executive Officer as a stage 3 action. Where there is evidence that a criminal offence has been committed, the Course Director must refer the matter immediately to the Chief Executive Officer who will report it to the police. All internal action will be suspended pending the outcome of any police investigation although in serious cases suspension may be considered.

   2.3. If the formal procedure is invoked at either Stage 2 or Stage 3, the Course Director will inform the student concerned in writing and refer the matter as appropriate.

   2.4. The Chief Operating Officer of the ICR or, in exceptional circumstances, the Chief Executive Officer will nominate substitute senior staff for either the Course Director, the Academic Dean or the Chief Executive Officer, if any of these officers are involved in the allegation of misconduct.

3. **Stage 2 - Action**

   3.1. The Academic Dean will write to the student within 5 working days of the receipt of the Course Director’s report. The Academic Dean will invite the student to attend a formal hearing and inform them that they are permitted to bring a friend or a representative of the students' association and both parties may call witnesses to the hearing. The hearing will normally be held within 10
working days of the report. The Academic Dean will act as chair along with
the one of the Course Directors who was not involved in the initial allegation
stage.

3.2. On conclusion of the hearing, the Academic Dean may decide to reject the
original allegation and all records related to it will be destroyed.

3.3. If the Academic Dean upholds the allegation, s/he may decide to:

3.3.1. issue a verbal or written warning;
3.3.2. require the student to make good any damage, by written apology or by
imposing the cost of repair or replacement to goods or premises; or
3.3.3. refer the matter to the Chief Executive Officer.

3.4. Where the Academic Dean upholds the complaint, a written record will be
kept on the student's file, which will include the minutes of the hearing and
details of subsequent action.

3.5. The student will normally be notified of the Academic Dean's decision within
48 hours of the hearing.

3.6. The student may appeal against the Academic Dean's decision and the
matter will automatically be referred to the Chief Executive Officer. A report
will be written by the Academic Dean. Any appeal must be made within 5
working days after notification of the Academic Dean's decision.

4. **Stage 3 Action**

4.1. The Chief Executive Officer will write to the student within 5 working days of
the receipt of the Academic Dean's report. The Chief Executive Officer will
invite the student to attend a formal hearing and inform them that they are
permitted to bring a friend or a representative of the Student Committee and
both parties may call witnesses to the hearing. The hearing will normally be
held within 10 working days of the report being received. The Chief Executive
Officer will chair the hearing along with the Chief Operating Officer. The
Academic Dean will attend the hearing on an attendance only basis.

4.2. On conclusion of the hearing, the Chief Executive Officer may decide to
reject the original allegation and all records related to it will be destroyed.

4.3. If the Chief Executive Officer upholds the complaint, he may decide to:
4.3.1. issue a verbal or written warning;
4.3.2. require the student to make good any damage, by written apology or by imposing the cost of repair or replacement to goods or premises;
4.3.3. suspend the student for up to a year from study and/or from any of the ICR's premises;
4.3.4. expel the student from the ICR.

4.4. Where the Chief Executive Officer upholds the complaint a written record will be kept on the student's file, which will include the minutes of the hearing and details of subsequent action.

4.5. The student will normally be notified of the Chief Executive Officer's decision within 48 hours of the hearing.

5. Right of Appeal

5.1. The student has the right of appeal against the Chief Executive Officer's verdict at stage 3. The appeal must be submitted to the Chair of the Board of Trustees within 10 working days of the outcome of Stage 3. The Chair of the Board of Trustees will nominate a lay member of the Board of Trustees as his/her representative to consider the appeal.

5.2. The nominated representative may call the student to attend an appeal hearing, accompanied by a friend or a representative. If the appeal is upheld another verdict may be substituted for the Chief Executive Officer's decision. Otherwise the appeal will be rejected. However the decision of the nominated representative is final.

5.3. Where an appeal is upheld, no record will be kept on the student's file.

6. Final Redress

Where the student is not satisfied with the outcome of the process followed under the procedures of the Institute of Cancer Research, there may be recourse to review by the Office of the Independent Adjudicator for Higher Education (OIAHE). The OIAHE provides an independent scheme for the review of student complaints about a final decision of a higher education institution's disciplinary or appeal bodies.

Full details of the OIAHE scheme are available from the Registry or on the OIAHE website: http://www.oiahe.org.uk.
The postal address is: Office of the Independent Adjudicator, Second Floor, Abbey Gate, 57-75 Kings Road, Reading, RG1 3AB; Telephone: 0118 959 9813.