

EDA COLLEGE



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Student Disciplinary Procedure

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Applies To	All students enrolled at EDA College, on or off College premises, in person or online, where conduct is connected with their student status

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1. Procedure Statement

EDA College (“the College”) is committed to providing a safe, respectful and inclusive environment for learning, working and living. This Student Disciplinary Procedure sets out the framework by which the College will respond to allegations of non-academic misconduct by students, and the safeguards that ensure proceedings are fair, transparent and proportionate.

This Procedure operates alongside the College’s Academic Misconduct and Plagiarism Policy (which deals with conduct relating to assessment), the Fitness to Study Policy and any Fitness to Practise arrangements applicable to students on professional programmes. Where behaviour falls within more than one procedure, the College will determine the most appropriate route at the outset, after taking advice as needed.

The Procedure has been designed to reflect the OIA Good Practice Framework on disciplinary procedures, the College’s duties under the Higher Education and Research Act 2017, the Higher Education (Freedom of Speech) Act 2023, the Equality Act 2010, the Counter-Terrorism and Security Act 2015 (Prevent duty), and OfS conditions of registration including the condition on harassment and sexual misconduct (E6) effective from 1 August 2025.

2. Purpose

The purpose of this Procedure is to:

- Define the categories of non-academic misconduct addressed by the College.
- Establish a clear, transparent and fair process for handling allegations.
- Specify the precautionary measures, sanctions and outcomes available, and the principles by which they are applied.
- Define the rights of students subject to investigation, including the right to be heard, to be supported and to appeal.
- Define the support available to those who report or are affected by alleged misconduct (the “reporting party”), and to those who are subject to allegations (the “respondent”).
- Set out the College’s approach where conduct is also subject to police or other external proceedings.

3. Scope

This Procedure applies to all enrolled students of EDA College. It applies to conduct:

- On any College premises;
- At any College-organised activity, event, placement or trip (including online events);
- While representing the College or in any capacity connected with the College;
- On social media or in other digital environments where the conduct is connected with the College, its students or staff;
- Outside the College’s premises and activities, where the conduct may bring the College into disrepute, raise a safeguarding concern, or affect the safety, dignity or studies of other members of the College community.

Allegations relating to academic integrity (e.g. plagiarism, cheating) are dealt with under the Academic Misconduct and Plagiarism Policy. Concerns about a student's health or capacity to study safely are dealt with under the Fitness to Study Policy. Allegations against staff are dealt with under the Disciplinary Policy and Procedure for staff.

4. Regulatory and Sector Framework

- Higher Education and Research Act 2017
- Office for Students Regulatory Framework, including condition E1 (public interest governance), conditions C1 and C3 (consumer protection and student protection), and condition E6 (harassment and sexual misconduct, in force from 1 August 2025)
- Higher Education (Freedom of Speech) Act 2023
- Equality Act 2010 and the Public Sector Equality Duty
- Counter-Terrorism and Security Act 2015 (Prevent duty) and related statutory guidance
- Public Interest Disclosure Act 1998 (whistleblowing)
- Human Rights Act 1998 (in particular the right to a fair hearing under Article 6, where applicable)
- Data Protection Act 2018 and the UK GDPR
- OIA Good Practice Framework on disciplinary procedures, complaints, and harassment and sexual misconduct
- UKVI Sponsor Guidance, where it applies to sponsored students

5. Underlying Principles

All proceedings under this Procedure will be conducted in accordance with the following principles:

Principle	Application
Fairness	Cases are decided by people who are not involved in the matter under investigation, on the basis of the evidence available, and in accordance with this Procedure.
Transparency	The student is informed of the allegations, the evidence relied on, the procedure to be followed and the possible outcomes.
Proportionality	Action is proportionate to the alleged conduct, the seriousness of the impact and the wider circumstances.
Timeliness	Cases are dealt with as quickly as is reasonable, balanced against the need for a thorough investigation.
Confidentiality	Information is shared only on a need-to-know basis, in accordance with data protection law.
Right to be heard and supported	Both the reporting party and the respondent are given a reasonable opportunity to put their case and to be supported through the process.
Standard of proof	Allegations are decided on the balance of probabilities (i.e. that, on the available evidence, it is more likely than not that the conduct occurred).
No double jeopardy	A student will not be disciplined twice for the same conduct, although outcomes from criminal proceedings may inform College action.
Inclusivity	Reasonable adjustments are made under the Equality Act 2010 throughout the process.

6. Definitions

6.1 Misconduct

Behaviour that breaches College rules, expectations or codes of conduct, or that adversely affects the College community, its property, its reputation or the rights of others.

6.2 Reporting Party

A person who reports an allegation of misconduct, whether or not they are themselves directly affected by the conduct.

6.3 Respondent

The student against whom an allegation of misconduct has been made.

6.4 Investigator

A member of staff (or external person commissioned by the College) appointed to investigate an allegation.

6.5 Disciplinary Panel

A panel convened to consider serious allegations and to make findings of fact and decisions on sanction.

6.6 Precautionary Measure

A temporary, non-disciplinary measure put in place to manage risk while an allegation is investigated.

6.7 Balance of Probabilities

The civil standard of proof: that something is more likely than not to have happened.

7. Categories of Misconduct

The following categories of misconduct are addressed under this Procedure. The list is illustrative and not exhaustive.

Category	Examples
Behaviour and conduct	Disruptive, abusive, threatening or violent behaviour; intimidation; physical assault.
Harassment, bullying and discrimination	Conduct creating an intimidating, hostile, degrading, humiliating or offensive environment, including conduct related to a protected characteristic under the Equality Act 2010.
Sexual misconduct	Sexual harassment, sexual assault, rape, image-based abuse, sexual coercion, stalking and other behaviours falling within OfS condition E6.
Hate incidents and hate crime	Conduct motivated by hostility or prejudice towards a protected characteristic.
Damage and theft	Damage to College or third-party property; theft; arson; misuse or abuse of College facilities.
Drugs, alcohol and unlawful substances	Possession, supply, use or being under the influence of unlawful substances; misuse of alcohol that endangers self or others.

IT, online and digital misconduct	Misuse of College IT systems; cyber-bullying; non-consensual sharing of images; breach of the Acceptable Use Policy.
Health and safety	Conduct that endangers the health and safety of self or others; serious breach of safety procedures.
Dishonesty (non-academic)	Fraud, theft, providing false information to the College, identity misuse.
Disruption of College operations	Conduct that materially disrupts teaching, examinations, assessment, governance or other College activities.
Breach of professional standards	For students on professionally regulated programmes – breach of the relevant code of conduct or fitness-to-practise standards.
Criminal conduct	Conduct that is, or appears to be, criminal under English law.

Allegations of harassment and sexual misconduct are taken with the utmost seriousness and are managed in accordance with the College's Harassment and Sexual Misconduct Policy, which operates alongside this Procedure and reflects the requirements of OfS condition E6, including the College's commitments to a single, accessible reporting route and appropriate support for both reporting parties and respondents.

8. Freedom of Speech and Academic Freedom

EDA College is committed to securing freedom of speech within the law and academic freedom for staff and students, in line with the Higher Education and Research Act 2017 and the Higher Education (Freedom of Speech) Act 2023. Lawful expression of views – including views that others may find unwelcome, controversial or offensive – is not, by itself, a disciplinary matter under this Procedure.

Behaviour will only be considered under this Procedure where it crosses the line into unlawful conduct (for example, harassment, threats, incitement to violence or hate crime), or where it materially disrupts College activities or breaches the College's codes of conduct.

9. Reporting an Allegation

Allegations of student misconduct may be reported by any student, member of staff or external party. Reports may be made:

- To a Personal Tutor, Programme Leader, Head of School or other member of staff;
- To the College's Student Services or Wellbeing Team;
- Through the College's designated reporting platform for harassment, sexual misconduct, hate incidents and bullying;
- Through the Whistleblowing Policy, where appropriate.

The College will respond to all reports promptly. The College recognises that some individuals may wish to make anonymous reports; while anonymous reports may be limited in what action can follow, they will be recorded and used to inform pattern-spotting and preventative work.

10. Initial Assessment and Triage

On receipt of a report, the Designated Manager for Student Conduct (or nominee) will:

1. Acknowledge the report and confirm support arrangements for the reporting party.
2. Carry out an initial assessment to determine the appropriate route (this Procedure, Academic Misconduct, Fitness to Study, Fitness to Practise, or signposting to police or other agencies).
3. Decide whether precautionary measures are required while the matter is investigated (see section 11).
4. Consider any safeguarding, equality, mental health, immigration or critical-incident dimensions and engage relevant specialist staff.
5. Communicate clearly with the reporting party and the respondent about the route to be followed, the indicative timescales and the support available.

11. Precautionary Measures

Where there is a credible risk to the safety, welfare, dignity or studies of any member of the College community, or to the integrity of an investigation, the College may put in place precautionary measures while a matter is investigated. Precautionary measures are not a disciplinary sanction and do not imply that any allegation has been substantiated.

Precautionary measures may include:

- No-contact directions between specified individuals;
- Restrictions on attendance at certain locations or activities;
- Adjustments to teaching, assessment or placement arrangements;
- Temporary suspension of access to specified College facilities or systems;
- Temporary suspension from study, used only where less restrictive measures would not adequately manage the risk.

Precautionary measures will be reviewed regularly and lifted as soon as they are no longer necessary. The student will be informed of the reasons for the measures, their duration, the right to make representations and any reasonable adjustments under the Equality Act 2010.

12. Investigation

The Investigator appointed by the Designated Manager for Student Conduct will:

- Be impartial and have had no prior involvement with the matter.
- Gather written and (where appropriate) oral evidence, including from the reporting party, the respondent and witnesses.
- Provide the respondent with a written summary of the allegations and the evidence relied on, with sufficient information to enable a meaningful response.
- Allow the respondent at least 10 working days (or longer where reasonable) to provide a written response.
- Maintain detailed records of evidence considered and decisions taken.
- Submit a written investigation report to the Designated Manager for Student Conduct, recommending the appropriate next steps (no further action, Stage 1 outcome, or referral to a Disciplinary Panel).

13. Procedure Stages

Stage	When Used	Decision-Maker
Stage 1 – Informal Resolution	Minor matters where the issue can be resolved without formal action (e.g. early conversation, mediation, written warning).	Personal Tutor / Programme Leader / Head of Student Services.
Stage 2 – Formal Investigation and Decision	Allegations that, if substantiated, would justify a formal warning, a recorded sanction or restriction.	Designated Manager for Student Conduct (on the basis of the Investigator's report).
Stage 3 – Disciplinary Panel	Serious or contested allegations, repeat conduct, or any matter where suspension, expulsion or rescission of an award may be considered.	Disciplinary Panel chaired by a senior member of staff with at least three members; the student may be invited to a hearing.

13.1 Stage 1 – Informal Resolution

Stage 1 is used for matters that can be addressed through dialogue, mediation or a written warning, and where doing so is consistent with the rights and wellbeing of any reporting party. Stage 1 does not result in a disciplinary record beyond a brief note kept on the student's file.

13.2 Stage 2 – Formal Investigation and Decision

At Stage 2, the Designated Manager for Student Conduct considers the Investigator's report and any written representations from the respondent. Outcomes available at Stage 2 include: dismissal of the allegation, formal written warning, undertakings or conditions, limited restrictions on activity or facilities, and recovery of costs (e.g. for damage). Outcomes are confirmed in writing with reasons and information about the right of appeal.

13.3 Stage 3 – Disciplinary Panel

A Disciplinary Panel will:

- Comprise at least three members, including a senior chair, an academic or professional services member from outside the student's programme, and an independent member where reasonably practicable;
- Receive the Investigator's report and any written representations;
- Invite the respondent to a hearing, normally with at least 10 working days' notice;
- Allow the respondent to be accompanied by a friend, fellow student, member of staff or other supporter (legal representation will normally be permitted only where the College agrees that the seriousness of the case justifies it, in line with the OIA Good Practice Framework);
- Make findings of fact on the balance of probabilities and decide an appropriate sanction within the framework set out in section 14;
- Issue a written outcome, with reasons, within 10 working days of the hearing.

14. Range of Sanctions

Sanctions will be proportionate to the substantiated conduct, taking account of aggravating and mitigating factors and the wider impact on individuals and the College.

Tier	Indicative Sanctions
Minor	Verbal advice; written reminder; mediation outcome; required apology; brief restorative activity.
Standard	Formal written warning (with defined duration); behavioural undertakings; required completion of educative or training activity; recovery of damage costs; restrictions on access to specified facilities.
Serious	Final written warning; significant restrictions on activity or premises; required no-contact arrangements; suspension of access to particular facilities or activities for a defined period.
Severe	Suspension of studies for a defined period; permanent exclusion from specific facilities; expulsion from the College; rescission of awards in cases of serious dishonesty; reporting to relevant external bodies (e.g. PSRBs, UKVI, police) where appropriate.

15. Parallel Police, Regulatory or Civil Proceedings

Where conduct is also being investigated by the police or another external body, the College will determine, on a case-by-case basis, whether to proceed with internal investigation in parallel, to pause its investigation, or to take precautionary measures while external proceedings are concluded. The College will not normally pause its own investigation simply because a matter has been reported to the police, but will be guided by the need to act fairly to the respondent and any reporting party, and by the advice of the police or other authority where given.

Outcomes of police or other proceedings (whether convictions, acquittals or no-action decisions) may inform College proceedings, but the College will reach its own findings on the balance of probabilities under this Procedure.

16. Support for Reporting Parties and Respondents

The College recognises that involvement in disciplinary proceedings, whether as a reporting party, respondent or witness, can be distressing. The College will:

- Provide a single point of contact for each party throughout the process.
- Signpost both parties to wellbeing, counselling, disability and (where relevant) external support services.
- Make reasonable adjustments under the Equality Act 2010 to ensure that all parties can engage with the process effectively.
- Take steps to protect the reporting party from victimisation, in line with the Equality Act 2010.
- Ensure that, in cases involving harassment or sexual misconduct, support is delivered by appropriately trained staff and is consistent with OfS condition E6.

17. Confidentiality and Information Sharing

The College will treat information confidentially, sharing it only with those who have a legitimate need to know. Disclosure may be required where there is a safeguarding concern, a serious risk to a person's safety, or a legal obligation (e.g. to UKVI under sponsor duties, or to police where there is a serious risk). Both the reporting party and the respondent will be told what information will be shared and with whom, where it is reasonable and lawful to do so.

Aggregated, anonymised data on disciplinary cases and outcomes will be reported to the Academic Board and Board of Governors to inform institutional learning and prevention.

18. Records and Data Protection

Records of disciplinary cases, decisions and outcomes will be retained on the student's academic file in accordance with the College's Records Retention Schedule and applicable data protection law. Personal data will be processed in line with the UK GDPR, the Data Protection Act 2018 and the College's Data Protection Policy.

19. Appeals

A student who is dissatisfied with the outcome of a Stage 2 or Stage 3 decision may submit an appeal in writing within 10 working days of the written outcome on one or more of the following grounds:

- There was a material procedural irregularity in the conduct of the investigation, the decision-making or the hearing;
- There is new evidence which the student could not, for valid reasons, have made available at the time of the original decision;
- The decision reached, or the sanction imposed, was manifestly unreasonable or disproportionate.

Appeals will be considered by an Appeal Panel composed of staff who have had no previous involvement with the matter. The Appeal Panel may uphold the original decision, vary the sanction or refer the matter back for further consideration. The decision of the Appeal Panel concludes the College's internal procedures.

On conclusion of the College's internal procedures, students who remain dissatisfied may have the right to refer the matter to the Office of the Independent Adjudicator for Higher Education (OIA), where the College is a member of the OIA scheme. The College will issue a Completion of Procedures Letter on conclusion of internal procedures.

20. Roles and Responsibilities

Role	Key Responsibilities
Board of Governors	Approves this Procedure; receives aggregate reporting on disciplinary outcomes; ensures arrangements meet OfS conditions of registration.
Designated Manager for Student Conduct	Owns this Procedure; oversees its operation; conducts initial assessments; appoints Investigators; takes Stage 2 decisions.
Investigator	Conducts impartial investigations; gathers evidence; produces a written report.

Disciplinary and Appeal Panels	Hear cases at Stage 3 and on appeal; reach findings of fact and decide sanctions on the balance of probabilities.
Personal Tutors / Programme Leaders	Provide first-line support; raise concerns; deal with Stage 1 matters; engage with intervention and support.
Student Services and Wellbeing Teams	Provide support to reporting parties, respondents and witnesses; coordinate reasonable adjustments; manage referrals.
Designated Safeguarding Lead	Considers safeguarding implications; engages external safeguarding partners as appropriate.
Students	Behave in accordance with the College's codes of conduct; cooperate with investigations; raise concerns through the appropriate channels.

21. Monitoring, Reporting and Review

The operation of this Procedure will be monitored through:

- Annual reporting on cases, outcomes and lessons learned to the Academic Board and Board of Governors.
- Specific reporting on harassment and sexual misconduct cases under OfS condition E6.
- Review of disaggregated data, including by protected characteristic, to identify any patterns of differential outcome.
- Internal audit of records, timescales and procedural compliance.
- Review of feedback from reporting parties, respondents and witnesses about their experience of the Procedure.

This Procedure will be reviewed at least every two years, or sooner where regulation, OfS conditions, sector guidance or institutional learning require it.

End of Procedure