



## Introduction

At SIRM we are committed to providing a learning environment in which you can fulfil your potential and participate freely in SIRM activities.

Learners are members of SIRM community and as such are expected to behave and respect people and property, and to comply with SIRM rules and regulations, whether on SIRM premises or elsewhere. The behaviour of learners should not interfere with the proper functioning or activities of SIRM, with those who work or study in SIRM, or otherwise damage SIRM.

Where there is reason to believe that a learner has broken SIRM rules or regulations, or their behaviour does not meet the required standards, SIRM will take action as outlined in these regulations.

All learners are informed about SIRM regulations, code of conduct and disciplinary procedures at induction. Elements of these are also contained in the learning agreements signed by learners on enrolment, which emphasise courtesy, respect and individual responsibility at all times.

## Scope

These regulations apply to all learners registered at SIRM whilst on SIRM premises, work placement, SIRM events and excursions or when engaged in any SIRM activity.

## Principles

All SIRM staff are expected to challenge inappropriate behaviour issues.

This learner disciplinary procedure is designed to:

- safeguard the learners learning experience from disruption caused by their own or others misconduct
- ensure procedural fairness
- encourage all learners to meet the standards of behaviour required by SIRM
- ensure consistent and just treatment for all regardless of disability, age, race, gender, religion and belief, sexual orientation, gender reassignment, pregnancy and maternity
- ensure that the facts are established and the matter is investigated fully before disciplinary action is taken
- ensure that learners know what is expected of them
- ensure that learners are given access to a fair hearing

Each case is investigated on its own merits, and decisions are normally based on the balance of probability that an incident did or did not take place. The procedure applies to all individuals enrolled as a learner of SIRM.

No disciplinary action will be taken against a learner until the circumstances have been investigated.

In the case of alleged gross misconduct it may be appropriate for learners to be asked not to attend SIRM until an incident has been investigated further.

Learner has the right to be accompanied by a parent, person with parental responsibility or friend at all stages of the procedure, as a supporter. The supporter would normally not be a learner on the same



programme. The role of the supporter is to provide moral support and ensure learner he/she have understood the process and any questions being asked. It is not the role of the supporter to speak on learner's behalf. The procedure does not allow for legal representation on behalf of the learner in disciplinary interviews.

When misconduct also constitutes a criminal offence, SIRM will liaise with the Police and / or appropriate authorities.

When any member of staff has reason to believe that a learner is at risk of significant harm, the member of staff should alert the Safeguarding Officer, so appropriate safeguarding and protection action can be taken.

The Registrar will make an annual report on the numbers of learners subject to the disciplinary procedure, and any learners excluded from SIRM as part of the process.

## **Equality & Diversity Statement**

SIRM is committed to the advancement and promotion of equality and diversity. We aim to provide a learning environment which values individuals equally regardless of disability, age, race, gender (sex), religion and belief, sexual orientation, gender reassignment, pregnancy and maternity.

It is our duty and obligation under the Equality Act 2010 to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity
- foster good relations between different groups

This procedure will be implemented in accordance with our equality and diversity policy, and learners subject to disciplinary investigation or action will not be discriminated against or victimised on any grounds. Records of disciplinary action are monitored by race and gender.

## **Code of Conduct for Learners**

The Code of Conduct (Annex 1) explains how we expect you to behave whilst on SIRM premises or taking part in SIRM activities. We also reserve the right to investigate incidents which occur off-site if they are between two (or more) learners, or learner(s) and staff.

The Code of Conduct lists the SIRM's general expectations in terms of:

- your behaviour
- your attendance and punctuality
- your work/study performance

If you do not follow the Code of Conduct, disciplinary action may be taken.

## **Academic Neglect**

If you fail to meet the required standards of academic performance, this will be dealt with through the separate Academic Malpractice Policy.



## Misconduct

Misconduct is defined as improper interference, in the broadest sense, with the proper functioning or activities of SIRM or those who work or study at SIRM or action which otherwise damages, or is calculated to damage SIRM.

Acts constituting misconduct are detailed below. They are neither prescriptive nor exhaustive.

- Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of SIRM, whether on SIRM premises or elsewhere
- Obstruction of, or improper interference with, the functions, duties or activities of any learner, member of staff or other employee or governor of the SIRM or any authorised visitor to the SIRM
- Violent, indecent, disorderly, threatening or offensive behaviour or language whilst on SIRM premises or engaged in any SIRM activity
- Theft, fraud, deceit, deception or dishonesty
- Action likely to cause injury or impair safety on SIRM premises including the irresponsible use of motor vehicles
- Discrimination or harassment of any learner, member of staff or other employee of SIRM or any authorised visitor to the SIRM and/or acting in a discriminatory manner in breach of the SIRM's Single Equality Scheme
- Breach of the provision of the SIRM's rules or regulations, policies/procedures or Code of Conduct, which provides for breaches to constitute misconduct under this Code
- Damage to, or defacement of, (or actions likely to damage or deface) SIRM property caused intentionally or recklessly, and misappropriation of such property
- Misuse or unauthorised use of SIRM premises or items of property, including computer misuse
- Conduct which constitutes a criminal offence where that conduct:
  - took place on SIRM premises or
  - affected or concerned other members of the SIRM community or
  - damages, or may damage, the name of SIRM or
  - itself constitutes misconduct within the terms of the Code
- Behaviour which brings SIRM into disrepute
- Failure to disclose name and other relevant details to an officer or employee of SIRM in circumstances when it is reasonable to require that such information be given;
- Failure to comply with the disciplinary process without reasonable excuse or with a previously imposed penalty under the procedure.

## Preliminary Investigation and Interview

On receiving the report of an alleged offence, a preliminary investigation will be carried out by the appointed Investigator to determine whether the allegation of misconduct has substance.

The Investigator may decide that the allegation is serious enough for the learner to be temporarily suspended from SIRM. In such cases the Investigator will consult directly with the Registrar.

The Investigator will arrange for an Investigative Interview to take place with the learner in order to discuss the issues raised, normally within 10 working days of notification of the allegation.

The learner will be informed in writing of the time and date of the Investigative Interview not less than 5 working days prior to the proposed interview date and advised of the terms of any temporary suspension.

The learner will be informed in writing of the outcome of the Investigative Interview and advised of any remedial or further action to be taken within 5 working days of the Investigative Interview.

Following the preliminary investigation the Investigator has the discretion to apply one or more of the following:

- Dismiss the complaint of misconduct, in which case the matter is closed and no record is retained of the complaint
- Require the learner to apologise in specified terms to one or more named persons by a specified date
- Issue a caution in writing, which is formal advice to the learner that if the misconduct is repeated a more severe penalty may result
- Refer the incident of misconduct to Disciplinary Procedures

Should the learner persistently fail to attend an investigative interview without good cause, the Investigator may escalate the matter to Disciplinary Procedures, and the failure to engage with the process may be considered at any future stage.

The officer is free at any point during the enquiry to refer the matter to Disciplinary Officer who will decide how to proceed within these regulations. The Disciplinary Officer may decide that the misconduct merits greater penalties and refer the matter to Registrar.

## **Gross Misconduct**

Gross misconduct will always be regarded as a serious offence where SIRM considers that it is not possible to continue to allow you to study at SIRM or be on SIRM premises and will automatically result in formal disciplinary proceedings.

If proven, it would normally result in your exclusion from SIRM.

The following list is a non-exhaustive list of acts of misconduct which will be considered serious acts of misconduct:

- Possession of controlled or controlled prescribed drugs, without a valid prescription or psycho-active substances with or without the intention to supply
- Incapacity owing to the consumption of alcohol or misuse of drugs (any prescribed medical treatment or condition will be taken into account when determining what action is appropriate)
- allegations relating to violent misconduct against a fellow learner, members of staff, a visitor or other member of SIRM community
- violent, dangerous or intimidatory conduct including carrying or use of weapons
- threatening, offensive or indecent behaviour
- serious or persistent acts of bullying, harassment or intimidation, victimisation or discrimination against another learner or staff member on any grounds, including age, disability, ethnic origin, gender, sexual orientation, marital status, religion or belief
- serious breaches of SIRM's Health and Safety rules and regulations
- theft, fraud or deliberate falsification of SIRM documentation, records and course work
- causing deliberate and serious damage to property or equipment, including use of photocopiers, phones, IT equipment

- More than two acts of misconduct where the third alleged act of misconduct appears to be a serious offence

## **Criminal activity**

Learners should be aware that any complaint allegation or evidence of serious misconduct considered to constitute a criminal offence could be referred to the police.

Where a matter is investigated by the police, SIRM reserves the right to delay considering the matter under its own disciplinary procedures until the outcome of the police investigation is known.

SIRM is not precluded from progressing its own disciplinary action where police involvement is taking place.

As detailed above, in cases where an alleged offence may pose a risk to staff and/or learners, SIRM reserve the right to temporarily suspend or exclude the learner from all or parts of SIRM property or facilities.

Circumstances of criminal investigations may also dictate that the learner(s) who is (are) the subject of a police investigation should be suspended or excluded until the investigation or criminal proceedings, arising from the investigation, if any, have been completed. In these instances the decision to suspend or exclude will rest with the Registrar.

In making such decisions where a learner is the alleged victim and the alleged perpetrator of an alleged criminal act is also a learner, and the police have not determined that exclusion from SIRM premises is required, SIRM will make reasonable endeavours to balance the interests of all parties involved when making decisions around suspension and/or access to the premises. It will also use its best endeavours to offer support to both parties should they wish to access such support.

Whilst criminal investigations are underway, the learner is obliged to keep SIRM informed of any progress made or change in their position/status. Where a learner is convicted of a criminal offence, SIRM may take the decision of the Court as conclusive evidence that the offence occurred. Where a learner is acquitted of a criminal offence in Court or where proceedings are not pursued to a criminal trial, SIRM reserves the right to pursue matters of concern to SIRM in accordance with this disciplinary policy.

Where criminal proceedings result in a learner being taken into custody or being absent from study for a period of more than 3 months, the learner may be deemed withdrawn from SIRM. In such circumstances the decision to withdraw the learner will rest with the Registrar.

## **Disciplinary Procedure**

The following procedure will be used if you breach the Code of Conduct:

- **Formal Stage**
  - Investigation

A thorough investigation into the alleged misconduct will take place before a disciplinary interview is held or disciplinary action taken. This is likely to involve interviewing and gaining information from staff and learners who were involved or witnessed the alleged misconduct. Such investigations will be recorded in writing. Staff or learners who were witnesses have the right to choose not to take part in the investigation. Learners involved in

the investigation may be accompanied at any investigation interview by a parent/carer or friend.

– Outcome and Action

The following outcomes of the disciplinary investigation are possible:

- no case to answer
- learner offered counselling/support
- allegations appear to be substantiated and there is a case to answer

Where there is a case to answer, disciplinary action will be taken within the following disciplinary framework.

- **Disciplinary Framework**

- 1. **Recorded Verbal Warning**

In cases too serious for informal action, or where misconduct persists despite an informal warning, you may be given a recorded verbal warning.

In such instances the member of staff will:

- Hold a disciplinary interview with you
- Inform your parent (or person with parental responsibility) if you are under 18 at the start of your programme
- If appropriate, issue you with an oral warning, recorded on a disciplinary record form and signed by you
- Retain a copy of the form on your file for 12 months
- Give you a copy of the form
- Send a copy of the form to Learner Services and keep one in your learner file
- Advise you that, if any further misconduct of any kind occurs, you will be disciplined further.

SIRM staff will issue a verbal warning and record it on a Learner Discipline Form. The form must be signed by the appropriate member of staff, witnessed by another and countersigned by the learner. If the learner refuses to sign, this must be noted on the form. It is kept on learner's file.

- 2. **First Written Warning**

If further misconduct occurs, or if the behaviour does not improve after a recorded verbal warning, SIRM may issue First Warning Letter specifying the reason, which is either handed to the learner or sent by recorded delivery to their address.

The learner has 5 days from receipt of the letter to appeal against the warning, by writing to the Registrar, giving the reasons for appeal.

In such instances the Registrar will:

- Hold a disciplinary interview with you
- If you are under 18 at the start of your programme, inform your parent (or person with parental responsibility) of the interview

- Confirm the outcome in writing within 5 working days of the disciplinary interview, sending a copy to your parent (or person with parental responsibility) if you are under 18 at the start of your programme
- Record the action taken
- Retain a copy of the record on your file for 12 months
- Send a copy of the record to Learner Services.

### 3. Second and Final Written Warning

If further misconduct occurs following the previous warnings, SIRM may issue Final Warning Letter specifying the reason, which is either handed to the learner or sent by recorded delivery to their address. Alternatively, where serious misconduct has occurred, you may be given an immediate final written warning.

SIRM may issue First Warning Letter specifying the reason, which is either handed to the learner or sent by recorded delivery to their address.

In such instances the steps detailed for 'first written warning' will be carried out. Additionally you will be informed that further misconduct or failure to meet the conduct of behaviour and standards expected will result in your exclusion from SIRM.

Details of recorded verbal warnings and written warnings will remain on your file for 12 months from the date of the warning being issued. Failure to attend a disciplinary interview may result in a decision being made in your absence.

### 4. Exclusion from SIRM

In the event of another incident or a continuation of below standard behaviour, the learner will be excluded from SIRM.

In such instances the steps detailed for 'written warnings' will be carried out and a disciplinary interview held.

If you are excluded from SIRM you will receive a letter stating the reason for your exclusion and the conditions placed on your future return to SIRM. If you breach the terms of the exclusion, for example by being on SIRM premises without valid reason, your period of exclusion may be extended.

### 5. Suspension from SIRM

In cases where the alleged misconduct is serious and/or it may be detrimental to the smooth running of the programme and/or SIRM for you to remain on site, suspension may need to be considered while the case is being investigated.

In such cases you will be informed of the reason for your suspension. This will be confirmed in writing, with a copy to your parent (or person with parental responsibility) if you are under 18 at the start of your programme.

The suspension is not a punishment but is to allow us to investigate the alleged misconduct fully. If two or more learners are involved in the alleged offence and if suspension is considered, then normally all learners will be suspended. The period of suspension will be

kept to a minimum, but will be no longer than four weeks (unless we are awaiting the outcome of criminal proceedings).

## Penalties

The Disciplinary Panel may impose one or more of the following penalties, which will be considered to be proportionate and relevant to the misconduct.

When determining the penalty to be applied in cases of proven misconduct, consideration will be given to:

- the seriousness of the misconduct
- the learner's previous disciplinary record
- the conduct of the learner following the misconduct
- if the misconduct has been admitted
- any mitigating factors as applicable

One or a combination of the range of penalties may be imposed:

- a reprimand, which means that no immediate punishment is imposed but if a further case of misconduct occurs within the following six months the learner will then be dealt with for both offences.
- Issue a formal warning to remain on the learner's permanent record for the duration of their registration at SIRM, which will be taken into consideration if a further proven case of misconduct occurs at any time
- Require the learner to provide a written apology or a reflective piece of work on their behaviour
- Require the learner to pay for, or otherwise make good, any damage caused, or other costs incurred by SIRM as a direct consequence of the misconduct.
- Fine not exceeding £500 for minor misconduct
- Fine not exceeding £1000 for major misconduct
- An alternative reasonable sanction agreeable to both parties
- Temporary exclusion from SIRM
- Permanent exclusion from SIRM

## Appeals

Under the disciplinary framework, appeals are permitted at all stages except recorded verbal warning. You must submit your appeal in writing, within 5 working days of receipt of the warning/exclusion letter and the applied penalties. The letter will state to whom the appeal should be made.

To exercise the right to appeal the learner will complete a Disciplinary Appeal form and will submit it to the Learner Disciplinary Officer within 5 days of the date of the letter notifying the penalties.

The Registrar (or nominee) will review the papers, but will not interview the learner or any other party.

The Registrar may take the following action:

- uphold the original decision
- reduce the penalty
- remove the penalty

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Unless informed otherwise, the learner will be notified of the decision within 10 working days of the receipt of the form requesting appeal. The Registrar's decision is final.

## **Records of Disciplinary Action**

Details of written warnings, exclusions, suspensions and appeals will be notified in writing to the Registrar and held on a central register.

Warnings will be disregarded after one calendar year, subject to learner signing an undertaking to conform to SIRM code of conduct.

## **Annex 1**

### **Code of Conduct for Learners**

This Code of Conduct is designed to encourage all learners to meet the standards of behaviour, attendance and work performance expected by SIRM. Whilst it is not possible or desirable to lay down an exhaustive set of standards, detailed below are general standards which, if broken, could result in disciplinary action being taken.

#### **Behaviour**

Your behaviour affects the reputation of SIRM, disruptive, aggressive, intimidating, indecent, unruly behaviour and foul or abusive language affects everybody and is unacceptable.

Treat everyone with respect, and make sure that their behaviour does not discriminate against anyone or make any other person feel uncomfortable.

Respect the rights and interests of other SIRM learners, staff and visitors.

Do not disrupt or interfere with the education or learning of fellow learners.

Disciplinary action will be taken against any learner involved in any disruptive behaviour or unacceptable language.

#### **Harassment**

Racial, sexual or personal harassment committed at SIRM, at a work placement or any other SIRM activity is extreme misconduct under the disciplinary procedure. Any criminal act will be referred to the police.

#### **Substance Abuse**

The possession, supply (or intent to supply), production and consumption of dangerous, intoxicating or controlled substances is not tolerated. Disciplinary action will be taken against any learner involved in substance abuse and incidents involving a criminal offence will always be referred to the police. Serious incapability as a result of being intoxicated by reason of alcohol or controlled substances is extreme misconduct under the learner disciplinary procedure.

#### **Smoking**

Smoking is only allowed in designated smoking areas, in accordance with SIRM's smoke-free policy. This includes the uses of e-cigarettes, e-liquids and vapes.

#### **Alcohol**

SIRM regards drunkenness as unacceptable.

You must not bring, consume or make alcohol on SIRM premises. Incapability as a result of being intoxicated by reason of alcohol is extreme misconduct under the learner disciplinary procedure.

#### **Violence**

Fighting, physical abuse or threats of physical abuse are regarded as extreme misconduct under the learner disciplinary procedure.

We will involve the police in incidents involving violence.

#### **Knives and Offensive Weapons**

You are not permitted to carry knives or any offensive weapons with any intention or purpose of use.

Carrying a knife or other offensive weapon is against the law. Disciplinary action will be taken against anyone contravening this regulation, and may result in suspension from classes or expulsion.

## **Theft**

Theft is regarded as extreme misconduct under the learner disciplinary procedure. The police will be involved in incidents involving theft of the property of other learners, staff or visitors of SIRM.

## **Obscene Materials**

The display, possession or circulation of obscene material in any format which is designed to cause offence or distress to others is not permitted subject to the learner disciplinary procedure.

Do not make or send annoying, obscene, malicious or indecent telephone calls, letters, SMS messages, text messages or emails, or place malicious or offensive materials on any digital media.

## **Medical**

Please notify SIRM of any medical condition, which may affect your ability to work safely within the requirements of your programme as soon as you become aware of it.

## **Attendance**

Attendance at all lectures, classes and other programme activities is compulsory and is part of your contract with SIRM. Appointments known in advance (for example dentist, driving test etc) must be notified to the Attendance Controller before the absence. If you are unable to attend programmed SIRM activities, learners must report to Attendance Controller before 9.00 am to explain any reason for non-attendance.

Four weeks' consecutive non-attendance will result in withdrawal from the programme unless medical evidence is presented.

Learners are not normally permitted to take holidays in term time and any exceptional cases must be approved by Registrar before a commitment is made.

## **Punctuality**

Learners must attend programmed SIRM activities at the time given in the timetable.

## **Dress Code**

Please ensure you are properly and safely dressed at all times.

## **Personal Hygiene**

Learners are expected to maintain appropriate standards of personal hygiene at all times.

## **Mobile**

The mobile phones must be switched off when in class or in library. If there is a valid reason why your phone must be switched on in class, please inform the lecturer.

## **ID Cards**

You must carry and wear your SIRM ID card at all times when you are on SIRM premises and show it, on request, to any member of SIRM staff.

## **Accident Reporting**

SIRM has a legal responsibility to record all accidents, however small. Please report all accidents to the warden on duty or the lecturer of the activity in which you are taking part.

## Fire Equipment

“Playing”, misusing or otherwise tampering with fire equipment, for example fire alarms, fire exit doors, extinguishers, fire hoses and smoke and heat sensors puts at risk the safety of others. It will result in prosecution for a criminal offence in certain cases and is regarded as extreme misconduct under the learner disciplinary procedure.

## Damages

Please report any damage to buildings, furniture, fittings and equipment to a member of staff.

Loss, misuse or malicious, deliberate damage on any SIRM property, furniture and equipment, including IT, health and safety equipment, or the property of workplace, other learners, staff or visitors of SIRM is extreme misconduct under the learner disciplinary procedure.

You will be asked to repay the cost of damage.

## Health and Safety

Learners are required to act safely so that they do not put themselves or others at risk and observe all health and safety rules of SIRM.

Learner must never interfere or misuse anything provided for health, safety and welfare.

Learner must not enter any part of SIRM to which the learner is not entitled access.

Any serious violation of SIRM’s rules concerning health and safety is regarded as extreme misconduct under the learner disciplinary procedure.

## Litter/ Recycling

Litter spoils SIRM environment and we therefore ask you to keep it clean and tidy.

Please do not litter within and around SIRM premises. All litter must be deposited in the recycling and litter bins provided throughout SIRM

## Deliberate Misuse of IT equipment

Deliberate misuse of SIRM’s information technology systems (both hardware and software) for example, downloading socially unacceptable, or inappropriate, material from the internet, hacking, sending inappropriate material, or messages, through the internet, intranet or email systems is extreme misconduct under the Learner Disciplinary Procedure.

You must not gain unauthorised access to, or make modifications to, SIRM files or computer material.

You must keep any passwords secure, you will be held responsible for any misuse of equipment or software, which occurs in your name.

## Personal Property

SIRM cannot accept responsibility for loss or damage to clothing or personal property sustained at SIRM premises.

## Consumption of Food and Drink

Consumption of food and drink is permitted only in the SIRM canteen. It is not permitted in any classrooms, computer labs, library or reception.

## General

Learners at SIRM are required to:

- take personal responsibility for their own learning and make active use of the learning resources and support services provided

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- work hard and complete all work within specified deadlines  $\alpha$  take an active part in reviewing their progress with their tutor
- seek help from their tutor or Learner Support Services if they need it
- pay all fees and other costs for which they are liable, or seek advice from us if in financial difficulty

Learners at SIRM must not:

- falsify SIRM documents
- bribe
- submit materials or work for assessment which have not been made or authorised by the individual, or which have been copied from other learners or sources without acknowledging or referencing those sources (plagiarism)
- cheat in examinations
- take part in any illegal activity
- behave in any way which adversely affects the reputation of SIRM



**Annex 2  
Disciplinary Procedure Overview**

