

# MOUNTVIEW

## NON-ACADEMIC MISCONDUCT POLICY & PROCEDURE

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## 1. INTRODUCTION

Mountview is committed to the provision of a welcoming and safe environment for our community. As a student you are expected to conduct yourself, both on and off the campus, in a manner which demonstrates respect for Mountview, its staff, students and property, and for other members of the local community in general. Mountview places great emphasis on the good behaviour of its students and has a formal procedure for dealing with serious cases of misconduct.

## 2. WHO DOES THIS POLICY APPLY TO

This policy applies to all students studying at Mountview.

## 3. EXAMPLES OF MISCONDUCT

The following provides a substantive but not exhaustive list of activities which Mountview regards as constituting non-academic misconduct.

- Persistent non-compliance with Mountview's Professional Conduct Policy.
- Substantial obstruction or interference with the functions, duties or legitimate activities of any student or member of staff or any visitor to Mountview.
- Violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language (whether expressed orally, in writing or electronically, including blogs, social networking websites and other electronic means).
- Distribution or publication of a poster, notice, sign, or any publication including audio-visual material, blog or webpage, which is offensive, intimidating, threatening, indecent or illegal.
- Any behaviour which could constitute bullying, discrimination, or harassment on the grounds of sex, sexual orientation, gender, gender re-assignment, race, religion, disability or age of any student or member of staff, honorary staff, recognised teacher or any visitor (see Mountview's Bullying & Harassment Policy and Equality, Diversity & Inclusion Policy).
- Sexual misconduct and harassment.
- Fraud, deceit, deception or dishonesty in relation to Mountview or its staff, students or visitors.
- Bribery or attempted bribery, including but not limited to offering or giving money, gifts or any other advantage to any student or employee of Mountview or any visitor to Mountview with the intention of inducing that person to perform his/her role improperly or of rewarding that person for performing his/her role improperly.
- Misrepresentation or falsification of pre-entry qualifications, previous study, work experience, or personal statement which emerges post-admission to a programme of study or employment.
- Failure to declare an unspent or relevant criminal conviction during the admissions process.
- Failure to inform Mountview of receiving, whilst registered on a programme of study, a police caution, charge or conviction.
- Theft, misappropriation, unauthorised use or misuse of Mountview property, or the property of its students, staff or visitors whilst on Mountview premises or engaged in Mountview business.
- Misuse of computers or the communications network, including the unauthorised use of the Mountview's logo or name, or any breach of Mountview's policy on the use of its information systems, including social media (see *Mountview's IT Acceptable Usage Policy*).
- The unauthorised use of Mountview's logo or name for any commercial purposes.
- Intentional or reckless damage or defacement to Mountview property or the property of students, staff or visitors whilst on Mountview premises or engaged in Mountview business.
- Action which may cause injury or jeopardise the safety of others whilst on Mountview premises or engaged in Mountview business.
- Unauthorised possession or use on Mountview premises or whilst engaged in Mountview business of any firearm or dangerous weapon.
- Unauthorised use or occupation of Mountview premises.

- The sale, supply, misuse, or illegal possession of any controlled drug on Mountview premises.
- The consumption of alcohol on Mountview premises during timetabled hours.
- Failure to comply with any punishment imposed as a result of the Mountview's disciplinary procedures or contempt of those procedures.
- Any conduct which may be discreditable to Mountview or may bring Mountview into disrepute.

#### 4. REPORTING STUDENT MISCONDUCT

Alleged or actual misconduct may be reported by:

- Another student
- A member of staff
- A visitor to the community
- A person external to Mountview where your behaviour impacts on the reputation of the School and/or could harm members of the public or of the School community.

You will not be disadvantaged by Mountview in any way by reporting the alleged or actual misconduct of another student. We strongly encourage you to talk to a member of staff if, despite this assurance, you have a misconduct allegation that you do not feel you can raise without doing so anonymously.

You can still report alleged or actual misconduct anonymously via the [Anonymous Reporting Form](#). However, Mountview will be unable to investigate allegations as we would be unable to complete an appropriately robust investigation. Any anonymous reports will be recorded and may be notified to relevant staff.

If a misconduct allegation is made against a student solely on malicious grounds, we will consider taking disciplinary action against the student making that allegation.

#### 5. DISCIPLINARY PROCEDURE

The Disciplinary Procedure exists:

1. to enable students and staff to go about their business in a relaxed atmosphere, confident that Mountview upholds sound discipline, good order and lawful practice; and
2. to provide a practical framework which ensures fairness for students who are the subject of Disciplinary Action.

It is not possible to itemise all the possible circumstances which might give rise to this Disciplinary Procedure being invoked, but the list of activities outlined in 3. *Examples of Misconduct* are intended to help you identify the grounds on which Mountview might initiate such action.

##### Unlawful conduct

In cases where a student reports misconduct against them that could amount to a criminal act, they will be free to decide whether to report the matter to the police or not, and Mountview will support their decision without judgement or prejudice. Unlawful conduct committed against Mountview will normally be referred directly to the Police. Many circumstances which fall within the scope of this code of practice have the potential also to be regarded as a breach of the criminal Law. There are criminal acts which, even if they occur beyond Mountview, could jeopardise the good name of Mountview and/or could be of such a nature that the perpetrator could reasonably be regarded as posing a danger to other members or to the good order of the Mountview community.

Mountview reserves the right to consider the consequences of convictions for criminal acts incurred by a student with regard to the suitability of that person to continue to be a student of Mountview.

#### 5.1 DISCIPLINARY PROCEDURE – INFORMAL RESOLUTION

Minor disciplinary matters may be dealt with the relevant Head of Course. In such cases, the Head of Course will meet with the student accused of a breach of discipline and recommend a suitable course of action to resolve the issue informally.

If informal resolution is not possible, or not appropriate given the nature of the disciplinary matter, the Head of Course should initiate Mountview's formal disciplinary procedure immediately.

#### 5.2 DISCIPLINARY PROCEDURE - FIRST STAGE

In the first stage of the Disciplinary Procedure, if Mountview, on the basis of reasonable evidence, accuses you of a breach of discipline, you will be interviewed by a designated Head of Course, and one other member of academic staff. You will be told the reason for the interview and asked for your comments.

You may be accompanied, if you wish, by one other person; this can be another Mountview student, a staff member, a family member, or friend. You are not normally permitted to be represented by a legally qualified solicitor or barrister. You must provide the name and contact details of your chosen companion to Mountview in good time before the meeting/hearing.

If you admit that you have been responsible for a breach of discipline, depending on the seriousness of the offending behaviour, the Head of Course may take one of the following courses of action:

1. Issue you with a verbal caution which will not be placed on your file.
2. Require you to make a formal apology.
3. Issue you with a written reprimand / warning.
4. Suspend you from Mountview's premises except for the purpose of attending for tuition.
5. Suspend you from attending Mountview for a fixed period, up to 12 months.
6. Terminate your studies and require you to withdraw from Mountview.

In the case of suspension or termination on disciplinary grounds, no fees are refundable for any tuition lost. Sanctions under points 4-6 above must be approved by the Principal.

If you deny that you have been responsible for a breach of discipline, depending on the seriousness of the offending behaviour, the Head of Course may take one of the following courses of action:

1. Accept that you are not responsible.
2. Recommend further enquiry while you continue to attend for tuition.
3. Suspend you from attending the school, pending further enquiry.

If the Head of Course accepts that you are not responsible for the breach of discipline, the matter is immediately dismissed, and no record is placed on your file.

If the Head of Course does not accept your denial, he/she will engage an investigator to conduct an investigation into the allegation. The investigator may be external to Mountview, or may be a specially trained member of staff. The investigator will interview the reporting party, the responding party, and any relevant witnesses, and will review any evidence submitted by the parties involved. Upon completion of the investigation, a report will be submitted to the Head of Course, and they will convene an Investigation Panel to carry out a full enquiry into the alleged breach.

The membership of the Panel will be:

- A senior member of Academic Staff of a Department different from your own; and
- A senior member of Administrative Staff (e.g. a member of the Executive team).

The results of the enquiry will be considered by the Panel within 28 working days of your original interview. Under exceptional circumstances the Principal or their designated replacement may require the period of enquiry to be extended. The Principal or designated replacement will write to you to inform you on any such extension.

### 5.3 DISCIPLINARY PROCEDURE – SECOND STAGE

The Investigation Panel will consider the investigator's report and any other relevant written evidence in advance of its meeting. The reporting party, responding party (person against whom the allegation has been made) and any witnesses may, in some circumstances, be required to attend the meeting.

If you are required to attend, you may be accompanied, if you wish, by one other person; this can be another Mountview student, a staff member, a family member, or friend. You are not normally permitted to be represented by a legally qualified solicitor or barrister. You must provide the name and contact details of your chosen companion to the School in good time before the meeting/hearing.

After hearing the circumstances of your case, the Panel will either UPHOLD or DISMISS the allegations made against you.

If the Panel dismisses the allegations the matter is immediately dropped, and no record is left on your file.

If the Panel upholds the allegations against you, it may take one or more of the following courses of action:

- Issue you with a verbal caution which will not be placed on your file.
- Require you to make a formal apology.
- Issue you with a written reprimand / warning.
- Suspend you from Mountview's premises except for the purpose of attending for tuition.
- Suspend you from attending Mountview for a fixed period, up to 12 months.
- Terminate your studies and require you to withdraw from Mountview.

Sanctions under points 4-6 must be approved by the Principal. In the case of suspension or termination on disciplinary grounds, no fees are refundable for any tuition lost.

You will be informed of the Panel's decision within seven working days of the enquiry review meeting.

### 5.4 RIGHT OF APPEAL

If the Investigation Panel upholds the allegations against you and you consider:

- the decision to be wrong; and
- the process above was not correctly or adequately followed

you may appeal to the Mountview's Disciplinary Appeal Committee.

The membership of the Committee will be:

- The Principal
- A member of the Board of Trustees
- A senior member of Administrative Staff (e.g. the Executive team), who was not part of the original Investigation Panel.

In cases where you accept responsibility for the breach of discipline, there is no right of appeal against a verbal caution or against the requirement to apologise.

To appeal against the Investigation Panel's disciplinary decision, you should write to the Principal ([ea@mountview.org.uk](mailto:ea@mountview.org.uk) or c/o Executive Assistant, Mountview, 120 Peckham Hill Street, London, SE15 5JT) setting out in detail the grounds for your appeal, within ten working days of your receiving the disciplinary decision. The Principal will convene a Disciplinary Appeal Committee to consider your appeal.

#### 5.5 PROCEDURE OF THE DISCIPLINARY APPEAL COMMITTEE

The Disciplinary Appeal Committee will consider any relevant written evidence in advance of its meeting. The reporting party, responding party (person against whom the allegation has been made) and any witnesses may, in some circumstances, be required to attend the meeting.

If you are required to attend you may be accompanied, if you wish, by one other person; this can be another Mountview student, a staff member, a family member, or friend. You are not normally permitted to be represented by a legally qualified solicitor or barrister. You must provide the name and contact details of your chosen companion to the School in good time before the meeting/hearing.

After hearing the circumstances of your appeal, the Disciplinary Committee will either UPHOLD or DISMISS your appeal and decide on appropriate action.

You will be informed of the Committee's decision within seven working days of the appeal meeting.

ALL THE ABOVE INTERNAL PROCEDURES WILL BE IMMEDIATELY SUSPENDED IN THE CASE OF A STUDENT TAKING LEGAL ACTION AGAINST THE SCHOOL OR ANY OF ITS EMPLOYEES.

For information regarding Academic Appeals see the Academic Appeals and Complaints Policies on Mountview's website:

<https://www.mountview.org.uk/courses/life-at-mountview/key-policies-procedures/>

#### 5.6 OUTCOMES

Mountview determines outcomes from Student Disciplinary cases on the balance of probability and standard of proof. This means that for Mountview to uphold an allegation of misconduct, we need to show sufficient evidence that either misconduct occurred or is more likely than not to have occurred.

Where an allegation of misconduct is upheld, Mountview will normally apply a penalty. The penalty will be dependent on the severity and impact of the misconduct and examples are provided in Appendix 1 below. Any previous penalties may also be taken into account. Mountview will ensure that any penalty is proportionate, considers any relevant mitigating circumstances and explains its reason for a particular penalty.

### 6. DATA PROTECTION

We process personal data collected during the disciplinary procedure in accordance with our Data Protection Policy. In particular, data collected as part of the disciplinary procedure is held securely and accessed by, and

disclosed to, individuals only for the purposes of conducting the disciplinary procedure, including undertaking investigations. You should immediately report any inappropriate access or disclosure of student data in accordance with our data protection policy as this constitutes a data protection breach. It may also constitute a disciplinary offence, which we will deal with under our disciplinary procedure.

## **7. CONFIDENTIALITY**

Mountview will manage misconduct allegations confidentially. It will be necessary for a limited number of people to know the details of the allegation for it to be investigated.

Depending on the stage of the Student Disciplinary Procedure, these people will include staff who manage the allegation, who undertake the investigation, are named in the allegation, are witnesses to the matters it raises, are part of a panel that considers the allegation or who are asked to review a disciplinary outcome. Mountview's Executive team will be briefed on allegations that may have significant reputational implications.

## **8. SUPPORT & WELLBEING**

If you have been subject to alleged or actual misconduct by another student, if you are reporting the alleged or actual misconduct of another student, or if an allegation of misconduct has been made against you, confidential support is available from your personal tutor or from Student Services. It is particularly important to seek support if the situation is impacting negatively on your wellbeing or mental health.

Where an allegation of misconduct is upheld, the reporting student (or any other student) will not normally be informed of the penalty. The outcome will be shared by the COO with the relevant staff involved in the case. Examples of full or partial exceptions to this position are where a non-contact or similar agreement is in place, or where the student against whom the allegation has been upheld has been excluded from Mountview.

## **9. DIGNITY AND RESPECT**

All students and staff engaging in the Student Disciplinary Procedure must behave with dignity and respect for each other. The process will be halted where unreasonable behaviours occur in-person or on-line, including through social media. Mountview will make further use of the Student Misconduct and Disciplinary Policy where behaviours constitute misconduct.

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**Status:** for approval by APQC

**Date of next review:** April 2026

**Owner:** Student Services Manager

## APPENDIX 1: EXAMPLES OF POSSIBLE SANCTIONS

Where there is reason to believe that the behaviour of a student falls below the expected standards, as set out below, and/or where regulations, procedures, and/or policies have been broken, as outlined above, the Disciplinary Procedure will be instigated. The Procedure extends to alleged misconduct by a student occurring on or off School premises (including via electronic means, such as email and social media) where the alleged victim is the School itself, a member of the Mountview community, or a visitor to Mountview.

Please note that the examples of unacceptable behaviour listed below are not exhaustive. The School can bring action in relation to other unacceptable behaviour. Additionally, the indication of the sanctions which may be applied if certain behaviour is found to have taken place is illustrative only. Mountview will consider any mitigating and aggravating factors when determining a penalty. Such factors include, but are not limited to, elements of discrimination, instances of previous misconduct, and mitigating circumstances occurring at the time of the alleged incident.

Disciplinary Offence	Examples of Unacceptable Behaviour	Examples of Sanctions
<b>Physical Misconduct</b>	<ul style="list-style-type: none"><li>• Punching</li><li>• Kicking</li><li>• Slapping</li><li>• Pulling hair</li><li>• Biting</li><li>• Pushing</li><li>• Shoving</li></ul>	<ul style="list-style-type: none"><li>• Expulsion</li><li>• Suspension</li><li>• Conditions for the continuation of student status</li><li>• Formal warning</li><li>• Written apology</li></ul>



Disciplinary Offence	Examples of Unacceptable Behaviour	Examples of Sanctions
<b>Sexual Misconduct</b>	<ul style="list-style-type: none"> <li>• Sexual intercourse or engaging in a sexual act without consent</li> <li>• Attempting to engage in sexualintercourse or a sexual act without consent</li> <li>• Sharing private sexual materials of another person without consent</li> <li>• Kissing without consent</li> <li>• Touching through clothes without consent</li> <li>• Inappropriately showing sexual organs to another person</li> <li>• Repeatedly following another person without good reason</li> <li>• Making unwanted remarks of a sexual nature</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension</li> <li>• Conditions for the continuation of student status</li> <li>• Formal warning</li> <li>• Written apology</li> </ul>

Disciplinary Offence	Examples of Unacceptable Behaviour	Examples of Sanctions
<b>Offensive or Abusive Behaviour</b>	<ul style="list-style-type: none"> <li>• Threats to hurt another person</li> <li>• Abusive comments relatingto an individual’s protected characteristics</li> <li>• Acting in an intimidating and hostile manner</li> <li>• Repeatedly following another person without good reason</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension</li> <li>• Conditions for the continuation of student status</li> <li>• Formal warning</li> <li>• Written apology</li> </ul>
	<ul style="list-style-type: none"> <li>• Distributing or publishing an explicit or demeaning photograph of a student or employee of Mountview, or a visitor to Mountview, without permission</li> </ul>	<ul style="list-style-type: none"> <li>• Conditions for the continuation of student status</li> <li>• Formal warning</li> <li>• Written apology</li> </ul>

<b>Disciplinary Offence</b>	<b>Examples of Unacceptable Behaviour</b>	<b>Examples of Sanctions</b>
<b>Damage to Property</b>	<ul style="list-style-type: none"> <li>• Causing significant damage to Mountview property, or the property of students or employees of Mountview, or visitors to Mountview</li> </ul>	<ul style="list-style-type: none"> <li>• Suspension</li> <li>• Conditions for the continuation of student status</li> <li>• Compensation for damage caused</li> </ul>
	<ul style="list-style-type: none"> <li>• Causing minor damage to Mountview property, or the property of students or employees of Mountview, or visitors to Mountview</li> </ul>	<ul style="list-style-type: none"> <li>• Compensation for damage caused</li> <li>• Formal warning</li> <li>• Written apology</li> </ul>

<b>Disciplinary Offence</b>	<b>Examples of Unacceptable Behaviour</b>	<b>Examples of Sanctions</b>
<b>Unauthorised Taking or Use of Property</b>	<ul style="list-style-type: none"> <li>• Unauthorised entry onto or unauthorized use of Mountview property</li> <li>• Taking property belonging to another without permission</li> </ul>	<ul style="list-style-type: none"> <li>• Suspension</li> <li>• Conditions for the continuation of student study</li> <li>• Compensation for damage caused</li> </ul>
	<ul style="list-style-type: none"> <li>• Misuse of Mountview property (for example, computers)</li> </ul>	<ul style="list-style-type: none"> <li>• Compensation for damage caused</li> <li>• Formal warning</li> <li>• Written apology</li> </ul>

<b>Disciplinary Offence</b>	<b>Examples of Unacceptable Behaviour</b>	<b>Examples of Sanctions</b>
<b>Causing a Health and Safety Concern</b>	<ul style="list-style-type: none"> <li>• Act/omission that did cause, or could have caused, serious harm on Mountview premises or during Mountview activities (for example, disabling fire extinguishers, or possessing/supplying controlled drugs)</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension</li> <li>• Conditions for continuation of student status</li> <li>• Compensation for damage caused</li> </ul>
	<ul style="list-style-type: none"> <li>• Act/omission that did cause, or could have caused, a health and safety concern on Mountview premises or during Mountview activities (for example, smoking cigarettes in non-designated areas)</li> </ul>	<ul style="list-style-type: none"> <li>• Compensation for damage caused</li> <li>• Formal warning</li> <li>• Written apology</li> </ul>

Disciplinary Offence	Examples of Unacceptable Behaviour	Examples of Sanctions
<b>Operational Obstruction</b>	<ul style="list-style-type: none"> <li>• Act/omission/statement intended to deceive Mountview</li> <li>• Disruption of the activities of Mountview (including academic, administrative, sporting and social) on Mountview premises or elsewhere</li> <li>• Disruption of the functions, duties or activities of any student or employee of Mountview, or any visitor to Mountview</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension</li> <li>• Conditions for the continuation of student status</li> <li>• Compensation for damage caused</li> </ul>
	<ul style="list-style-type: none"> <li>• Improper interference with the activities of Mountview (including academic, administrative and social) on Mountview premises or elsewhere</li> <li>• Improper interference with the functions, duties or activities of any student or employee of Mountview, or any visitor to Mountview</li> </ul>	<ul style="list-style-type: none"> <li>• Conditions for the continuation of student status</li> <li>• Compensation for damage caused</li> <li>• Formal warning</li> <li>• Written apology</li> </ul>

Disciplinary Offence	Examples of Unacceptable Behaviour	Examples of Sanctions
<b>Reputational Damage</b>	<ul style="list-style-type: none"> <li>• Behaviour that did cause, or could have caused, serious damage to the reputation of Mountview</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension</li> <li>• Conditions for the continuation of student status</li> </ul>
	<ul style="list-style-type: none"> <li>• Behaviour that did damage, or could have damaged, the reputation of Mountview</li> </ul>	<ul style="list-style-type: none"> <li>• Formal warning</li> <li>• Written apology</li> </ul>

Disciplinary Offence	Examples of Unacceptable Behaviour	Examples of Sanctions
<b>Regulatory/Procedural Breach</b>	<ul style="list-style-type: none"> <li>• Behaviour which has breached another Mountview Regulation, Procedure or Policy</li> <li>• Failure to comply with a previously imposed penalty</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension</li> <li>• Conditions for the continuation of student status</li> <li>• Compensation for damage caused</li> <li>• Formal warning</li> <li>• Written apology</li> </ul>

## APPENDIX 2: DISCIPLINE PROCEDURAL FLOW CHART

