



Commonwealth Scholarship  
Commission in the UK

## **COMMONWEALTH SCHOLARSHIP COMMISSION IN THE UNITED KINGDOM**

### **Award-Holder Disciplinary Policy**

#### **1. Purpose and Scope Disciplinary Policy**

- 1.1. This policy provides a means for the Commonwealth Scholarship Commission (CSC) to ensure that its standards are upheld by Scholars and Fellows and for Scholars and Fellows to have a fair means of explaining circumstances which may have given cause for concern to the CSC.
- 1.2 This procedure outlines the actions that may be taken when the CSC becomes aware of potential misconduct by a Scholar or Fellow.
- 1.3 The Executive Secretary may designate their responsibilities under this policy to a senior member of Secretariat staff as appropriate. No other designation may be made except where the party is a subject within a complaint or is incapacitated.
- 1.4 Time limits for operation of the procedures in this policy will be specified by the CSC, having regard to the nature and complexity of the case and the progress of any parallel proceedings.
- 1.5 This policy is to be read in conjunction with the following CSC policies: CSC Complaints Policy and Procedure CSC Anti-Fraud, Bribery and Corruption Policy and Procedure CSC Code of Conduct for award holders CSC Safeguarding Policy.
- 1.6 The CSC will maintain a register of cases considered under this Policy in a Discipline Register. The Discipline Register will maintain the confidentiality of the parties involved. The case-specific details will be recorded on the Scholar or Fellow's secure electronic file and will be deleted in line with the CSC's Privacy Notice

#### **2. Definition of misconduct**

- 2.1. The essence of misconduct under the Disciplinary Policy and Procedure is improper behaviour, in the broadest sense, towards any individual, the host University or the CSC, or any action which might otherwise damage the reputation of the CSC or its funders.
- 2.2. Further particulars of misconduct are contained below, but if misconduct is

to be proved, the above general statement must be shown to apply to the conduct complained of.

Subject always to 2.1, the following, while not an exhaustive list shall constitute misconduct:

- (a) Any breach of the academic or disciplinary regulations of the host university or institution;
- (b) failure to attend the host university or institution in line with regulations or expectations of that university or institution;
- (c) failure to adhere to the conditions of the UK visa;
- (d) sexual or physical harassment;
- (e) violent, indecent, disorderly, threatening, or offensive behaviour or language communicated by any means including electronically;
- (f) fraud, deceit, deception, or dishonesty in relation to the Commission or the host university or institution including, but not limited to, failure to return monies overpaid by the Commission, whether overpayment was due to a false claim by the Scholar or Fellow or by error of CSC or a change in circumstance;
- (g) any conduct which constitutes a criminal offence;
- (h) any intentional action likely to cause injury or impair safety;
- (i) behaviour which damages or has the ability to damage the reputation of the Commission;
- (j) failure to follow rules of the Commission;
- (k) failure to follow the Commission's Code of Conduct for Award Holders including behaviour on social media
- (l) repeated minor misconduct;
- (m) failure to comply with a penalty previously imposed under this Policy.

- 2.3. Not all complaints relating to Scholars or Fellows alleged misconduct will result in formal disciplinary proceedings. Informal resolution of complaints may be appropriate in instances of alleged misconduct where the misconduct is minor and is a single incident, and the perpetrator takes responsibility for their actions.

Depending on the circumstances of each case, minor offences may include, but is not limited to:

- Anti-social behaviour
- Failing to respond to Commission requirements in a timely manner

- Failure to report travel in timely manner
- Minor disputes between Scholars

### 3. Penalties

3.1. The penalties available are:

- (a) **Termination** of the Scholarship or Fellowship
- (b) **Probation** involving monitoring of the Scholar or Fellow's behaviour or performance for a specified period; further misconduct could result in termination of the Scholarship or Fellowship
- (c) **Compensation/withdrawal of funds** Scholars or Fellows may be required to repay all or part of their Scholarship or Fellowship or the CSC may withdraw part of the Scholarship or Fellowship funding
- (d) **Restorative or reconciliatory** measures, such as a letter of apology or training programmes
- (e) a formal written warning to the Scholar or Fellow setting out the consequences of any further acts of misconduct
- (f) Inability to take part in Alumni activities or be recognised as an Alumnus

3.2. These penalties may be combined as appropriate and reasonable. Where necessary, the effective period of the penalty shall be specified, or a date given for review. The review shall be the responsibility of the Chair of the Commission and the form of the review (taking in account of any written or oral representations) shall be decided by the Disciplinary Committee.

3.3. Penalties will be imposed without an investigation where the complaint results in a criminal conviction, an order of deportation or expulsion from a university or institution. See paragraphs 4.9 and 4.10.

### 4. Reporting misconduct

4.1. The Disciplinary Policy and Procedure addresses both complaints received alleging misconduct by a Commonwealth Scholar or Fellow and also misconduct by a Commonwealth Scholar or Fellow alleged by the CSC.

4.2. Any person alleging misconduct to warrant action under this policy shall report the same in writing to the Head of Programme Management of the CSC as soon as reasonably possible after the misconduct has taken place. Complaints must be in writing and can be emailed to [complaints@cscuk.org.uk](mailto:complaints@cscuk.org.uk) or sent by post to the CSC's address.

4.3. Scholar and Fellow Host organisations are to report misconduct to the CSC via the organisation's designated CSC contact. This CSC contact also has the obligation to report misconduct of a Scholar or Fellow to the Host organization where a penalty is imposed and as appropriate.

- 4.4. If a Commonwealth Scholar or Fellow is suspected of misconduct (as described in this policy) by the CSC, the procedure in 4.2 shall also be followed and the complaint will be dealt with in the same manner as an external complaint.
- 4.5. The Head of Programme Management, in consultation with the Chair of the Commission, can dismiss without further consideration complaints that are judged to be made after 12 months, and therefore out of time, or to be frivolous, malicious or vexatious.
- 4.6. Complaints regarding CSC alumni can be reviewed under the Alumni Code of Conduct.
- 4.7. Where a complaint alleges misconduct directed against a named person other than the complainant, and that person refuses to support the complaint or co-operate in inquiries, this policy cannot be invoked, unless other misconduct is also alleged which can be so supported. However, where the alleged misconduct would constitute a criminal offence the matter will be reported to the police.
- 4.8. At any stage of consideration of a complaint, the Chair of the Commission may rule that the complaint should not be the subject of further action under this policy, but such a ruling shall not preclude informal action by way of caution. This includes recommending that the complainant use their UK University processes rather than the CSC process.
- 4.9. Where the incident involved a staff member or student (including CSC scholars) at a complainant's host institution or university, the complainant should report the incident to their university.
- 4.10. Where a complaint has been accepted for investigation or is in the course of being investigated by a university or institution, any action by the CSC will be stayed whilst the university or institution's investigation is ongoing. Upon the conclusion of the investigation by the university or institution, if the person against whom the allegation of misconduct is found not guilty and no further action is taken by the university or institution, the Chair of the Commission will then consider whether there are any further reasons for the CSC to investigate. If the party against whom the allegation of misconduct is found guilty of all or any of the matters investigated by the university or institution and they impose a warning or sanction, the Chair of the Commission shall decide what further action including the imposing of penalties as stated in section 3 above the Commission should take, if any, with regards to the same matters investigated by the university or institution without undertaking any further investigation.
- 4.11. It is the CSC's policy to report all criminal offences to the police for investigation. Notwithstanding the above, any person has the right to report any matter to the police, irrespective of the CSC's Disciplinary Policy and procedures.



## COMMONWEALTH SCHOLARSHIP COMMISSION IN THE UNITED KINGDOM

### Disciplinary Procedure

#### 1. Receipt of complaint

- 1.1 The Head of Programme Management or their representative shall notify the complainant as soon as reasonably practical, and within 20 working days, as to whether the complaint will be considered under this policy. Where the complaint is dismissed without more the reasons for dismissal will be outlined in the Head of Programme Management's response.
- 1.2 The Head of Programme Management shall be responsible for investigation of the circumstances of all complaints which are within this policy, and for the preparation of any case against the Scholar or Fellow.
- 1.3 The CSC will report criminal offences to the police for investigation. In doing so, it will be guided by the view of the complainant.
- 1.4 On receipt of a complaint, the Head of Programme Management, after having made appropriate preliminary inquiries, shall send a written notice of the complaint, together with a copy of the scholar code of conduct and this policy, to both the Scholar or Fellow about whom the complaint has been made and to the Chair of the Commission. The notice shall be sent as soon as reasonably practical after the completion of the preliminary inquiries.
- 1.5 In the written notice the Head of Programme Management shall invite comments and evidence from the Scholar or Fellow and from the Chair of the Commission; the Scholar or Fellow shall be entitled to reserve any comment, other than saying whether or not the alleged offence is admitted.
- 1.6 The Head of Programme Management will determine on receipt of a response or in the case of no response the next action to take.
- 1.7 Not all complaints relating to Scholar or Fellow misconduct will result in formal disciplinary proceedings. If the offence is considered to be minor (see section 2.3), the Chair of the Commission has the discretion not to investigate but to communicate with the person accused of misconduct about the issue raised and ask them to respond in writing. If the response contains information that meets the requirements outlined in section 2.3, then the Chair of the Commission can decide whether or not to treat the misconduct as minor and apply an appropriate sanction.

## **2. Determining action**

- 2.1. In the consideration of the complaint, whether or not the Scholar or Fellow has admitted an offence, the Head of Programme Management shall normally offer the Scholar or Fellow a preliminary interview, before deciding whether and how to proceed under this policy, including any exercise of the powers to suspend or exclude a Scholar a Fellow pending a hearing. Exclusion will be considered only in very serious circumstances and only when it is necessary to protect the Scholar, Fellow, institution or other community. Where for any reason it is not possible for the Scholar or Fellow to appear in person (or virtually), they shall be entitled to make written representations.
- 2.2. The Head of Programme Management in consultation with the Chair of the Commission shall decide whether the case shall be determined:
  - (a) summarily at a preliminary interview, or
  - (b) by an oral hearing before the CSC's Disciplinary Committee

## **3. Consideration by the CSC's Disciplinary Committee**

- 3.1 Where the Head of Programme Management and Chair determine that the case shall be considered by an oral hearing the Head of Programme Management shall provide the Scholar or Fellow with a written summary of the case against them together with a copy of all written evidence and shall invite the Scholar or Fellow to submit a written statement of defense.
- 3.2 The Disciplinary Committee of the CSC shall consist of\*:
  - Chair of the Commission (Chair)
  - Head of CSC
  - Chair of the Audit and Risk Management Committee
  - Director People ACU (Observer)
  - CSC Programme Manager Policy (Secretary)
- 3.3 The Head of Programme Management will present the case on behalf of the CSC. The Head of Programme Management shall not be a member of the Committee and shall not have a vote.
- 3.4 The CSC Programme Manager (Policy) acts as Secretary to the Committee.
- 3.5 The Chair of the committee shall guide the discussions and the Chair's decision in this matter shall be final. In particular:
  - (a) The case against the Scholar or Fellow, including their written statement of defense, shall be presented by the Head of Programme Management, who is entitled to be accompanied, assisted or represented.

- (b) The Scholar or Fellow is entitled to be accompanied, assisted or represented.
- (c) The Scholar or Fellow has the right to see all the evidence, to be present throughout the hearing and to make a final statement following the final statement of the Head of Programme Management.
- (d) The parties and their representatives shall withdraw while the case is determined, returning to hear the decision.
- (e) A statement may then be made in mitigation if the case is found proved.
- (f) The Chair shall then determine the penalty, in accordance with section 3 of the Disciplinary Policy, or give a caution as appropriate; any penalty imposed shall be reported to the full Commission for information

#### **4. Appeal Procedures**

- 4.1 If the party against whom the allegation of misconduct was made remains dissatisfied with the decision reached, they have the right to appeal, formally in writing, to the Chair of the Commission on [Chair@cscuk.org.uk](mailto:Chair@cscuk.org.uk) within 21 working days of the decision. Appeals received after 21 working days will not be considered.

The Chair of the Commission will acknowledge receipt of the appeal within 10 working days of receipt.

- 4.2 The Appeal Committee consists of:

- Deputy-Chair of the Commission (Chair)
- The Chair of the Awards Policy Committee who are not members of the Disciplinary Committee
- An independent member with relevant experience, to be agreed by the above members

- 4.3 The Head of Programme Management will present the case on behalf of the Disciplinary Committee. The Head of Programme Management shall not be a member of the Appeal Committee and shall not have a vote.

- 4.4 The appeal will not take the form of a re-hearing of the case. Within 21 working days from the receipt of the appeal the Deputy Chair will convene the Appeals Committee to which the party against whom the allegation of misconduct was made will be invited to submit a statement in writing outlining their reasons for appealing the decision. The Head of Programme Management will arrange for any evidence to be delivered on behalf of the CSC in response. The complainant shall have the right to submit a written statement to the panel in response to the statement provided by the party against whom the allegation of misconduct was made

- 4.5 The Scholar or Fellow will be given the opportunity to be heard in person in support of these grounds.

- 4.6 The Head of Programme Management shall notify the Scholar or Fellow of this right of appeal and of the date and place at which they may appear to be heard in person accompanied for support, if desired, by a person of their choosing who will be an observer.
- 4.7 The Appeal Committee may amend, ratify or revoke any penalty. This decision will be the internal final decision.

## **5. Reporting**

- 5.1 The details and outcome of the case will be recorded in the Discipline Register. The Discipline Register will maintain the confidentiality of the parties involved. The case-specific details will be recorded on the Scholar's or Fellow's secure electronic file.
- 5.2 A summary of the Discipline Register will be tabled to the Audit and Risk Management Committee of the CSC at least once a year. The tabled summary will maintain the confidentiality of the individuals involved. Where appropriate, changes in policy or practice resulting from any case will also be recorded in the minutes of the meeting concerned.
- 5.3 The CSC will, on an annual basis report the summary of the Discipline Register to the Foreign, Commonwealth and Development Office's (FCDO) Scholarships, Tertiary Education Partnerships Department (STEP) even if it is a nil return.



## Roles and responsibilities

Person	Process	Responsibility
Head of Programme Management <i>Deborah Bennett</i>	Reporting/ Disciplinary committee/appeals committee	<ul style="list-style-type: none"> <li>Responding to complainant and respondent. Preliminary enquiries and collection of evidence.</li> <li>In consultation with Chair of ARM Committee, decision on appropriate steps.</li> <li>Presents case to Disciplinary committee and appeal committee (non-voting member)</li> </ul>
Chair of the Commission <i>Robin Mason</i>	Disciplinary committee	<ul style="list-style-type: none"> <li>Consultative role in appropriate steps following on from report of incident</li> <li>Chair of disciplinary committee and voting member</li> </ul>
Head of CSC <i>Annabel Boud</i>	Disciplinary committee	Voting member of disciplinary committee
Chair of Audit and Risk Management Committee <i>Catherine MacKenzie</i>	Disciplinary committee	Voting member of disciplinary committee
Director of People ACU <i>Tarrance Ryder-Downes</i>	Disciplinary committee	Disciplinary committee (Observer status)
CSC Programme Manager Policy <i>Ruth McConnell</i>	Disciplinary committee	Disciplinary committee (Secretary)
Deputy-Chair of the Commission <i>Morag McDonald</i>	Appeal	Review of case and final decision <ul style="list-style-type: none"> <li>Chair of appeals committee</li> </ul>
Chair of Awards Policy Committee <i>Madeleine Arnot</i>	Appeal	Review of case and final decision
An independent member	Appeal	Review of case and final decision <ul style="list-style-type: none"> <li>An independent member with relevant experience, to be agreed by the above members</li> </ul>

Date of Review	June 2022 by Chair of ARM
Date of Next Review	March 2023