



Commonwealth Scholarship Commission in the UK

COMMONWEALTH SCHOLARSHIP COMMISSION IN THE UNITED KINGDOM

Disciplinary Policy

1. Purpose and Scope

- 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 Not all complaints relating to Scholar or Fellow misconduct will result in disciplinary proceedings.
- 1.4 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.
- 1.5 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.
- 1.6 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
- 1.7 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 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;
- (c) failure to adhere to the conditions of the UK visa;
- (d) sexual or physical harassment, violent, indecent, disorderly, threatening or offensive behaviour or language communicated by any means including electronically;
- (e) fraud, deceit, deception or dishonesty in relation to the CSC or the host university or institution including but not limited to failure to return monies overpaid by the CSC, whether overpayment was due to a false claim by the Scholar or Fellow or by error of the CSC or a change in circumstance;
- (f) any conduct which constitutes a criminal offence;
- (g) any action likely to cause injury or impair safety;
- (h) behaviour which damages the good name of the CSC;
- (i) failure to follow rules of notification to the CSC;
- (j) failure to comply with a penalty previously imposed under the CSC Disciplinary Policy and Procedure.

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 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
- 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 Sub-Committee.

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 Executive Secretary 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 or sent by post to the CSC's address.
- 4.3 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.
- 4.4 The Executive Secretary, in consultation with the Chair of the Commission, has discretion to dismiss without further consideration complaints that are judged to be made after six months and therefore out of time, or to be frivolous, malicious or vexatious.
- 4.5 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. However, where the alleged misconduct would constitute a criminal offence the matter will be reported to the police.
- 4.6 At any stage of consideration of a complaint, the Chair of the Commission may rule as a matter of absolute discretion 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.



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Disciplinary Procedure

1. Receipt of complaint

- 1.1 The Executive Secretary or their representative shall notify the complainant as soon as reasonably practical, and within 20 working days, as to whether the complaint has or has not been accepted for consideration under this policy. Where the complaint is dismissed the reasons for this will be outlined in the Executive Secretary's response.
- 1.2 Once a complaint has been accepted for consideration, the Executive Secretary shall be responsible for investigation of the circumstances of the misconduct 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. Where the CSC is unsure whether the threshold of a criminal offence has been reached, it will only report to the police where the complainant has given explicit permission to do so.
- 1.4 On receipt of a complaint, the Executive Secretary, after having made appropriate preliminary inquiries, shall send a written notice of the complaint, together with a copy of this policy, to both the Scholar or Fellow involved 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 Executive Secretary shall invite comments 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 Executive Secretary will determine on receipt of a response or in the case of no response the next action to take.

2. Determining action

- 2.1 In the consideration of the complaint, whether or not the Scholar or Fellow has admitted an offence, the Executive Secretary 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. Where for any reason it is not possible for the Scholar or Fellow to appear in person, they shall be entitled to make written representations.

2.2 The Executive Secretary in consultation with the Chair of the Commission shall decide whether the case shall be determined:

- (a) summarily at the preliminary interview, or
- (b) by an oral hearing before the CSC's Disciplinary Sub-Committee

3. Consideration by the CSC's Disciplinary Sub-Committee

3.1 Where the Executive Secretary and Chair determine that the case shall be considered by an oral hearing the Executive Secretary 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 defence.

3.2 The Disciplinary Sub-Committee of the CSC shall consist of:

Chair of the Commission (Chair)

Chair of the Awards Policy Committee

Chair of the Audit and Risk Management Committee

3.3 The Executive Secretary will present the case on behalf of the CSC. The Executive Secretary shall not be a member of the Sub-Committee and shall not have a vote.

3.4 The Chair will nominate a member of the CSC Secretariat as Secretary to the Sub-Committee.

3.5 The Chair of the Sub-committee shall conduct the oral hearing according to the principles of natural justice and the Chair's decision in this matter shall be final. In particular:

- (a) The case against the Scholar or Fellow shall be presented by the Executive Secretary, 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 Executive Secretary.
- (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 A Scholar or Fellow for whom a penalty has been determined under this policy has the right of appeal to an Appeal Committee consisting of:
Deputy-Chair of the Commission (Chair)
Two Commissioners who are members of the Awards Policy Committee and the Audit and Risk Management Committee who are not members of the Disciplinary Sub-Committee
- 4.2 The Executive Secretary will present the case on behalf of the CSC. The Executive Secretary shall not be a member of the Appeal Committee and shall not have a vote.
- 4.3 The Chair will nominate a member of the CSC Secretariat as Secretary to the Appeal Committee.
- 4.4 The appeal will not take the form of a re-hearing of the case. The grounds of appeal shall be stated in writing in advance by the Scholar or Fellow and the Scholar or Fellow will be given the opportunity to be heard in person in support of these grounds.
- 4.5 The Executive Secretary 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, if desired, by a person of their choosing.
- 4.6 The Appeal Committee may amend, ratify or revoke any penalty and such decision shall be final and no further representations to the CSC shall be permitted.

5. Reporting

- 5.1 The details and outcome of the case will be recorded in the Discipline Register.
- 5.2 A summary of the Discipline Register will be tabled to the Audit and Risk Management Committee of the CSC 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 DFID UNCD even if it is a nil return.