

 S P Jain London School of Management	Student Disciplinary Policy
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1. Scope

- 1.1 Students should behave appropriately at all times and maintain a standard of conduct which is not harmful to others or the work, good order and good name of the School. Students shall be responsible for familiarising themselves with the Student Code of Conduct, the Academic Regulations, and Policies and procedures of the School to ensure that they know what is expected of them. All the above regulatory and policy documents can be accessed here [insert link]
- 1.2 Allegations of any breaches of the Student Code of Conduct shall be dealt with according to this Student Disciplinary Policy.
- 1.3 The Student Disciplinary Policy applies in relation to any activities engaged in, or services and facilities enjoyed, as a student of the School, or in the vicinity of any premises owned, leased or managed by the School. Disciplinary action may also be taken against a student in respect of any alleged misconduct wherever and whenever it may have taken place when it is considered necessary to protect the interests and reputation of the School and the safety of its staff and students.
- 1.4 The Student Disciplinary Policy shall apply to all students during term-time and vacation and during any periods of deferral, regardless of registration status.
- 1.5 Where concerns about a student may be considered under one or more policies, the Policy used will be that which is most appropriate, taking into account fairness to the student, the scope and purpose of the policy. Examples may include:

- 1.5.1 **Academic Offences.** Where the misconduct relates to academic conduct, such as plagiarism, it will usually be more appropriate to consider matters under the Academic Integrity Policy [insert link]. In some cases the matter may first be considered under the Academic Integrity Policy and then referred to the Disciplinary Panel to consider penalties only.
- 1.5.5 **Fitness to Study.** Where a need for enhanced support is identified, it may be more appropriate for a student's conduct to be considered under the Fitness to Study Policy, which can be found here [insert link].

2. Principles Governing Disciplinary Processes

2.1 Those involved in the Student Disciplinary Policy will have regard to the following principles:

- 2.1.1 **Fairness:** both sides to any complaint of misconduct against a student will be dealt with fairly; however, fairness to the person reporting alleged misconduct is limited to what is fair and reasonable to investigate their complaint. The Student Disciplinary Policy is not intended to resolve disputes between individuals but to address misconduct by students. Therefore, a reporting student will only be involved during proceedings as a witness. Fairness to a student responding to allegations of misconduct is important, and any person complained against has the right to know the nature and sufficient details of the alleged misconduct and to have a proper opportunity to respond.
- 2.1.2 **Support:** Any student who is invited to a meeting or interview under this policy is entitled to be accompanied by a friend. Legal representation is not permitted.
- 2.1.3 **Confidentiality:** confidentiality must be strictly respected. Those seeking advice and support and those who wish to make an informal report of misconduct can expect confidentiality, and information will not be released without their consent, save in exceptional circumstances. If a formal report of misconduct is made, however, it will be necessary for information to be given to the other party or parties, and to those involved in any subsequent investigation and in any appeals that might follow.

2.1.4 **Timeliness:** A report of misconduct should normally be made within 10 working days of the incident or action from which it arises, or in any event as soon as possible, to allow investigations to commence promptly. The School will only consider reports outside this timeframe at its absolute discretion and where there is a valid reason for the delay.

A disciplinary procedure once commenced will be dealt with as quickly and expeditiously as possible. The whole disciplinary process, including the appeal process, should normally be completed within 90 calendar days from the receipt of the initial report. This timeframe requires students to engage with the disciplinary process by meeting all of the School's stipulated deadlines and attending any meetings they are invited to.

There may be cases where, for good reason, the School will need to extend the timeframe for dealing with the case. Students will be kept informed of any delays.

2.1.5 **Records:** The School and all those involved in the disciplinary process must observe data protection legislation. Records about a student may be retained and kept securely to the extent necessary for proper management under this policy. Records relating to misconduct will be held on the student file, normally for the duration of the student's time as a student of the School. The record will include details of the nature of the complaint against the student, the procedure followed, the time taken to resolve the issue, and the outcome or sanction.

The School may disclose details of any penalty imposed in accordance with this policy in any reference provided to a third party on behalf of a student, or in order to comply with any regulatory reporting requirements.

3. Breaches of the Student Code of Conduct

3.1 Disciplinary action may be taken under this policy for breaches of the Student Code of Conduct. The Student Code of Conduct sets out the behaviour which students are expected to follow and conduct for which action under this Procedure will be taken.

3.2 Students should note that:

- 3.2.1 Being under the influence of alcohol or illegal drugs will not normally be accepted as a mitigating factor or an excuse and may be regarded as an aggravating feature.
- 3.2.2 If the alleged misconduct takes place outside School-owned premises or via virtual mechanisms such as website, email, social media platforms, this will not prevent the School from pursuing the breach of discipline nor will it constitute a mitigating factor.
- 3.2.3 If a student under investigation for alleged misconduct permanently withdraws from the School during the process, or has permanently withdrawn prior to the investigation, the School reserves the right to continue to pursue disciplinary action in this situation. If a student found to have committed misconduct permanently withdraws during or after a Disciplinary Panel hearing, the School reserves the option to impose a sanction on the student (or former student). For example, it might rescind degree if it were found that students had misrepresented their qualifications.

4. Criminal Investigations

- 4.1 The Student Disciplinary Regulations do not replace a police investigation. Where serious incidents have occurred, students should report these to the police.
- 4.2 The School will only in exceptional circumstances report an alleged incident to the police against the wishes of a student. However, if the Chief Operating Officer considers it is necessary in order to protect a student or other member of the School community from harm, or the conduct affects the interests of the School, it may be reported to the police.
- 4.3 The School will not normally investigate complaints about student behaviour while there is an on-going police investigation or court proceedings. However, the School will consider whether any precautionary temporary measures are appropriate in the circumstances to support and protect the interests of all parties concerned.
- 4.4 Whilst criminal investigations are underway, the student should keep the School informed of any progress and/or change in status regarding the case.
- 4.5 Once any criminal proceedings are concluded, the School may decide to proceed with disciplinary action under this policy or may choose not to do so, depending on the circumstances of the case. The fact that a student has been acquitted of a criminal offence

does not preclude the School from taking action under this policy for a breach of the Student Code of Conduct.

- 4.6 Where the victim of alleged misconduct chooses not to report the matter to the police or does not co-operate with their inquiries, and irrespective of whether or not a preference for the matter to be dealt with internally has been indicated, the School reserves the right not to invoke its own procedures but may take action under this policy where it deems it to be appropriate in all the circumstances.

5. Criminal Convictions

- 5.1 Conviction by the police or in a criminal court will be taken as conclusive evidence that the offence has occurred, and no further investigation will be required by the School.
- 5.2 Students are required to notify the School immediately of any conviction of a relevant criminal offence in a court of law or formal caution for a relevant criminal offence by a police officer.
- 5.3 Where a student has been convicted of a criminal offence, the School will consider the nature of the offence and whether action is required under this Student Disciplinary Policy.

6. Reporting Breaches of Student Code of Conduct

- 6.1 In all cases where a member of the School observes or is reliably informed of conduct which in their opinion may constitute a breach of the Student Code of Conduct, they should submit a written report of such conduct to the Registrar.

7. Student Disciplinary Process

- 7.1 On receipt of a report of a breach of the Student Code of Conduct, the Registrar will decide on whether there is potentially a case to answer through a preliminary review of the case as follows:

7.1.1 Dismiss the allegation and take no further action;

- 7.1.2 Arrange for the allegation to be investigated by the relevant Senior Academic/Manager in accordance with Section 9 below;
- 7.1.3 Where no investigation is required e.g., the student has been convicted of a criminal offence, or the matter has been referred under another School Regulation, set up a Disciplinary Panel in accordance with Section 10 below;
- 7.1.4 Refer the matter to the Head of Student Services in accordance with Section 7.3 below.
- 7.2 The Registrar may also, if considered appropriate, take precautionary action in accordance with Section 8 below.
- 7.3 Where the Registrar considers that the formal disciplinary process is not an appropriate way of dealing with the student's behaviour, the Registrar may refer the case to the Head of Student Services who will discuss the behaviour with the student. Following the discussion, the Head of Student Services may issue a formal warning. This warning will be recorded and taken into account in any future disciplinary action against the student.
- 7.4 The action in Section 7.3 may be taken in the event of the following, which is not intended to be exhaustive:
 - 7.4.1 Where there are mitigating circumstances;
 - 7.4.2 Where the allegation results from a complaint by a member of staff, student or a member of the public but there is little or no other evidence.

8. Precautionary Action

- 8.1 In some circumstances, the School may impose conditions on the student as a precautionary measure only. These measures may be taken, for example, to:
 - 8.1.1 ensure that a full and proper investigation can be carried out (either by the police or a School investigator)
 - 8.1.2 protect the reporting student or others whilst the allegation is being investigated.

- 8.2 Precautionary measures are normally considered only in very serious cases, such as but not limited to:
- 8.2.1 where alleged violence, sexual violence or hate crime or a threat of such an offence has been reported;
 - 8.2.2 where a serious criminal offence may have been committed;
 - 8.2.3 where there is a risk to the student, the reporting student or other members of the School community.
- 8.3 Precautionary action is not a penalty or sanction and does not indicate that the School has concluded that the student has committed misconduct. Precautionary action may include one or more the following dependent upon the circumstances:
- 8.3.1 Moving a student from a particular group;
 - 8.3.4 Excluding a student from particular areas of activities (for example, prohibiting the student from going to certain accommodation, using the facilities or attending an internship);
 - 8.3.5 Suspending the student from the School campus
 - 8.3.6 Suspending the student from their studies including access to online platforms and learning materials.
- 8.4 The type of alleged misconduct, the circumstances of the incident, the circumstances of the individuals involved and, where appropriate, the views of the police/prosecutor will all be relevant in assessing risk and in determining whether precautionary action is required. A risk assessment will be carried out, which will also include consideration of the support arrangements that need to be put in place for all students involved in the case.
- 8.6 Precautionary measures shall last until the completion of any criminal proceedings and/or any disciplinary proceedings brought under this policy, or until no longer required. The risk assessment and any precautionary measures that are put in place will be reviewed at regular intervals and reconsidered where appropriate. A failure to comply with a precautionary measure should trigger a review and is likely to result in more serious measures being put in place.

- 8.7 The Registrar has authority for the imposition of precautionary measures and will notify the student in writing of the measures that are being imposed and the reasons for them.
- 8.8 If the student disagrees with the decision to impose precautionary measures, the student may apply to the Chief Operating Officer for a review within 5 working days of being notified of the decision. The Chief Operating Officer will issue a decision within 5 working days of the student's request for a review.
- 8.9 Where a student has been suspended as a precautionary measure and lives in the halls of residence operated by a third party, the School may inform the providers of the accommodation of the suspension if it is considered that there is a risk to other students.

9. Investigatory Disciplinary Interview

- 9.1 Where appropriate, the Registrar shall appoint an Investigator (usually a Senior Academic/Manager) who shall carry out an investigation into the alleged misconduct. This may involve meeting with the reporting student, any witnesses and any other relevant person, in addition to considering documentary, audio, video and other evidence.
- 9.2 The Investigator shall invite the student against whom the allegations have been made to an interview. The student shall normally be notified of the arrangements for the interview at least 5 working days prior to the date of the interview.
- 9.3 The letter shall also confirm the statement of the allegation(s) to be considered and the purpose of the interview, details of the date, time and place of the interview and those who will be present and copies of any evidence or documents to be considered in connection with the allegation.
- 9.4 Students shall be informed that they have a right to be accompanied by a friend. The student is not permitted legal representation. Students must inform the Investigator who will be accompanying them at least 1 working day prior to the date of the interview.
- 9.5 Student will usually be required to submit a written statement of their perception of the events before or during the interview and include supporting evidence if available.

- 9.6 Where students notify the Investigator in advance of the meeting that they are unable to attend the interview on the scheduled date, and has provided a satisfactory reason for their non-attendance, only one further attempt to reschedule the interview will be made.
- 9.7 If the student fails or declines to attend without good reason, the Investigator shall proceed to consider the matter in accordance with this policy, but in the student's absence and on the basis of the written evidence provided.
- 9.8 At the interview, the substance of the allegation shall be discussed with the student, and the student shall be asked to present their perspective of the incident or event.
- 9.9 The purpose of the interview shall be to determine:
- 9.9.1 whether a breach of the Student Code of Conduct may have occurred; and
 - 9.9.2 the seriousness of such a breach, taking into account all the surrounding circumstances, including any previous penalties imposed on the student.
- 9.10 The following criteria may be used for classifying the seriousness of the breach and the appropriate action:
- 9.10.1 Intent: an act which is planned in advance will normally be considered more serious than the one which is not;
 - 9.10.2 Extent: an act which is sustained and/or repetitive will normally be considered more serious than an act which is committed on a single occasion;
 - 9.10.3 Impact: an act which has an impact on other student(s) will be considered more serious than an act which affects only the perpetrator.
- 9.11 Following the interview, the Investigator shall either:
- 9.11.1 Dismiss the allegation;
 - 9.11.2 Determine that a breach has occurred and impose one or more penalties as set out in 9.12 below; or
 - 9.11.3 Determine that a serious breach may have occurred which should be referred to the Disciplinary Panel in accordance with Sections 10-12 below.

9.12 Where a penalty is appropriate, the Investigator may impose the following:

9.12.1 Oral reprimand advising the student about their future conduct;

9.12.2 Formal written warning advising the student about their future conduct. A record of the warning will remain on the student's file for a period of their studies;

9.12.3 Repair or restitution by the student to the property or equipment damaged or compensation to be payable of up to £250 (the amount imposed to be proportional to the damage suffered);

9.12.4 Removal or restriction of School benefits/facilities/privileges for a specified period;

9.12.5 Requirement for written undertakings that the Student Code of Conduct and School Regulations and Policies will be observed for the remainder of the student's studies, by way of a contract for good behaviour/conduct;

9.12.6 Report to the student's accommodation provider for further consideration (but within the Protection from Eviction Act);

9.12.7 Referral of the student to a Fitness to Study Policy;

9.13 If the Investigator believes that the student should be subject to precautionary action during the remainder of the disciplinary process, he/she shall make such a recommendation to the Registrar and the provisions of Section 8 shall apply.

9.14 The student will be notified in writing of the Investigator's decision within 5 working days of the interview.

10. Disciplinary Panel Composition

10.1 Where an alleged breach is referred to the Disciplinary Panel, the Panel shall consist of at least three members and shall comprise:

10.1.1 a Chair, normally the Dean;

10.1.2 a member of the academic staff;

10.1.3 a member of professional services staff.

10.2 The student can be accompanied by a friend. The student is not permitted legal representation.

10.3 The Registrar will act as Secretary to the Panel. The Secretary is responsible for advising the Panel on the Procedures.

11. Disciplinary Panel Hearing

11.1 The Disciplinary Panel meetings shall be held in closed session. The Panel will normally meet in person but may meet electronically if this cannot be arranged. Where a Panel meets electronically, all members of the Panel, the student and any witnesses must use their camera.

11.2 Where a student admits an offence, the Chair of the Panel will explain to the students that it will not be necessary to hold the hearing but will explain to the student the penalties that may be applied. In this event, the Chair may act on behalf of the Panel to determine the appropriate penalty.

11.3 The student will be notified of the time, date and location of the Disciplinary Panel hearing and will be provided with copies of any additional evidence or documentation to be considered by the Panel at least 10 working days before the date of the hearing. The student shall be asked to submit any evidence not previously submitted to the Investigator, to supply any mitigation for the attention of the Panel, and the names of any witnesses to the Secretary of the Disciplinary Panel at least 3 working days before the date of the hearing.

11.4 Should a student provide a satisfactory reason for not being able to attend on the scheduled date and notifies the Registrar in advance, the Registrar will consider whether in all circumstances the hearing should be rescheduled. Under such circumstances, only one further attempt to reschedule the hearing will be made.

11.5 If the student fails to attend the hearing, or to contact the Registrar, the Disciplinary Panel to make alternate arrangements, the Panel may decide to progress with the deliberations in the student's absence and on the basis of the written evidence provided.

12. Conduct of Disciplinary Panel Hearing

12.1 The hearing shall be conducted as follows:

- 12.1.1 The Chair will open the proceedings;
- 12.1.2 The Chair will explain the purpose of the hearing and the extent of the Panel's delegated powers in taking decisions on behalf of the School;
- 12.1.3 The Chair will explain the penalties which are possible outcomes of the hearing if the allegation of misconduct is upheld as set out in Section 13;
- 12.1.4 The Chair will establish the names and identities of everyone present at the hearing and confirm the names of all witnesses who will be supplying evidence;
- 12.1.5 The Registrar will keep a record of all persons attending the hearing and whether or not the student has elected to be accompanied by a friend in accordance with these Procedures; or if the student has failed or declined to attend the hearing and the Chair's decision, including the reasons for it;
- 12.1.6 If the allegations involve several students, the Chair may decide to hear the allegations at one hearing subject to there being no reasonable objection from the student(s);
- 12.1.7 The Chair shall invite all parties, except witnesses, into the room;
- 12.1.8 The Panel will not have access to the student's previous record unless and until the allegation has been upheld;
- 12.1.9 The Chair will request the Senior Academic/Manager, responsible for investigating the case, to present the case against the student, including the submission of written or oral statements from witnesses;
- 12.1.10 Any witness submitting a written statement should normally be in attendance to answer any questions unless there are exceptional circumstances, or the parties agree otherwise. The witnesses will only be present for the presentation of their evidence. All witnesses will be reminded of their duty to maintain confidentiality.
- 12.1.11 The Chair will request the student to respond to the allegations, including the submission of written or oral statements from witnesses;

- 12.1.12 The Chair and Panel members may ask questions, through the Chair, of anyone present at the hearing at any time for the purposes of clarification;
- 12.1.13 The Chair will invite the Senior Academic/Manager, responsible for the investigation of the case, to make a final statement;
- 12.1.14 The Chair will invite the student or representative to make a final statement;
- 12.1.15 The Chair will ask everyone except the members of the Panel and the Secretary to the Panel /minute taker to withdraw from the room for deliberations to begin.
- 12.2 The Chair is responsible for ensuring that the hearing is conducted in a fair manner but that the hearing does not replicate a court of law. The Chair may vary the procedure set out above depending on the nature of the case and the persons present at the hearing and may adjourn or defer the hearing at any time.
- 12.3 The standard of proof used by the Panel to determine whether there has been a breach of the Student Code of Conduct is on the balance of probabilities.
- 12.4 When the Panel reaches a decision that the allegation against the student has been proven, and the application of penalties is to be considered, the Chair of the Panel may convene a second meeting immediately to determine the penalties to be applied.
- 12.5 The student's record will be made available to the Panel at this stage along with a short summary of the student's current academic position. In arriving at a decision on the disciplinary penalties to be applied, the Panel will take account of any previous penalties on record, any mitigation brought to the attention of the Panel by the student and shall impose the penalties on an individual basis.
- 12.6 The outcome of all cases and full written reasons shall be communicated to the student in writing within 5 working days from the date the decision is made.
- 12.7 Where a disciplinary case has been brought against a student as the result of a complaint from another student, the reporting student may be informed of the outcome of the disciplinary process where reasonable and appropriate to do so.

12.8 The record of the hearing and all proceedings will be kept on the student's record apart from where the information includes details of a criminal conviction, where only summary information of the conviction and the Panel's decision will be retained with the DBS Certificate Number where applicable. The details of the case will normally be retained for six years after graduation but may be retained for longer in more serious cases.

13. Penalties for Breaches of Student Code of Conduct under Student Disciplinary Regulations

13.1 Where the Investigator/Disciplinary Panel finds that a breach of the Student Code of Conduct has been committed by the student, or the student has admitted a breach, the Investigator/Panel will consider applying one or more of the penalties set out below. In imposing a penalty, the Investigator/Panel will consider the seriousness of the breach and the proportionality of the penalty:

13.1.1 No further action in respect of the misconduct;

13.1.2 Oral reprimand advising the student about their future conduct;

13.1.3 Formal written warning advising the student about their future conduct. A record of the warning will remain on the student's file record a period of their studies;

13.1.4 Repair or restitution by the student to the property or equipment damaged or compensation to be payable of up to £250 (the amount imposed to be proportional to the damage suffered);

13.1.5 Removal or restriction of School benefits/facilities/privileges for a specified period;

13.1.6 Requirement for written undertakings that the Student Code of Conduct and School's Regulations and Policies will be observed for the remainder of the student's studies, by way of a contract for good behaviour/conduct;

13.1.7 Report to the student's accommodation provider in third party managed residential property (but within the Protection from Eviction Act);

13.1.8 Suspension from the student's programme of study and related academic privileges, either for a specified period of time or until specified conditions have been met;

- 13.1.9 Withdrawal from the student's course of study and related academic privileges;
- 13.1.10 Expulsion of the student from the School, which means that the student will not receive any credits achieved during their time and will not be allowed to return as a student to the School;
- 13.1.12 Recommendation to the Academic Board the withholding, delay or rescinding the award of a degree or other qualification from an individual where there has been fraud or misrepresentation.
- 13.2 If a student fails to comply in whole or in part with any penalty imposed by the Investigator/Disciplinary Panel, the Registrar may refer that non-compliance (back) to the Disciplinary Panel for further consideration. The Panel is entitled to escalate the sanction within the options under Section 13 above.

14. Appeal Process

- 14.1 The student has a right of appeal against the decision of the Investigator (Section 9.11.2) or the Disciplinary Panel. Appeals will only be considered on the following grounds:
 - 14.1.1 Procedural error: where the disciplinary process was not conducted in accordance with this policy; Procedural error shall include alleged administrative or clerical error, and bias in the operation of the procedure;
 - 14.1.2 Exceptional circumstances, illness, or other relevant factors were not made known at the time for good reason or were not properly taken into account;
 - 14.1.3 The decision of the Investigator/Disciplinary Panel was manifestly unreasonable.
- 14.2 An appeal against the decision of the Investigator or the Disciplinary Panel must be made in writing in accordance with the Appeals Policy.
- 14.3 If a student has made an appeal and is still not satisfied with the outcome of the appeals procedure, they may refer their case to the Office of Independent Adjudicator (OIA). Information on submitting a complaint to the OIA will be contained in the Completion of Procedures letter and can also be found on their website: www.oiahe.org.uk.