

## STUDENT DISCIPLINARY POLICY

### 1. Introduction

- 1.1 The London Institute of Banking & Finance aims to provide a positive and harmonious environment which encourages and supports students to fulfil their learning experience.
- 1.2 Students are expected to conform to reasonable standards of behaviour, and with honesty and integrity. This is stipulated in the respective regulations (which may include terms and conditions) for the programme that the student has signed up to. Students have a responsibility to make themselves familiar with such regulations and The London Institute of Banking & Finance has a responsibility to make students aware of them and advise students on their interpretation.
- 1.3 The regulations state that students may be subject to disciplinary action by The London Institute of Banking & Finance where they fail to conform to a reasonable standard of behaviour or fail to act with honesty or integrity. In these cases The London Institute of Banking & Finance will take action under its Student Disciplinary Policy in order to protect The London Institute of Banking & Finance's community and its reputation.
- 1.4 In the context of expecting students to conform to reasonable standards of behaviour, and with honesty and integrity, students must act:
- i. in accordance with all of The London Institute of Banking & Finance's regulations, including any policies, codes of practice and student charters which support those regulations;
  - ii. within the law;
  - iii. with regard to The London Institute of Banking & Finance's aim of providing an effective and supportive learning and assessment environment;
  - iv. with respect for the dignity and rights of others, irrespective of their background;
  - v. with regard to the health and safety of others;
  - vi. with respect for the property of others and the proper use of The London Institute of Banking & Finance's facilities;
  - vii. with regard to The London Institute of Banking & Finance's good reputation.

This includes The London Institute of Banking & Finance's Equality and Diversity Policy which aims to ensure that:

- i. nobody is discriminated against on grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation;
  - ii. The London Institute of Banking & Finance promotes a supportive environment for staff, students and visitors.
- 1.5 When considering reasonable standards of behaviour, honesty and integrity, The London Institute of Banking & Finance will consider incidences where:
- i. students are taking part in activities directly related to their programme;

- ii. students are taking part in activities which are indirectly related to their programme;
- iii. students behave in a manner which may damage the reputation of The London Institute of Banking & Finance.

Students may be on The London Institute of Banking & Finance premises, at other premises or using online mechanisms.

1.6 Within the terms of this policy, 'student' shall be defined as any person who fulfils one or more of the following criteria:

- i. a person registered for one or more credit bearing modules offered by, or on behalf of The London Institute of Banking & Finance, whether or not those modules form part of a programme leading to an award;
- ii. a person registered for a non-credit-bearing programme, training course or other activity in the context of personal development offered by, or on behalf of The London Institute of Banking & Finance;
- iii. a person registered as a student with another organisation operating in collaboration with The London Institute of Banking & Finance.

This policy will not be applicable to prospective students.

## **2. Disciplinary action**

- 2.1 This policy explains why, when and how such disciplinary action might be taken and the application of possible sanctions.
- 2.2 All disciplinary cases will be dealt with in accordance with the principles of natural justice, which impose a duty to act fairly. In practice, this means that any student who goes through the disciplinary process will be given full information on the case against them and adequate warning of a hearing so as to allow time to prepare. Clear reasons for decisions taken by The London Institute of Banking & Finance should be given, and those making such decisions must be unbiased. The decisions reached must be based on the balance of probabilities.
- 2.3 The London Institute of Banking & Finance retains the right to inform external bodies, including the police, if it considers the alleged incidence to warrant such action. In these incidences, The London Institute of Banking & Finance will consider each case on its facts and merits to maintain an appropriate balance between fairness to the student(s), and the well being of others and The London Institute of Banking & Finance.
- 2.4 In exceptional circumstances, The London Institute of Banking & Finance reserves the right to progress consideration of an incidence via an alternative method, for example, if the student is thought or known to be experiencing mental health difficulties.
- 2.5 Disciplinary proceedings may be adjourned pending further investigation or evidence.
- 2.6 Disciplinary proceedings may be initiated after a student has completed their programme if it is in the best interest of The London Institute of Banking & Finance and/or its stakeholders to do so.
- 2.7 Cases of alleged misconduct that occur on premises of other organisations other than The London Institute of Banking & Finance may be processed by those organisations under their disciplinary procedures.

### **3. Misconduct**

3.1 Any student may be subject to disciplinary sanctions if they are found to be responsible for misconduct. Misconduct is a breach by a student of their responsibilities as summarised above. The essence of misconduct is:

- i. improper interference with the functioning or activities of The London Institute of Banking & Finance, or of those who work or study at The London Institute of Banking & Finance; or
- ii. action which otherwise improperly damages The London Institute of Banking & Finance its communities or its reputation.

3.2 Examples of misconduct include, but are not limited to:

- i. any conduct which constitutes a criminal offence;
- ii. disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of The London Institute of Banking & Finance;
- iii. obstruction of, or improper interference with, the functions, duties, or activities of any student, or member of staff of The London Institute of Banking & Finance, or any visitor to The London Institute of Banking & Finance;
- iv. violent, indecent, disorderly, threatening, intimidating (including harassment and bullying) or offensive behaviour or language;
- v. fraud, deceit, deception or dishonesty;
- vi. theft, misappropriation or misuse of The London Institute of Banking & Finance property, or the property of The London Institute of Banking & Finance's staff, students or visitors, including computer misuse;
- vii. misuse or unauthorised use of The London Institute of Banking & Finance premises;
- viii. action causing, or likely to cause health and safety issues, including injury, on The London Institute of Banking & Finance premises;
- ix. failure to respect the rights of others to freedom of belief and freedom of speech;
- x. breach of the provisions of any The London Institute of Banking & Finance regulation;
- xi. failure to disclose personal details to a member of staff of The London Institute of Banking & Finance in circumstances in which it is reasonable and lawful to require that such information be given;
- xii. failure to comply with a reasonable instruction relating to discipline, issued with The London Institute of Banking & Finance's authority;
- xiii. bringing The London Institute of Banking & Finance into disrepute;
- xiv. malpractice.

### **4. Malpractice**

4.1. Malpractice is explained in The London Institute of Banking & Finance's student malpractice policies and Code of Practice for Quality Assurance (Higher Education).

4.2. The process for dealing with suspected cases of malpractice and the application of sanctions are set out in the student malpractice policies and the Code of Practice. The range of sanctions which may be

applied to a student by the Malpractice Committee includes the consideration of the case via a disciplinary hearing, whereby further sanctions may be applied.

## **5. Principles and procedures for dealing with alleged cases of misconduct**

- 5.1 The Chief Executive has overall responsibility for maintaining student discipline. The relevant members of Leadership group are responsible for ensuring advice is given on the interpretation of this policy and for reporting on their operation.
- 5.2 In appropriate circumstances, any member of staff may take reasonable emergency action to prevent, stop, minimise, or otherwise control any conduct by a student which in the opinion of the member of staff is likely to cause immediate harm to others or to disrupt the proper functioning of The London Institute of Banking & Finance, or to cause immediate damage to property.
- 5.3 Suspected cases of misconduct should be reported to the relevant member of the Leadership Group (Lead). Any member of staff, students, visitors or the public who may be affected by the improper behaviour of a student may report the incidence to The London Institute of Banking & Finance.
- 5.4 At all stages of the procedure as set out in this policy, the student will be informed of the allegation of misconduct made against them, including the evidence in support of the allegation and will be given the opportunity to state their case before any decision is made. The student will be informed of the reasons for any decision that is taken.
- 5.5 All persons adjudicating at any stage of the procedure set out in this policy will be independent to the student and the case in question and will act impartially.
- 5.6 All persons involved in a case at any stage of the procedure will respect the confidentiality of information arising from it and only disclose information as is necessary, for example for the proper investigation and conduct of the case.

## **6. Suspension**

- 6.1 A student who is the subject of an allegation of misconduct, including, but not limited to, allegations of misconduct which are the subject of police investigation or have led to criminal charges, may be suspended by the Lead pending a disciplinary hearing.
- 6.2 Suspension is not a punishment and should not be confused with exclusion or expulsion which are possible outcomes of disciplinary proceedings. Suspension does not imply guilt.
- 6.3 Suspension may take various forms and the student will be informed in writing of the nature of the suspension. It could include not being allowed to use all or specified The London Institute of Banking & Finance facilities, take part in all or specified The London Institute of Banking & Finance activities or have contact with a particular person or persons. It may be subject to the student's programme such as permission to take an examination. Every reasonable effort will be made to help the student continue with their studies.
- 6.4 Suspension will only be imposed where it is necessary, for example to protect a student or member of staff or academic community. Written reasons for the decision will be recorded and made available to the student.
- 6.5 Unless the matter is deemed to be urgent by the Lead, no student shall be suspended unless they have been given an opportunity to make their representation to the Lead. That representation may be made in person or in writing.

- 6.6 In cases deemed to be urgent by the Lead, a student may be suspended with immediate effect.
- 6.7 The Lead shall review the suspension in the light of any developments and of any written representations, further evidence or a change in circumstances made by the student or another person involved with the case. Such a review will not involve a hearing.
- 6.8 A student may appeal against the decision to suspend them. The student must put the appeal in writing to the Lead within five working days. In these circumstances, there will be no hearing. The decision on the appeal will be made by the Chief Executive.

## **7. Informal stage**

- 7.1 For allegations of minor misconduct it is expected that staff will discuss the matter informally with the student concerned, preferably, but not necessarily, at the time. In instances where the allegations are founded, staff will give appropriate advice and encouragement to modify the student's behaviour in the future. A written record should be made of the discussion.

## **8. Formal stage**

- 8.1 For alleged incidents which are deemed more than minor misconduct the Lead will decide whether or not formal disciplinary action should be taken and commence the procedure. The Malpractice Committee which considers cases of academic malpractice may also recommend to the Lead that formal disciplinary action be taken.
- 8.2 Dependent on the nature of the misconduct, an investigation will be undertaken by an investigator who is independent to the student. The investigator will be responsible for collating and gathering evidence.
- 8.3 A student accused of alleged misconduct will be informed in writing of the alleged misconduct and of the evidence against them and be given the opportunity to defend themselves, either via a statement (with or without supporting evidence) or at a Disciplinary Hearing convened to consider the incident (see section 9).
- 8.4 Where actions related to the case involve external matters, for example criminal proceedings where the police are involved, the procedure may be suspended pending the outcome of those external proceedings.
- 8.5 If more than one student has been accused of the same or substantially similar misconduct, then the Lead will decide whether the cases of all or any of the students will be heard together, taking the views of the students into account.
- 8.6 The student will be informed of the decision taken by the Lead in writing within five working days of the decision having been made. In exceptional circumstances where the decision takes longer, the student will be informed of the revised timescale.
- 8.7 If the allegation of misconduct against a student is upheld, they may appeal the finding or the sanction imposed (see section 11 of this policy). On conclusion of the appeal, the Appeal Panel may endorse or over turn any finding against the student and may endorse the sanction imposed or impose a lesser or greater sanction. The student concerned will have no further internal right of appeal (see section 12 regarding appealing to an external body).

## 9. Disciplinary Hearing

9.1 When a Disciplinary Hearing is convened, the case is heard by a Disciplinary Panel. The Disciplinary Panel will comprise:

A Leadership Group member who is independent to the student and their programme of study and will act as Chair of the Disciplinary Hearing;

Two other members who are independent to the student and their programme and are drawn from The London Institute of Banking & Finance's Leadership Group or senior directors;

A member of the Quality, Policy and Regulation team who will act as Secretary to the Disciplinary Panel.

9.2 The Secretary of the Disciplinary Panel will ensure that none of the Disciplinary Panel members have had any previous involvement with the matter or are directly involved with the student. The Secretary will make a note of the proceedings. The Secretary is not a member of the Disciplinary Panel and will not contribute to the judgement made or sanction(s) applied.

9.3 The Secretary will arrange the hearing as soon as is practical. The student will be given a minimum of five working days written notice (save in urgent cases when the timetable needs to be expedited) of the date, time and location of the hearing.

9.4 The student will receive from the Secretary at least five working days before the hearing (except in exceptional cases), a written statement of the allegation(s) of misconduct and any supporting evidence, including that provided by the investigator. Either party may call a witness although the names and position of witnesses must be provided to the Secretary at least three working days before the hearing.

9.5 The Lead or their nominated person will present the allegation of misconduct against the student. This may be the person who reported the case to the Lead. They, or any witnesses called, will not be a member of the Disciplinary Panel and will not contribute to the judgement made.

9.6 The London Institute of Banking & Finance advises that the student be accompanied by one other person (referred to in this policy as 'the supporter'). The supporter may assist with presenting the defence on behalf of the student. The name and position of the supporter must be provided to the Secretary at least three working days before the hearing.

9.7 The view of The London Institute of Banking & Finance is that legal representation on behalf of either party is normally unnecessary. However, either party can seek legal advice. The student's supporter can be a legal representative.

9.8 The student will be expected to attend the Disciplinary Hearing, although dependent on the geographic location of the student, attendance may be via video conference or Skype etc. The identity of the student may be checked. If the student fails to attend the hearing or submit a statement without valid reason, the Disciplinary Panel may consider the case and impose a sanction in the absence of the student.

9.10 The conduct of a Disciplinary Hearing will include the following actions:

- i. the allegation of misconduct and results from any investigation will be put to the Panel by the person presenting the case;
- ii. the student or their supporter may give evidence and be questioned by the Panel;
- iii. witnesses may be called in turn and questioned by either party;
- iv. the student or their supporter may address the Panel;

- v. either party may make concluding remarks to the Panel.
- 9.11 The evidence presented by witnesses at the Disciplinary Hearing will normally be oral evidence given in person. The Disciplinary Panel may accept a witness's written statement or via an online medium as evidence where it is agreed the witness need not attend, or when it is impractical for the witness to attend, or where in the opinion of the Disciplinary Panel it is for some other reason in the interests of justice to do so.
- 9.12 The Disciplinary Panel may:
- i. adjourn a hearing as it thinks fit, from a short break in the proceedings to reconvening on another date;
  - ii. ask for an additional investigation to be undertaken, and may call for additional witnesses to attend;
  - iii. ask questions of the person presenting the case, the student and/or their supporter and any witness;
  - iv. impose limits on oral addresses and submissions;
  - v. refuse to admit evidence on the grounds that it is irrelevant to the issues raised;
  - vi. recall witnesses to give further evidence;
  - vii. dismiss the case at any stage during the hearing.
- 9.13 All parties will withdraw, save for the Disciplinary Panel who will then consider its decision. The Disciplinary Panel will rely only on evidence presented to it, either in writing or orally.
- 9.14 The Disciplinary Panel will uphold an allegation of misconduct only if, on the evidence before it, it is satisfied on the balance of probabilities that misconduct has occurred for which the student is responsible. If the Disciplinary Panel members cannot agree, the decision will be that of the majority of its members.
- 9.15 If the Disciplinary Panel rejects the allegation of misconduct it will dismiss the case. If the Disciplinary Panel finds against the student it may impose one or more of the sanctions as detailed in section 10 of this policy. The list is not exhaustive and alternative sanctions may be applied. Sanctions applied by the Disciplinary Panel may be in addition to any applied by the Malpractice Committee (see section 4 of this policy).
- 9.16 The Disciplinary Panel's decision shall be reported to the student in writing within five working days. When allegations of misconduct are upheld, the report will set out the alleged misconduct, a brief summary of evidence received, its findings of fact, the grounds for upholding the allegation, the sanction(s) imposed, and the factors taken into account in deciding the sanction(s).
- 9.17 The Chief Executive has the power to suspend the establishment of, or the activity of, the Disciplinary Panel at any time and to stop the proceedings against the student, if they believe it appropriate to do so.

## **10. Sanctions**

- 10.1 When determining sanctions, consideration will be given to the seriousness and circumstances of the misconduct, any sanction already applied and any relevant personal circumstances of the student found responsible for misconduct. One or more of the following sanctions may be imposed by the Disciplinary Panel on a student found responsible for misconduct. The list is not exhaustive and alternative sanctions may be applied:

- i. No case to answer. This might include incidences where there is not enough evidence or where the student was technically responsible for the alleged misconduct but no blame should be attached to their actions.
- ii. An oral reprimand, such a reprimand will be recorded on the student's file.
- iii. A written reprimand which may remain on the student's file for a specified period or indefinitely. This may include a warning that, if the student is found to be responsible for subsequent misconduct within a specified period, the subsequent penalty imposed may take account of both offences and may accordingly be more severe.
- iv. A requirement to pay a reasonable sum to a named individual or individuals, or to The London Institute of Banking & Finance, by way of compensation for identified and quantified loss.
- v. A mark of zero for all or part of the student's course of study. This may require the student to retake all or part of their programme.
- vi. Exclusion from The London Institute of Banking & Finance. Exclusion may be from participation in particular The London Institute of Banking & Finance activities and/or use of particular The London Institute of Banking & Finance facilities up to total exclusion from all activities and facilities. An exclusion may include a requirement that the student shall have no contact with a named person or persons. It may be subject to an exemption such as permission to attend an examination. Total exclusion from all activities and facilities will be for a maximum of 12 months. In exceptional circumstances, the exclusion may be for longer.
- vii. Expulsion from The London Institute of Banking & Finance which may include no admission to a further course for either a fixed period of time or indefinitely. If the Disciplinary Panel decides that a student should be expelled from The London Institute of Banking & Finance, the Chair of the Panel will recommend immediate expulsion of the student to the Chief Executive. The Chief Executive will then decide whether to expel the student or to impose another sanction. The Chief Executive may request further information. If expelled from The London Institute of Banking & Finance, the Chief Executive will decide whether the student be submitted to the Assessment Board for any award.
- viii. The withdrawal of an award already made. Such a withdrawal will only be made in circumstances of serious academic or professional misconduct which calls into question the acceptability of the student retaining the award.

Regardless of the outcome of the Disciplinary Hearing, a student will not be refunded for any costs relating to the hearing. A student found guilty of misconduct will not have the right to be refunded any fees or costs relating to their programme.

## **11. Appeal**

11.1 A student may appeal against either a decision by the Disciplinary Panel to uphold an allegation of misconduct and/or against any sanction(s) imposed by the Disciplinary Panel or the Chief Executive. The appeal must be submitted to the Secretary of the Disciplinary Panel by the student in writing within 15 working days of the notification to the student of the decision by the Disciplinary Panel or the Chief Executive.

11.2 The student may only appeal on the grounds that:

- i. there is new evidence which the student could not have reasonably made available to the Disciplinary Panel;



- ii. the original hearing was not conducted in accordance with the principles of natural justice;
  - iii. the original hearing was not conducted in accordance with the procedure set out in the Student Disciplinary Policy;
  - iv. the sanction applied was not proportional to the findings of fact.
- 11.3 The student must set out in writing the grounds on which the appeal is based and must include, if applicable, any new evidence which could not have been made available to the original Disciplinary Panel and upon which the student intends to rely on.
- 11.4 The Secretary will appoint a Disciplinary Appeal Panel to hear the appeal. This will comprise three members of the Operating Committee who are independent to the student and their case. In some cases, an independent person may be a member. The Chair of the Operating Committee will appoint the Chair of the Disciplinary Appeal Panel. Members of the Disciplinary Appeal Panel will be different to members of the original Disciplinary Panel.
- 11.5 If the case of more than one student was considered at the original hearing and more than one student appeals, the Chair of the Disciplinary Appeal Panel will decide whether the cases of all or any of the students will be heard together, taking the views of the students into account.
- 11.6 The student is expected to attend the appeal hearing and will be given at least five working days written notice of the date and time of the appeal hearing. If the student fails to attend without valid reason, the Disciplinary Appeal Panel may nevertheless consider and determine the appeal in the absence of the student without notice. Dependent on the geographic location of the student, attendance may be via video conference or Skype etc.
- 11.7 The London Institute of Banking & Finance advises that the student is accompanied by a supporter who may be a different person to the supporter at the Disciplinary Hearing. The supporter may present the appeal on behalf of the student or assist in the presentation. The name and position of the supporter should be provided to the Secretary at least three working days before the hearing.
- 11.8 The procedure and principles to be followed at the appeal hearing will be similar to that of a Disciplinary Panel.
- 11.9 If the members cannot agree, the decision of the Disciplinary Appeal Panel will be that of the majority of its members.
- 11.10 The Disciplinary Appeal Panel may endorse or overturn the finding against the student by the Disciplinary Panel. It may also endorse or overturn the sanction applied and impose a lesser or greater sanction.
- 11.12 The student will be informed of the decision of the Disciplinary Appeal Panel in writing within five working days, including the reasons for the decision. This communication will include a Completion of Procedures letter, written by the Secretary.

## **12. Right of appeal to an external body**

12.1 Dependent of the nature of the programme of study, if the student is not satisfied with the decision of the Disciplinary Appeal Panel, the student may have the right to take their case to an external body:

- i. Students studying for a higher education programme may appeal to the Office of the Independent Adjudicator (OIA).
- ii. Students studying for a qualification regulated by the Ofqual, may appeal to Ofqual.

The external body will not normally consider a case until all internal procedures have been exhausted.

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