

## **STUDENT DISCIPLINARY POLICY**

### **1. Introduction**

- 1.1 We aim 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 act 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 we have 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 where they fail to conform to a reasonable standard of behaviour or fail to act with honesty or integrity. In these cases we will take action under our Student Disciplinary Policy in order to protect our community and reputation.
- 1.4 In the context of expecting students to conform to reasonable standards of behaviour, and act with honesty and integrity, students must act:
- i. in accordance with all of our regulations and Terms & Conditions, including any policies, codes of practice and student charters which support those regulations;
  - ii. within UK law and any applicable law of the land if the provision is undertaken overseas;
  - iii. with regard to our 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 our facilities;
  - vii. with regard to our good reputation.

This includes our 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. we promote a supportive environment for staff, students and visitors.
- 1.5 When considering reasonable standards of behaviour, honesty and integrity, we 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 our reputation.

Students may be on our premises, at other premises or using online mechanisms, including social media platforms.

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 us, 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 us;
- iii. a person formally registered as a student who has completed one or more credit bearing modules offered by, or on behalf of us, whether or not those modules form part of a programme leading to an award;
- iv. a person registered as a student with another organisation operating in collaboration with us. In these circumstances there will be agreement between the collaborative partner and us on whose disciplinary policy the case will be considered under.

This policy will not be applicable to prospective students.

## **2. Disciplinary action**

2.1 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 us should be given, and those making such decisions must be unbiased. The decisions reached must be based on the balance of probabilities.

2.2 We retain the right to inform external bodies, including the police, if we consider the alleged incident to warrant such action. In these incidences, we will consider each case on its facts and merits to maintain an appropriate balance between fairness to the student(s), and the wellbeing of others and us.

2.3 In exceptional circumstances, we reserve the right to progress consideration of an incident via an alternative method, for example, if the student is thought or known to be experiencing mental health difficulties.

2.4 Disciplinary proceedings may be adjourned pending further investigation or evidence.

2.5 Disciplinary proceedings may be initiated after a student has completed their programme if it is in the best interest of us and/or our stakeholders to do so.

## **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 of our activities, or of those who work or study here;  
or
- ii. action which otherwise improperly damages our communities or our 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, our academic, administrative, sporting, social or other activities;
- iii. obstruction of, or improper interference with, the functions, duties, or activities of any student, or member of staff of ours, or any visitor to The London Institute of Banking & Finance;
- iv. violent, indecent, disorderly, discriminatory, threatening, intimidating (including harassment and bullying) or offensive behaviour or language (including on social media);
- v. sexual misconduct;
- vi. hate crime;
- vii. internet access abuse;
- viii. fraud, deceit, deception or dishonesty;
- ix. theft, misappropriation or misuse of our property, or the property of our staff, students or visitors, including computer misuse;
- x. misuse or unauthorised use of our premises;
- xi. action causing, or likely to cause health and safety issues, including injury, on our premises;
- xii. failure to respect the rights of others to freedom of belief and freedom of speech;
- xiii. breach of the provisions of any of our regulations;
- xiv. failure to disclose personal details to a member of our staff in circumstances in which it is reasonable and lawful to require that such information be given;
- xv. failure to comply with a reasonable instruction relating to discipline, issued with our authority;
- xvi. bringing us into disrepute;

academic malpractice<sup>3.3</sup> Further information and guidance can be found within our Harassment and Sexual Misconduct Policy.

#### **4. Malpractice**

- 4.1. Malpractice is explained in our 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 found to have committed malpractice 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 In appropriate circumstances, any member of staff may take reasonable emergency action and refuse to allow a student to participate in certain activities in order to prevent immediate harm to others, to disrupt our ability to properly function, or to cause immediate damage to property.
- 5.2 Any member of staff, students, visitors or the public who may be affected by the improper behaviour of a student may report the incident to us. A member of staff will then be appointed for the initial handling

of the alleged case. This individual will investigate the case by gathering evidence from the student accused and any witnesses and decide whether it should initially be dealt with formally or informally.

- 5.3 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.
- 5.4 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.
- 5.5 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.
- 5.6 Students will be kept informed of the timescales involved in dealing with a case of misconduct, including where appropriate the date of the disciplinary hearing. Cases should take no longer than 90 days to complete, including the time allowed for an appeal but excluding any time taken where a criminal investigation or prosecution is involved. If in exceptional circumstances the case does take longer the student will be kept informed of the timescales involved.

## **6. Temporary 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 temporarily suspended 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 facilities, take part in all or specified 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 as a precautionary measure 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, no student shall be suspended unless they have been given an opportunity to make their representation to us. That representation may be made in person or in writing.
- 6.6 In cases deemed to be urgent, a student may be suspended with immediate effect.
- 6.7 The decision to suspend a student will be reviewed 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.

## **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 but are minor and/or where the student admits to the offence, staff will give appropriate advice and encouragement to modify the student's behaviour in the future and agree any action or solutions

required to address the issue. The student will be provided with a written outcome of the discussion and solution agreed upon.

- 7.2 If it is not possible to resolve the issue informally or the student does not agree to the proposed action to rectify the issue, then the case should be considered at the formal stage.
- 7.3 If a solution to the issue at the informal stage requires the student to pay compensation due to identified and quantified loss the amount to be paid should be agreed upon with the student. If the student does not accept the amount to be paid then the case should be considered at the formal stage.

## **8. Formal stage**

- 8.1 For alleged incidents which remain unresolved at the informal stage the staff member appointed for the initial handling of the case will recommend 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 that formal disciplinary action be taken.
- 8.2 Where formal disciplinary action is recommended a Disciplinary Hearing will be held to hear the case. In these circumstances a staff member, who is independent to the student and has no prior involvement in the case, will be appointed as a 'Case Officer' to collate and gather evidence from the student accused, staff and any witnesses. This may involve meeting with those involved either in person or remotely. The 'Case Officer' role is to arrange a date for the Disciplinary Hearing, gather evidence from all parties and provide it to the Disciplinary Panel, they will remain independent throughout the process and will have no say in the outcome.
- 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 The 'Case Officer' will arrange the Hearing as soon as is practical. The student will be given a minimum of ten working days written notice (save in urgent cases when the timetable needs to be expedited) of the date, time, and location of the hearing. When arranging the Hearing enough time will be allowed for the 'Case Officer' to collate the evidence from all parties. At least five working days before the Hearing, the student will be provided with a copy of all the written evidence that will be presented at the Hearing.
- 8.5 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.
- 8.6 If more than one student has been accused of the same or substantially similar misconduct, then we will decide whether the cases of all or any of the students will be heard together or separately, taking the views of the students into account.
- 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 overturn 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 consisting of at least three individuals. All members of the Panel will be independent to the student and their programme of study. A member of our Senior Executive team will act as Chair of the Disciplinary Hearing. Where possible, and if appropriate, a student representative will be asked to be a member of the Panel. In such instances, the student representative should have had no direct involvement with the student under investigation.
- 9.2 A member of staff will be appointed to act as Secretary for the hearing. 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 A senior member of the HE team, or their nominated person, will present the allegation of misconduct against the student. This may be the person who recommended the case be put to the Disciplinary Panel. They, or any witnesses called, will not be a member of the Disciplinary Panel and will not contribute to the judgement made.
- 9.4 We advise 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.
- 9.5 Our view is that legal representation on behalf of either party is normally unnecessary. However, either party can seek legal advice.
- 9.6 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, telephone 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 member of the HE Team 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 (questions will be posed via the Disciplinary Panel if it is deemed inappropriate for either party to question the other directly);
  - 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. In either case, the identity of a witness would not normally be kept confidential as it may undermine the student’s ability to defend themselves, except in exceptional circumstances.
- 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. allow an opportunity for each attendee to challenge the evidence given by the opposing party, although posing questions to the other party would usually be done through the Panel rather than directly;
  - v. impose limits on oral addresses and submissions;
  - vi. refuse to admit evidence on the grounds that it is irrelevant to the issues raised;
  - vii. recall witnesses to give further evidence;
  - viii. dismiss the case at any stage during the hearing.
- 9.13 All parties will withdraw, save for the Disciplinary Panel and Secretary 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 of the Disciplinary Hearing. 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 considered 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. Any sanction imposed at the informal stage would normally be limited to numbers i – iv. 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, which 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 us, 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. Exclusion may be from participation in particular activities and/or use of particular 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, the Chair of the Panel will recommend immediate expulsion of the student to the Chief Executive. 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.
- 10.2 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.
- 10.3 Whilst a student's previous disciplinary record would not normally have any bearing on whether or not they are guilty of committing a particular offence, if they have had previous disciplinary action taken against them and are then subsequently found guilty of a further offence then more serious punitive measures may be imposed.

## **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. 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.
- 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. If the student is unable to submit their appeal in writing due to a reasonable adjustment, they can contact a Designated Person with no conflict of interest in the case and they will be able to help them submit the appeal.

- 11.4 The Secretary will appoint a Disciplinary Appeal Panel to hear the appeal. A member of our Senior Executive Team who has not previously been involved in the case will Chair the Disciplinary Appeal Panel and it will be made up of two other senior members of staff. All members will be independent to the student and their case. In some cases, an external person may be a member. 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 We advise 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 of the meeting, including the reasons for the decision. This communication will include a Completion of Procedures letter.

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

- 12.1 If the student is not satisfied with the decision of the Disciplinary Appeal Panel, the student may have the right to escalate their case to an external body. For further information, please see appendix A.

Updated May 2022

## **Appendix 2 - External referral**

You may be eligible to escalate your complaint or appeal to an external body if you believe that our internal processes have not been followed properly. At LIBF we offer a wide range of programmes and qualifications, so the steps which you will need to follow will depend on the programme of study that you are undertaking. The below is a list of the different routes that are available, but please check with us if you are unsure what you need to do and we will confirm which route is appropriate for you.

### **Learners studying a Higher Education qualification**

If you are unhappy with the outcome of a decision we have made, you may be able to ask the Office of the Independent Adjudicator (OIA) to review your case. The OIA runs an independent scheme to review the internal processes of its member providers, and we are a member of this scheme. You can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right if something has gone wrong here: <https://www.oiahe.org.uk/students>. You will have a maximum of 12 months to escalate your case to the OIA.

You normally need to have completed our internal procedures, confirmed in our [Code of Practice Chapter 10: Complaints and Appeals](#), before you escalate your case to the OIA. We will send you a letter called a "Completion of Procedures Letter" when you have reached the end of our processes and there are no further steps you can take internally. If your case is not upheld, we will issue you with a Completion of Procedures Letter automatically. If your case is upheld or partly upheld you can ask for a Completion of Procedures Letter if you want one. You can find more information about Completion of Procedures Letters and when you should expect to receive one [here](#).

Those applying to study Higher Education qualifications with us may follow our internal processes, however, they will not have access to escalate their case, externally, to the OIA as they are not registered students

### **Learners studying a Higher Education programme of learning**

Those who are on a programme of learning with us but are **not** undertaking a Higher Education qualification may follow our internal processes, however, they will not have access to escalate their case, externally, to the OIA. This includes Executive or Continuing Professional Development programmes.

### **Apprentices**

If you remain dissatisfied with the outcome of your complaint or appeal following our internal Complaints and Appeal process, you may request that you are supplied with a Completion of Procedures letter, which you can use to support escalation of your case to the OIA (please see above), or to the [ESFA Complaints Team](#). If you are unsure on who to escalate your case to, please speak to the Head of Apprenticeships. You will have a maximum of 12 months from the date of your completion of procedures letter to escalate your case to either the OIA or EFSA.

### **Professional Education and Financial Education learners**

If all our internal complaints and / or review procedures are exhausted, we will issue you with a close of procedure letter stating that our complaints / review process has been exhausted. The case may then be eligible for consideration by the regulators ([Ofqual](#), [Qualifications Wales](#) or [CCEA](#)) within the terms of their complaints policy (in some instances, the external body may choose to look at a case before our final decision, for example if the matter appears to be urgent or in the public interest). We will comply with the process established by the regulators and will give due regard to the outcome of any process in relation to a qualification which we deliver. Please check with the relevant external body regarding the time period you have to raise your case with them.

### **Learners studying a Professional Education programme of learning**

Those who are on a programme of learning with us but are **not** undertaking a Professional Education qualification may follow our internal processes, however, they will not have access to escalate their case, externally, to Ofqual. This includes Executive or Continuing Professional Development programmes.