

Fairfield School of Business

REGULATIONS, POLICIES & PROCEDURES

**STUDENT CODE OF CONDUCT
& DISCIPLINARY
PROCEDURES**

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1. General

- 1.1. The Student Code of Conduct and Disciplinary Procedures are intended to set and maintain acceptable standards of behaviour within the College community, to encourage individuals to accept their obligations to the community, to protect the rights of members of that community to participate freely in the educational purposes of the College and to help maintain the College's good name and standing.
- 1.2. This document complements a number of College Policies and Regulations governing student conduct and behaviour and use of particular facilities and services. Students are expected to familiarise themselves with other College regulations, policies and documents referred to.
- 1.3. Students in signing the FSB Application/Registration Form agree that they will abide by the Student Code of Conduct.
- 1.4. The Student Code of Conduct and Disciplinary Procedures shall not be applied with respect to any misconduct that takes place after a student has ceased to be enrolled. However, the College reserves the right to take action against a student for misconduct prior to enrolment (with the exception of spent convictions) which, in the judgement of the Admissions Officer, indicates that there may be a threat to good order and/or safety or the good name of the College.
- 1.5. In those circumstances where behaviour arising from a diagnosed or suspected mental illness constitutes a breach of the Code of Conduct the Disciplinary Procedures will normally be applied if medical and counselling interventions have failed to satisfactorily address the problem behaviour or have been refused by the student. However, in applying the Disciplinary Procedure the Investigating Officer and/or Disciplinary Panel must have due regard to the Equality and Diversity Policy.
- 1.6. Where appropriate in all the circumstances, measures such as admonishment, counselling or mediation should be used to achieve the objectives of these Regulations and Procedures.
- 1.7. The FSB Executive Committee may from time to time amend these Student Code of Conduct and Disciplinary Procedures or replace them entirely. Any changes effected shall be deemed to have immediate effect.
- 1.8. The Principal and Quality Unit will ensure that the Student Code of Conduct and Disciplinary Procedures are reviewed regularly and recommend such changes as are necessary.
- 1.9. It is the Student's responsibility to make themselves aware of FSB policies.
- 1.10. A copy of the FSB Policies is available from the FSB Connect.
- 1.11. Students will be given information when they enrol about how to access the full range of College policies, rules and regulations.

Code of Conduct

2. General Standards of Behaviour

- 2.1. Students shall always act with reasonable consideration for all students, employees and agents of the College, guests and visitors.
- 2.2. Students shall comply with all policies issued by the College and with any reasonable instructions given any authorised member of its staff.
- 2.3. Students shall not deliberately disrupt or interfere with the education of other students or the work of the College.
- 2.4. Students shall not commit any action that causes or is likely to cause injury to any person.
- 2.5. Students shall not take away, misuse or damage any property belonging to any student, employee or agent of the College guests or visitors.
- 2.6. Students shall not behave in a disorderly, abusive, threatening, indecent, offensive or violent manner.
- 2.7. Students shall not provide or withhold information with intent to deceive in any application for financial aid or other benefit or service.
- 2.8. Students shall not forge, alter or misuse or attempt to so treat any College documents, records or identification cards.
- 2.9. Students shall always provide genuine documents including confirmation of academic qualifications, medical status etc. to the College. Where doubt exists, the College retains the right to obtain clarification from the awarding body, surgery etc.
- 2.10. Students shall not invade, abuse or attempt to abuse the security, integrity or privacy of any files or confidential material (including those held within the College's Computer System).
- 2.11. Students shall pay all debts and charges due and payable (including fines) to the College at the required time.
- 2.12. Students shall not make vexatious complaints under the Student Complaints procedure.
- 2.12. Students must assist the College to comply with its Prevent duty, and not knowingly involve themselves in any extremist or terrorism related activity.

3. Use of Buildings, Grounds and Equipment

- 3.1. Students shall not remove or deface or damage any equipment or property belonging to or under the control of the College.
- 3.2. Students shall not intentionally or recklessly interfere with or misuse any equipment provided in the interests of health and safety.
- 3.3. Students shall not behave in a careless or negligent manner that leads to the activating of a fire or smoke alarm.

- 3.4. Students shall not drop litter. They shall not eat or drink in areas designated as unauthorised areas or smoke (including e-cigarettes) in any part of the college premises including outside areas.
- 3.5. Students shall not make unauthorised entry to any part of the College, including any study bedroom occupied under licence or tenancy agreement by another student.
- 3.6. Students shall not make unauthorised use of the College telephone system.
- 3.7. Students shall switch off mobile telephones and pagers when they are in any teaching environment.

4. Disciplinary Procedure

If there are allegations that a breach or breaches have occurred, the following procedures shall apply:

- 4.1 The person making out the allegation that a student or students have breached the Student Code of Conduct will arrange for the documents in relation to that allegation to be passed as soon as possible to Registry, who will appoint the Investigating Officer.
- 4.2 The Investigating Officer shall be appointed by the Assistant Registrar at their complete discretion, but should normally be the manager of the relevant Office of the College.
- 4.3 The Investigating Officer shall carry out a preliminary review of the documents making out the allegation as soon as possible.
- 4.4 The Investigating Officer shall either:
 - Immediately carry out an investigation or
 - In cases where the evidence already available clearly warrants it, proceed directly to a Disciplinary Panel hearing in accordance with paragraph 6.
- 4.5 If the Investigating Officer believes that the student(s) should be suspended whilst the procedure is carried out, the Investigating Officer shall make such a recommendation to the Assistant Registrar or his/her nominee and the provisions of paragraph 9.1 – 9.2 shall apply.

5 The Initial Investigation

- 5.1 The purpose of the Initial Investigation is to determine:
 - whether any breach(es) of the Student Code of Conduct have been committed; and
 - whether such a breach is major or minor taking into account any aggravating or mitigating factors in the surrounding circumstances, including any past penalties imposed on the student(s).
- 5.2 The Investigating Officer shall gather information regarding the incident or allegation. The ultimate responsibility for informing the student and managing the investigation lies with the Investigating Officer. The investigation may include interviewing the student.

- 5.4 The investigation should normally be resolved within 20 working days of the incident. At the conclusion of the investigation, the Investigating Officer may:
- a) dismiss the allegation(s) and notify the Registrar that they have been dismissed; or
 - b) having determined that a breach(es) may have occurred, notify the Registrar in a report, enclosing all evidence relied on, and identifying whether a Minor or Major Breach is alleged, and request access to the student's file from the Registry Office to ascertain whether there have been any prior penalties imposed which are relevant to the allegations. The Registrar shall then notify the student of the decision by letter or email within 5 working days,
- 5.5 Where the Investigating Officer decides to interview the student, the Investigating Officer should make a decision as to a) and b) at the interview.
- 5.6 Where the Investigating Officer decides to interview a student, he must give at least 5 working days' notice to the Student by letter/email containing: -
- a) a summary of the allegation made against the students;
 - b) a statement of the student's right to be accompanied by a friend or Student Union representative.
 - c) a statement of the student's right to see the documents relied on (where possible copies should be enclosed), and the student's right to ask questions to clarify the allegations and facts being alleged.
- 5.6 The notice of the Investigating Officer's decision under paragraph 5.4. b) shall invite the student to send any evidence to the Investigating Officer that they wish to be considered in mitigation of the seriousness of the offence. The student may submit mitigating evidence up to 5 working days from the date of the notice.
- 5.7 If the Investigating Officer determines under paragraph 5.4 b) that the breach(es) constitute a minor breach(es) then he or she shall impose one or more of the penalties as set out in paragraph 8.1 and notify the student 10 working days of the student's response, considering the evidence of the student's past conduct provided under paragraph 5.4 b) and any mitigation provided by the student under paragraph 5.6.
- 5.8 If the Investigating Officer determines under paragraph 5.4 b) that the breach(es) may constitute a major breach(es) or that due to the repetition of a minor breach this now constitutes a major breach then the Registrar shall refer the matter to the Disciplinary Panel in accordance with paragraph 6 within 10 working days of the decision.

6 The Panel Hearing

- 6.1 If the Investigating Officer decides that a hearing should be held, he/she will notify the Registrar or his/her nominee and the Registrar will make arrangements for the Panel hearing.
- 6.2 The Registrar or his/her nominee has responsibility for ensuring that the student is notified in writing at least 10 working days before a hearing takes place. That letter/email shall include and confirm:

- a) a statement of the allegation(s) to be considered and the purpose of the hearing;
- b) details of the date, time and place of the hearing;
- c) copies of any evidence/documents to be considered in connection with the allegation;
- d) that the student may bring a written statement of their perception of the events to the hearing and should submit any evidence on which this wish to rely no later than 5 working days before the hearing date;
- e) a statement of the student's right to be accompanied by a friend or Student Union representative. However, under no circumstances may the student be represented by an external organisation or have professional legal representation.

6.3 The Panel shall normally consist of the Investigating Officer, the student's Personal Tutor (where this is different from the Investigating Officer), and the Principal (as the Chair of the Panel).

6.5 Procedures if a student does not respond or attend:

6.5.1 Should a student notify the Registrar in advance of the hearing that he/she is unable to attend the hearing on the scheduled date, and has provided a satisfactory reason for their non-attendance; the Registrar will consider whether in all the circumstances the hearing should be rescheduled. However, only one further attempt to reschedule the hearing in order to enable the student's attendance will be made.

6.5.2 If the student does not attend the hearing and does not communicate with the Investigating Officer any reason for their non-attendance, the Chair of the hearing will normally proceed in the absence of the student.

6.5.3 Where the hearing is to be re-convened, the Investigating Officer has responsibility for ensuring that the student is notified again.

7 Decision of the Panel and imposition of penalties

7.1 Once the Panel has reached its decision (which shall be delivered by the Chair of the Panel, after consultation with other members of the Panel), where the allegation against the student has been upheld and the application of penalties is to be considered, the Chair of the Panel will convene immediately a second meeting to determine the penalties to be applied.

7.2 A short summary of the student's current academic position which has been obtained from the Registry Office will be made available to the Panel at this stage. In arriving at a decision on disciplinary penalties to be applied, the Panel will take account of any previous penalties on record and shall impose the penalties on an individual basis.

7.3 The Chair of the Panel will sign the written record of the decision of the Panel concerning any penalties to be applied. The record will be kept by Registry Office and a copy will be placed on the student's file.

7.4 Where appropriate, a report will be made to the appropriate Assessment/Progression Board. The Chair of the Assessment/Progression Board is responsible for ensuring that any

academic penalty determined by the Investigating Officer or by the Chair of the Panel is implemented by the Assessment/Progression Board.

- 7.5 The Registrar or his/her nominee has responsibility for notification of the outcome of any hearing to all relevant parties within 5 working days of the decision.

8 Penalties for breaches of the Student Code of Conduct

Minor breaches

- 8.1 The penalties (in any combination) that may be imposed in relation to proven minor breaches are as follows:

8.1.1 A first written warning of the possible consequences of further misconduct. A record of the warning will remain on the student's file indefinitely;

8.1.2 Repair by the student to the property or equipment damaged or reasonable compensation to be payable;

8.1.3 Removal or restriction of facilities;

8.1.4 Requirement of an apology in the appropriate manner to any person;

8.2 Any of the sanctions under 8.1.3 – 5 above may be suspended (for up to 12 months) or made conditional (e.g. on complying with the requirement for an apology under 8.1.3, or compensating the victim in full under 8.1.2). Use of abusive language against staff will automatically receive a first written warning.

8.3 The following is a non-exhaustive list of likely minor breaches: -

8.3.1 Negligently or recklessly causing damage to property;

8.3.2 Breaches of paragraphs 2.3, 2.5, and 3.3 – 3.9 (including 3.5 other than in cases of attempted or actual criminality e.g. theft, burglary, harassment, or stalking) of the Code of Conduct;

8.3.3 Students exhibiting behaviour, or engaging in any activity, whether within the College premises or elsewhere which is likely to damage the good name of the College. In particular, a minor breach will be deemed to have occurred in the event of drunken, disorderly, abusive, obstructive, destructive or other behaviour by a student where the said behaviour causes a nuisance ('Disorder').

Major Breaches

8.4 Where the procedures described in paragraph 7 have been completed in relation to proven major breaches, the Chair of the Panel may, in addition to the penalties set out at 8.1 above:

8.4.1 Suspend the student either for a specified period of time, or until specified conditions have been met;

8.4.2 Give a Final Written Warning (following which any subsequent minor or major breach will lead to exclusion);

8.4.3 Exclude the student.

8.5 A non-exhaustive list of Major Breaches of the Code of Conduct are:

8.5.1 Three or more incidents of Disorder, or incidents of Disorder leading to a criminal conviction (including a Police Caution);

8.5.2 Serious criminal offences (i.e. indictable only, or either-way offences serious enough to warrant immediate custodial penalty) or custodial sentence for a criminal offence;

8.5.3 Falsifying, or submitting false, documents;

8.5.4 Intimidating witnesses or otherwise interfering with this or any other FSB disciplinary or appeal/complaints procedure;

8.5.5 Failure to comply with conditions of a conditional penalty imposed under this Procedure;

8.5.6 Failure to comply with a penalty imposed for a minor breach e.g. to apologise or compensate the victim;

8.5.7 Minor breaches that are part of a repeated or systematic course of conduct, or are aggravated by violence or discrimination/harassment/bullying, or are covered by FSB's Zero-Tolerance Policy for discrimination/harassment/bullying, or threats of violence against staff, students or visitors.

9 Procedures Regarding Suspension or Exclusion

9.1 The decision to exclude or suspend a student from the College will include the exclusion from all College activities including studying at or with the College and also the use of any College premises and/or facilities.

Suspension

9.2 A student may be suspended from the College during investigation of an alleged offence if it is deemed that such suspension is in the best interests of the College, its staff or students, or of the student(s) concerned, or is necessary to ensure an effective investigation. A student will always be suspended where the alleged breach is covered by FSB's Zero-Tolerance Policy against abusive language or threats of violence made towards its staff, even where the breach alleged is otherwise a Minor Breach.

9.3 Serious breaches of Student Code of Conduct will most likely result in immediate suspension from the College until the matter has been fully investigated. A serious breach resulting in suspension must be confirmed in writing within 2 working days.

Disciplinary Exclusions

9.4 Following the procedure specified at paragraphs 4 – 9 above, the Disciplinary Panel may decide on an appropriate course of action that may include immediate exclusion from the College. If exclusion is enacted students will receive a Termination of Registration Letter, informing them that they have been excluded from FSB.

- 9.5 A non-exhaustive list of Major Breaches of the Code of Conduct that may justify expulsion are:
- 9.5.1 Students committing a serious criminal offence within the premises of the College or elsewhere;
- 9.5.2 Students keeping or using any offensive weapons, or any object that is deemed to be an offensive weapon, even if properly licensed, on College property.
- 9.5.3 Students repeatedly exhibiting drunken, disorderly, abusive, obstructive, destructive or other behaviour by a student where the said behaviour causes a nuisance as per 8.3.3.
- 9.6 Exclusions of students on a London Metropolitan University Course will be immediately referred by the Panel to the Student Casework Office of London Metropolitan University for confirmation. The student will be notified by the Assistant Registrar of the provisional expulsion, any of any confirmation or reversal of the decision by the university. The student will be suspended from FSB pending the confirmation of the expulsion.

Tuition Fee Exclusions

- 9.7 If students do not satisfy the College's tuition fee payment criteria, by paying their fees in full or making approved arrangements either prior registering on to their course, or by the due date on their instalment plan, they will be excluded from FSB.
- 9.8 The Exclusion Process will be initiated by a Suspension Letter being issued and it will result in immediate:
- Suspension of students on Student Records System (SMS)
 - Communication to all staff that non-compliant students are no longer allowed to attend classes at FSB
 - Suspension of College services such as IT and Library facilities
- 9.9 Note: assessments arising on deadlines that coincide with the suspension period cannot be marked and examinations cannot be attended. Students cannot submit Mitigating Circumstances forms for assessments missed whilst they are suspended.
- 9.10 If financial settlement is made promptly after the date of suspension, the student's 'Suspended' status will be restored to 'Active' and all services re-instated. Students will receive a Re-Instatement of Status email notification.
- 9.11 Otherwise, the student will be excluded. If exclusion is enacted students will receive a Termination of Registration Letter/email, informing them that they have been excluded from FSB.

Personal Identification Exclusion

- 9.12 Proof of identification is a prerequisite for registering at FSB. However, if a student is inadvertently registered using invalid personal identification or without producing

identification and the requested evidence is not supplied within 10 working days of the Termination of Registration Notification, this will result in exclusion from FSB.

Non-Attendance or Non-Engagement in Studies Exclusions

9.13 If the Assessment Board considers that a student is not complying with the Academic Regulations in respect of submitting work for assessments or with the Attendance Policy in respect of satisfactory attendance at classes, the College may initiate the Exclusion process, whereby a student is sent a Termination of Registration Letter/email.

Re-enrolments

9.14 Exclusion means that an individual will cease to be a student of FSB (and of any validating university). Re-entry to the College will not be permitted.

9.15 FSB will seek settlement of any tuition fee debt up to the exclusion date. Tuition fees may be reduced in-line with our tuition fee policy to reflect the period of time an individual was registered as a student.

10 Other Procedures

Criminal Offences

10.1 The following procedures shall apply where the alleged misconduct would also constitute an offence under the criminal law if proved in a court of law.

(a) Where the offence under the criminal law has been dealt with by way of a caution or ‘on the spot’ fine, or where the maximum penalty does not include imprisonment, action under this Policy may continue, but such action will normally be deferred while the matter is under active police investigation or where charges have been brought but not yet brought to court.

(b) In the case of all other offences under criminal law, no action (other than suspension or exclusion) will normally be taken under this Policy unless the matter has been reported to the police and either prosecuted or a decision not to prosecute has been taken.

(c) Only in exceptional circumstances shall the College report an alleged crime to the police contrary to the wishes of the victim. If the victim will not report the crime to the police, or will not co-operate with their inquiries, the College’s internal disciplinary procedures should not be invoked.

(d) Where the College continues with its own hearing following a court conviction, the College shall accept the conviction as conclusive proof that the breach was committed, and the penalty imposed by the court shall be taken into consideration by the College in deciding its own penalty.

(e) Proceedings under this Procedure are separate from and additional to the criminal law. A Student is not exempt from this Procedure simply because they have been convicted of a criminal offence arising out of the same set of facts and no defence of double jeopardy can be claimed.

Prevent and Safeguarding

10.6 Where allegations of misconduct relate to mistreatment or abuse of vulnerable persons in breach of the Safeguarding Vulnerable Persons policy, the misconduct will always be

considered a Major Breach, and the Designated Safeguarding Officer for the relevant campus shall be invited to attend the Disciplinary Panel. Where appropriate the Brent or London Children Safeguarding Board may be informed and consulted.

- 10.7 Where allegations of misconduct indicate a risk that the student is being drawn into extremism or radicalised, the misconduct will always be treated as a Major Breach, and the SPOC (if this differs from the Principal/CEO) will be invited to attend the Disciplinary Panel. Where appropriate, a Channel referral may be made, and/or the Police informed.

11 Student Right Appeal Disciplinary Decisions

- 11.1 The student has a right to appeal against the decision of the Investigating Officer or the Panel in accordance with the College Appeals Policy and Procedure.

Grounds for Appeal

- 11.2 Appeals against the decision of the Investigating Officer or Disciplinary Panel will only be considered on the following grounds:

- (a) the penalties were unreasonably severe given the circumstances of the case;
- (b) the findings of fact in support of the decision were manifestly perverse and/or there is clear third-party corroborated evidence of bias;
- (c) that the hearing/interview was not conducted in accordance with the procedures set out in paragraphs 6 or 7;
- (d) new evidence which was *not available to the Investigating Officer or Panel when it reached its decision and the student had good cause for not including the evidence in their case.*

12 Procedures following Appeal

- 12.1 Where on Appeal the decision has been overturned in part and the variation of penalties is to be considered, the Principal/CEO will make written recommendations to the Investigating Officer/Panel as to the penalties to be imposed.
- 12.2 In all cases, the Principal/CEO will sign the written record giving details of the Appeal decision and the reasons for it. This shall state that it will be circulated in the event of any further proceedings. Where a hearing was convened, the student, the student's representative and the Principal/CEO as appropriate, shall sign the record. This record and details of any relevant arrangements in relation to the penalty imposed shall be sent to the student, their representative, the Investigating Officer and the Assistant Registrar by letter or email.
- 12.3 Where the decision is confirmed or upheld in part, a copy of the letter/email and the record will be placed on the student's file until the student has completed their studies.
- 12.4 Where the decision has been overturned in full, the record of the original allegation will be removed from the student's file and sent to the Registry Office.