



Fairfield School of Business

# Code of Conduct and Disciplinary Procedures

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Approved by: The Board of Governors

Access: **Public** – Anyone can view this document

Scope: This policy applies to all students across all taught provision at Fairfield School of Business (FSB)

## Contents:

1. Introduction .....	2
2. Misconduct.....	3
3. Involvement of The Police and The Criminal Courts .....	4
4. Student Suspension as a Preventative Measure .....	5
5. Summary Procedure .....	6
6. Disciplinary Panel.....	8
7. Mental Illness .....	13
8. Appeals Against The Outcome of a Disciplinary Panel .....	13
9. Disciplinary Appeals Panel.....	14
10. Office Of The Independent Adjudicator For Higher Education (OIA) .....	15

# 1. Introduction

## 1.1. Purpose

This document outlines the steps Fairfield School of Business (hereafter referred to as "the School") will take to evaluate claims of non-academic misconduct made by students. It outlines what constitutes misconduct, the range of sanctions that may be applied, the channels for appeal, and the reporting and monitoring mechanisms. It also defines misconduct and describes the various roles involved in assessing charges.

## 1.2. Scope

Students who are enrolled at the School, or who were enrolled at the School at the time of the alleged misconduct (and have since withdrawn on a temporary or permanent basis and intend to return), are subject to the Student Disciplinary Procedure ("Procedure"), including those who are suspended for any reason.

## 1.3. Principles

The following principles shall apply in the application of this Procedure:

- i. The standard of proof to be applied shall be the balance of probabilities (i.e. more likely than not)
- ii. To address misconduct by students rather than resolve disputes between individuals
- iii. The School shall not act on allegations of misconduct that it considers to be vexatious, spurious, or malicious
- iv. A student who is alleged to have committed an act of misconduct shall have the right to be informed of and to respond to the allegations
- v. Sanctions imposed under this Procedure shall be reasonable, proportionate and consistent
- vi. The person bringing the allegation only has the right to know about the outcome of a case in line with the terms of data protection law and appreciate the rights of the responding party

## 1.4. Support

The Students' Union Advice Centre, which is independent of the School, strongly encourages students to seek advice and support on this Procedure whether they are making a report or responding to an allegation under this Procedure.

Students are also urged to seek assistance from their individual instructor or supervisor and, when necessary, the School's Student Wellbeing Service.

Students who are thinking about filing a report about claims of bullying and harassment, discrimination, hate crimes, sexual assault, or harassment for any reason are advised to visit the Support portal, which has more details and information on how to get support.

### **1.5. Delegation of authority**

Unless the context indicates otherwise, references in this Procedure to any School officer shall be construed to refer to a person or persons nominated by them to act on their behalf.

## **2. Misconduct**

### **2.1. Working Definition of 'Misconduct'**

Any action or inaction that improperly impedes the operations of the School or those who work or study there damages the School's reputation, or both shall be considered misconduct under this Procedure, whether it takes place on School property or elsewhere (including online and on social media).

The following are examples of misconduct; however, they are not exhaustive:

- Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the School
- Obstruction of, or improper interference with, the functions, duties, activities of any student or member of staff of the School, or any visitor to the School
- Violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language, whether expressed verbally or in writing, including in the electronic form
- Engaging in any sexual activity without consent, including kissing without consent, inappropriate touching, or making unwanted remarks of a sexual nature
- Bullying, harassment or unacceptable behaviour of any student or member of staff of the School, or any visitor to the School, on the grounds of sex, race, religion or belief, disability, sexual orientation, gender identity or expression, age or other grounds
- Fraud, deceit, deception or dishonesty in relation to the School or its staff, students or visitors
- Theft, misappropriation or misuse of School property, or the property of its staff, students or visitors
- Misuse or unauthorized of premises owned or operated by the School

- Damage to School property, or the property of the School's staff, students or visitors, caused intentionally or recklessly
- Action likely to cause injury or impair safety on School premises, at School organization on any other site associated with the School
- Failure to respect the rights of others to freedom of belief and freedom of speech
- Breach of the provisions of any School code, rule or regulation including any student code of conduct
- Failure to disclose personal details to a member of staff of the School in circumstances in which it is reasonable to require that such information be given
- Failure to comply with a reasonable instruction relating to discipline, issued by the Principal, Dean, Registrar, or by a member of staff acting with the authority of these post-holders
- Conduct (on or off campus) which has damaged or could have damaged the reputation of the School
- Failure to comply with the terms of an order for suspension, or with any penalty issued under this Procedure
- Conduct that is considered unlawful or criminal activity including substance abuse and associated behaviours.

### 3. Involvement of The Police and The Criminal Courts

#### 3.1. Misconduct that constitutes a crime

The police, Crown Prosecution Service, and criminal courts are typically best suited to handle behaviour that may constitute a criminal offence in the initial stages. The subsequent provisions will apply where the allegation of misconduct, if proved, would also constitute an offence under criminal law

#### 3.2. Offences that may be dealt with internally

The matter may be handled internally in cases where the School determines it to be appropriate given the gravity of the alleged misbehaviour. The School will typically wait to act if the crime is reported to the police, with the exception of taking any required precautions, until the police and courts have resolved the issue or a decision has been made not to press charges.

### **3.3. Offences that are not reported to the police**

The School has the right to contact the police on any alleged criminal offence. However, the School may decide not to report the incident to the police if a person alleges to be the victim of an offence committed by a student but does not want the authorities to get involved. The School will not typically initiate internal disciplinary action for the alleged offence in such a situation, while it may do so for other related offences.

### **3.4. Imposition of penalty after the sentence imposed by a criminal court**

In the event that a student has been found guilty of a criminal offence, the School may use that finding to support the allegation of misconduct under this Procedure, provided that the conviction was founded on the same circumstances as the alleged misconduct. When determining the sentence under this Procedure, the punishment imposed by the criminal court will be taken into consideration.

### **3.5. Acquittal**

Even if a student is found not guilty of a crime, the School may still discipline the accused student if it seems that misconduct in accordance with this Procedure has occurred.

## **4. Student Suspension as a Preventative Measure**

### **4.1. Power to suspend**

The Principal or the Dean in liaison with the registry officer may suspend a student from the School while a disciplinary process or any criminal proceedings are ongoing, or while a criminal charge is pending against them or an investigation by the police is ongoing.

### **4.2. Definition of 'Suspension'**

A student who is expelled from the School in accordance with this procedure has limited access to School property and is not permitted to participate in School-sponsored activities. The student will get a written notification of the suspension's conditions.

The conditions of the suspension may call for the student to avoid communication with a particular person or people and may forbid any of the following, completely or partially:

- Attendance at the School
- Access to School facilities
- Participation in School activities
- Exercising the functions or duties of any office or committee membership in the School or the Students' Union.

#### **4.3. Orders should only be placed as a preventative measure.**

Orders for suspension should only be used when the School determines that doing so is prudent, such as when it's necessary to protect a member or members of the School community, the School's property, the property of a member or members of the School community, or when it's necessary to facilitate an investigation or when the issues at hand are extremely sensitive. The decision's written justifications will be listed and made available to the student.

#### **4.4. Representations**

No student shall typically be suspended pursuant to this Procedure without giving them a chance to make representations unless the matter is judged urgent by the School. A student may be suspended immediately in situations that the School deems urgent. The student shall be given a chance to offer arguments as soon as it is practically possible.

#### **4.5. Initial review**

After four weeks, a student may request a review of the suspension decision made under this Procedure. Although there won't be a hearing during this review, the student will still be allowed to submit written arguments. The Principal will typically conduct the evaluation, and the student will be informed of the results.

#### **4.6. Periodic review**

In addition to the initial evaluation, the Principal must evaluate the suspension if there is proof of new information that could have an impact on the order.

#### **4.7. Impact of suspension**

If the case results in allowing the student to return to the School after a term of suspension, this is subject to the student's academic standing and re-entry to the program occurring at a time deemed academically acceptable. The student's school of study will be consulted before a decision is made.

Students should be informed that returning to their program after a period of suspension may result in increased expenditures for their tuition. Students should instantly get in touch with the Student Loans Company (or a similar organization) if necessary regarding any term of suspension.

## **5. Summary Procedure**

### **5.1. Dismissal**

Within 20 working days of the incident, or the last in a series of incidents, allegations of misconduct made by employees, students, or members of the public must be submitted in writing to the registry office. Allegations will only be taken under consideration outside of this window if the School Secretary deems it appropriate.

If the registry officer determines that there is no case to answer or that dismissing the charge is proper for another reason, they may do so right away.

## **5.2. Preliminary interview**

The registry officer may interview the student against whom the complaint has been lodged in order to get their initial reaction to the charges of wrongdoing if the allegation is not so rejected. When a preliminary interview is held, the allegations are typically disclosed to the student beforehand. A representative from the Students' Union Advice Centre, a friend from the School, or a family member may attend the interview with the student.

The registry officer may, at their discretion, determine that no further action should be taken under the Procedure or that there is no case to answer, in which case they will inform the student.

The President of the Students' Union is typically notified of allegations made regarding a student who holds any post within the FSB Students' Union.

## **5.3. Failure to show up for the preliminary interview**

The registry officer may handle the issue in the student's absence if the student skips a preliminary interview without a valid excuse.

## **5.4. The decision to deal summarily**

If the registry officer decides to take further action in respect of the allegations of misconduct, the following principles shall apply:

- a. If the student agrees, the registry officer may deal with the case summarily, without recourse to a Disciplinary Panel, provided that they consider it appropriate to do so
- b. In all other cases the registry officer will refer the case to a Disciplinary Panel in accordance with section 6 of this Procedure.

## **5.5. Procedure**

The registry officer will take into account any written or oral evidence they deem appropriate if the matter is resolved summarily. If the registry officer is convinced of the student's culpability on the basis of the balance of probabilities, they will find the student to be in violation of the rules. Any of the sanctions listed in Section 6 of this Procedure, besides expulsion from the School, may be applied if guilt is determined.



## **5.6. Report**

The registry officer will compile a brief summary of the proceedings. If there is a finding of guilt, the report will outline the alleged wrongdoing, a brief synopsis of the evidence presented, the reasons supporting the finding of guilt, the sanction imposed, and the considerations made when determining the sanction. The student will receive a copy of the report.

## **5.7. Referral to a Disciplinary Panel**

The matter will be submitted to a Disciplinary Panel in accordance with section 6 of this Procedure if the registry officer does not deem it suitable to handle it summarily or if the student does not agree that it should be handled that way.

# **6. Disciplinary Panel**

## **6.1. Composition**

The Principal will choose the Disciplinary Panel's members and designate one of them—who must not be a student member—to serve as the panel's chair. The principal will decide whether the Panel needs three or five members. Both a member of the School's academic faculty and a student who typically serves as an officer of the students' union are typically included in the membership. The Vice-Chancellor must take into account the requirement that all Panel members be unbiased.

## **6.2. Assistance to the Panel**

A person will be chosen to serve as the Disciplinary Panel's secretary (Registry officer), offering procedural guidance and helping the Panel however it sees right. The secretary will arrange for a note to be taken of the proceedings.

## **6.3. Representation**

The student is permitted to attend all disciplinary hearings and may be represented by another School student, a staff member of the Student Union Advice Center, or if the student is enrolled in a course leading to professional registration, a representative of their professional organisation. Aside from the Panel Chair's approval, legal representation is typically not allowed.

A relative or a friend who attends the School may also accompany the student. If a student is absent without an acceptable excuse, the hearing may proceed without them. The sessions will continue regardless of the absent student.

#### **6.4. Standard of proof**

If the Panel determines that a student is guilty of misconduct based on the facts at hand, it will do so on the basis of the balance of probabilities. This means that the Panel must agree that the student's guilt is more likely than not proven by the evidence at hand.

#### **6.5. Majority verdict**

If the members of the Panel cannot agree, the verdict of the Panel will be that of the majority of its members. Members shall deliberate in private, normally in the presence of the secretary.

#### **6.6. Procedure**

The Chair of the Panel shall, subject to the norms of this Procedure, determine the sequence of the proceedings. The Panel has the right to request further investigation at its discretion and to invite any witnesses to appear.

#### **6.7. Joint proceedings**

The Panel may, in its discretion, handle the situations of two or more students who are accused of misbehaviour in connection with one another.

#### **6.8. Witness evidence**

Oral testimony from witnesses who physically attend the hearing will typically be used as evidence. Where it is impractical for a witness to appear in person or when the Panel determines that doing so is otherwise in the interests of justice, it may accept the witness' written statement as evidence.

#### **6.9. Presentation of the case**

The Principal will designate a member of the School staff to make the student's accusation.

#### **6.10. Written allegations**

The secretary will request that the case presenter put the allegation(s) in writing prior to the hearing on behalf of the Panel. Typically, the student will receive a copy at least two weeks before to the hearing.

#### **6.11. Written witness statements in advance of the hearing**

The secretary may request written witness testimonies in support of the accusation prior to the hearing on behalf of the Panel. Members of the Panel will be allowed to read such statements in advance of the hearing if they are obtained, and copies will typically be made available to the student and the case presenter at least one week prior to the hearing.

#### **6.12. Documentary evidence**

Any documentary evidence must be submitted in advance of the hearing and copies will be made available to members of the Panel and to all parties normally at least one week before the hearing. Evidence submitted late will only be admitted with the permission of the Chair of the Panel.

#### **6.13. Opening and closing addresses**

The case presenter shall be entitled to address the Panel before calling witnesses, and at the conclusion of the evidence called on behalf of the student. The student, or their representative, may address the Panel before calling witnesses and after the case presenter's final address.

#### **6.14. No case to answer**

The student (or their agent) may assert that no case has been made against them (the student) that necessitates an answer once the evidence in support of the charge against them has been concluded. The case presenter is entitled to a response. If the Panel determines based on the evidence that the student has no case to answer, it must reject the charge.

#### **6.15. Time limits**

The Panel may impose time limits on oral addresses and submissions as it thinks fit.

#### **6.16. Witness evidence**

The charge made against the student must come first. The student may then present evidence if the case goes further. Only with the Chair of the Panel's permission may witnesses be summoned back.

All those called before the Panel are eligible to answer questions. Unless otherwise instructed by the Chair, the student and the matter being discussed will question witnesses through the Chair.

#### **6.17. Relevance**

The Panel will refuse to admit evidence that is, in the Panel's opinion, irrelevant to the issues raised.

#### **6.18. Adjournments**

The Panel shall have the power to adjourn a hearing to another date, as it thinks fit.

#### **6.19. Report**

The Chair will draft a report on behalf of the Panel following the conclusion of the sessions. If there is a finding of guilt, the report will outline the alleged wrongdoing, a succinct summary of the evidence presented, the reasons supporting the finding of guilt, the punishment imposed, and the considerations made when determining the punishment. The student will receive a copy of the report. When a student enrolled in a professional programme of study is found to have violated this Procedure, the School may, if it deems it appropriate, additionally inform the appropriate professional or regulatory organisation of the outcome.

#### **6.20. Right to stop proceedings**

The Principal has the power to suspend the activity of the Panel at any time and to stop the proceedings against the student if they believe it appropriate to do so.

#### **6.21. Penalties**

If a student is found guilty of a misconduct allegation, the secretary, in circumstances where the matter is resolved summarily, or the Disciplinary Panel, in other cases, may impose one or more punishments. The punishments are listed below. After an allegation is taken into consideration under the summary procedure, a student cannot be expelled.

#### **6.22. Matters to be considered**

When determining penalties, consideration will be given to the seriousness of the misconduct, the circumstances of the misconduct, and the general personal circumstances of the student.

#### **6.23. Types of penalty**

A student found guilty of misconduct may be subject to the following penalties:

- a)** Totally dismissed, which denotes that even though the student may theoretically be in violation of the rules, no responsibility should be placed on them
- b)** Reprimanded

**c)** Cautioned, which means that no immediate sanctions are given, but if the student is determined to have engaged in misbehaviour after a period of 12 months, or on another occasion, they will then be dealt with for both offences after a certain amount of time

**d)** Conditionally discharged, which indicates that no immediate penalty is imposed, subject to the student meeting the requirements, including projected good behaviour over the following year or another time frame that has been chosen. If the prerequisites are not satisfied, After another hearing, a sanction can be applied

**e)** A fine of up to £400;

**f)** A letter of apology to a specific person or people

**g)** Attendance at a certain course and payment of the fair cost as established by that institution

**h)** Obligated to give a fair amount as compensation for a determined and quantified loss. Up to 40 hours of unpaid work for the School community must be completed

**i)** Compelled to have no touch with, or only limited contact with, a certain individual

**j)** Deprived of certain rights for a predetermined amount of time

**k)** Excluded from the School for a predetermined amount of time, up to a maximum of 12 months. A student who has been expelled from the School has limited access to the School's facilities and opportunities to engage in School activities. The student will receive written notification of the conditions of exclusion. The student's standing as an enrolled member of the School is unaffected by an order of exclusion

**l)** Excluded from the School for a predetermined amount of time, not to exceed 12 months. When a student is suspended, they are no longer considered students at the School for the period of the suspension and are not allowed on School property or to take part in School-sponsored activities. The suspension could be conditional upon meeting requirements, including getting approval to take a test. The student will get written notice of the suspension's conditions

**m)** Expelled from the School, which means the student ceases to be a member of the School, and loses all rights and privileges of membership.

#### **6.24. Suspended penalty**

Any of the aforementioned sanctions may be put on hold for a set amount of time. The suspended punishment will be applied right away if the student is later determined to have engaged in wrongdoing during that time frame.

#### **6.25. Record keeping**

If a student is found in violation of the rules, the awarding body will be notified in detail of the violation and the sanction imposed. Additionally, a note will be put in the student's main School file. According to the School's retention plan, the record will be preserved in the student's files and may be used as a reference.

The Academic Board will receive an annual report from the School Secretary's Office detailing student misconduct and sanctions.

## 7. Mental Illness

### 7.1. Evidence of mental illness

Those in charge of the case may suspend or halt the proceedings if it is deemed suitable to do so if there is medical proof that the student is suffering from a mental disease. The student's need for medical attention can be a requirement for the suspension or termination of proceedings.

## 8. Appeals Against The Outcome of a Disciplinary Panel

### 8.1. Grounds of appeal

Students who have been judged to have engaged in misconduct must be made aware of their right to appeal to the Disciplinary Appeals Panel. Only the following grounds for appeal will be taken into account:

**a)** There is relevant evidence which was not considered by the Disciplinary Panel before the decision was taken and which may have affected the outcome. In this case, the new evidence must be included in support of any appeal at the time the request is lodged and the student must explain why they were not able to submit the new evidence to the Disciplinary Panel; no appeal shall be permitted if all the evidence submitted was considered by the Disciplinary Panel or if the new evidence could reasonably have been submitted to the Disciplinary Panel by the student before the decision was taken

**b)** Prior to making judgments, procedures were not followed appropriately, which may have had an impact on the result

**c)** If the expulsion was the outcome of the disciplinary action, the student has the opportunity to appeal on the additional grounds that the nature of the discipline breach does not warrant expulsion

### 8.2. Submission of an appeal

The student must file an appeal with the registry within ten working days of receiving notice of the Disciplinary Panel's ruling if they choose to contest the panel's ruling. Such appeals must be submitted in writing, explicitly stating the appeal's grounds, and including any relevant evidence.

### **8.3. Consideration of an Appeal**

The Principal shall nominate a member of the School's Senior Leadership Group who has not had any previous involvement with the case to review the appeal. That individual shall decide if the appeal has a real prospect of success or if there is some other compelling reason why the appeal should be considered. If the member of the School's Senior Leadership Group decides that the appeal has a real prospect of success or that there is some other compelling reason why the appeal should be considered then it shall be referred to a Disciplinary Appeals Panel. If not, then the decision of the Disciplinary Panel will stand. The student shall be notified in writing of the decision together with the reasons for the decision as soon as practicable after the decision has been made.

## **9. Disciplinary Appeals Panel**

### **9.1. Composition**

The Chair of the Board of Governors shall appoint any three of the Board of Governors' members to serve on the Disciplinary Appeals Committee. The Chair must take into account the requirement that all Panel members be unbiased.

### **9.2. Assistance to the Panel**

A person will be chosen to serve as the Disciplinary Appeals Panel's secretary (usually registry officer), offering procedural guidance and helping the Panel as needed. The secretary will arrange for a note to be taken of the proceedings.

### **9.3. Procedure**

The Chair of the Panel shall, subject to the norms of this Procedure, determine the sequence of the proceedings.

The student will be sent the time, date, and location of the appeal hearing by the secretary to the Disciplinary Appeals Panel at least ten working days before the hearing.

### **9.4. Terms of Reference**

The Disciplinary Appeals Panel's terms of reference are as follows:

**a)** To assess the matter brought to the Disciplinary Panel without hearing the testimony again (witnesses will therefore typically not be allowed at the hearing)

- b)** To review any pertinent evidence that the Disciplinary Panel did not take into account when making the decision and that may have had an impact on the result but that the student was unable to present to the Disciplinary Panel
- c)** To assess whether the Disciplinary Panel correctly followed the procedures
- d)** To determine whether the nature of the discipline breach justifies the consequence when the disciplinary action resulted in the expulsion
- e)** To decide whether or not to uphold the Disciplinary Panel's ruling

#### **9.5. Outcome**

The Disciplinary Appeals Panel shall have the authority to reverse, modify, or uphold the Disciplinary Panel's ruling following examination of the appeal. The Disciplinary Appeals Panel's decision is final, and it must be communicated to the student in writing along with the reasons for the decision. There will be no more avenues for appeal against the decision.

## **10. Office Of The Independent Adjudicator For Higher Education (OIA)**

If, after the School's internal procedures have been exhausted, the student is dissatisfied with the outcome they may make a complaint to the Office of the Independent Adjudicator (OIA), subject to the rules of the OIA's independent complaints scheme.

Once the School's procedures have been exhausted the School will issue a "Completion of Procedures" letter. Students must apply to the OIA within twelve (12) months of the issue of this letter if they wish to make a complaint. For information on how to submit a complaint to the OIA, please refer to the OIA's website: [www.oiahe.org.uk](http://www.oiahe.org.uk)